

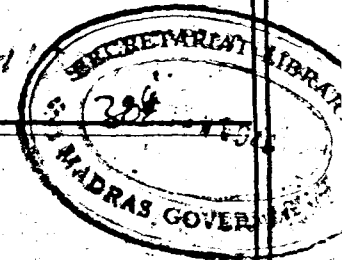
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LEGISLATIVE ASSEMBLY DEBATES

MONDAY, 26th JULY, 1943

Vol. III—No. 1



OFFICIAL REPORT



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[P. T. O.]

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LEGISLATIVE ASSEMBLY DEBATES

(OFFICIAL REPORT OF THE EIGHTEENTH SESSION OF THE FIFTH LEGISLATIVE ASSEMBLY)

VOLUME III—1943

LEGISLATIVE ASSEMBLY

Monday, 26th July, 1943

The Assembly met in the Assembly Chamber of the Council House in New Delhi, at Eleven of the Clock, being the First Day of the Eighteenth Session of the Fifth Legislative Assembly, pursuant to Section 63-D(2) of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935. Mr. President (The Honourable Sir Abdur Rahim, K.C.S.I.), was in the Chair.

MEMBERS SWORN:

- The Honourable Dr. Sir Muhammad Azizul Huque, C.I.E. (Member for Commerce, Food and Industries and Civil Supplies);
- The Honourable Dr. Narayan Bhaskar Khare (Member for Indians Overseas);
- The Honourable Sir Asoka Kumar Roy (Law Member);
- Sree G. Rangiah Naidu, M.L.A. (Madras City: Non-Muhammadan Urban);
- Khan Bahadur Sheikh Habibur-Rahman, M.L.A. (Nominated Non-Official);
- Mr. S. C. Chatterji, M.L.A. (Nominated Non-Official);
- Mr. Noel Victor Housman Symons, C.I.E., M.C., M.L.A. (Government of India: Nominated Official); and
- Mr. Saiyid Rashid-uz-Zaman, M.L.A. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

SECRETARIES, ETC., AND STAFF IN THE GOVERNMENT OF INDIA DEPARTMENTS AND THE AMOUNT OF THEIR SALARIES.

†1. *Mr. R. R. Gupta: Will the Honourable the Home Member be pleased to state:—

(a) the number of Secretaries, Joint Secretaries and Assistant Secretaries in the various Departments of the Government of India in March of the years 1918, 1930, 1934, 1938 and 1943, separately;

(b) the total amount paid in each of these years towards salaries and allowances, if any, to these officers; and

(c) the number of staff, and the amount of salaries paid to the staff working in the Central Secretariat in 1918—1930, 1931 and 1943 separately?

The Honourable Sir Reginald Maxwell: (a) to (c). The compilation of a statement of this kind for each Department of the Government of India would involve an amount of time, trouble and expense which would not be justifiable in war time. The Government of India therefore regret their inability to undertake to make the necessary inquiries in the matter.

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

(i) The number of civilian casualties in these raids on British India was 110.

(ii) Of this number 72 were wounded.

(iii) Damage to property was negligible.

(iv) to (vi). The matters raised in these questions are the concern of the War Department to whom questions regarding them should be addressed.

Mr. Abdur Rasheed Choudhury: May I know what was the number of casualties in Singerbil Raid?

Mr. N. V. H. Symons: I made it clear in my answer to starred question No. 69 on the 12th of February that we were not prepared to give individual figures for individual raids and gave the reasons.

Mr. Lalchand Navalrai: May I know from the Honourable Member whether these raids, which caused some damage to property or casualties, were really directed towards military targets but only hit the civil population by chance, or were they also directed towards the civil population?

Mr. N. V. H. Symons: I think the Honourable Member will find that that question will be answered when I answer the next question.

CIVIL DEFENCE MEASURES IN PLACES RAIDED BY JAPANESE PLANES.

7. ***Mr. Amarendra Nath Chattopadhyaya:** (a) Will the Honourable Member for Civil Defence be pleased to state when the last meeting of the Standing Committee of Civil Defence was convened, and how it was that he did not think it necessary to call the Standing Committee of Civil Defence up to date?

(b) What arrangements had been made for the protection of the non-fighting Civil population in the places raided since April 2nd?

(c) What was the total number of Civic Guards and A. R. P. workers and officers in Bengal, Assam and Orissa before and after the raids by Japanese planes?

(d) What arrangements have been made for the protection of the Civil population in Arakan where fighting and raids are occurring now-a-days?

(e) When did the Honourable Member pay visits to the raided places last, and will he be pleased to lay on the table a detailed statement of the incidents in connection with the raids?

(f) What special precautionary measures have been taken for the protection of the Civil population in industrial areas of Bengal after the experience of raids in Bengal?

Mr. N. V. H. Symons: (a) 10th November, 1942. The next meeting has been called for 31st July. Meetings of the Standing Committee are called whenever the Honourable Member in charge of the Department desires its advice on major questions of general policy.

(b) A statement is laid on the table.

(c) The figures are not available in the Government of India but I may say that neither casualties nor desertions have been reported from the Provinces of Bengal, Assam and Orissa in connection with their A.R.P. Services as a result of recent raids.

Civic Guards are the concern of the Home Department to whom any questions concerning them should be addressed.

(d) Arakan not being in British India, no arrangements have been made by the Civil Defence Department of this Government.

(e) The Honourable Member for Civil Defence has not visited the raided places all of which, in British India, were primarily military targets.

I would refer the Honourable Member to the reply given to parts (i) (ii) and (iii) of his starred question No. 6 and would add that civilian casualties which occurred in five of the seven raids directed against military targets in S.E. Bengal were collected and treated under the special A.R.P. arrangements made for labour working on military projects and for villagers in the vicinity of military targets which have been described in the statement just laid on the table. In one of these raids a village in the vicinity of a military target received some bombs and in this case alone slight damage to civilian property was sustained.

(f) Full A.R.P. measures are in force as described in answer to starred question No. 59 on the 16th September, 1942 and no special measures are necessary. In the industrial areas of Bengal, as elsewhere in India, where the Civil Defence Services have been put to the test in recent months they have given complete satisfaction and no changes in the system have been required.

Statement.

The raids on British India between April, 2, and July, 22, have all been directed against military targets in South East Bengal. The arrangements made by the Government of Bengal for villages in the immediate vicinity of military targets are:—

(i) At each military target there will be a collecting post with a doctor, two first-aiders with necessary medical equipment and two First Aid Parties with cars and staff concentrated in a depot. These collecting posts are in a position to operate in the vicinity and can be supplemented, when necessary, from a small reserve consisting of a number of ambulances, first aid party cars with personnel, a trailer pump, and a spare vehicle for the carriage of equipment kept centrally in the area for the purpose.

(ii) Warnings are passed down to villagers in the vicinity for dissemination by means of hand-operated sirens, the beat of gongs and other similar methods.

(iii) Instructions are given to villagers to dig trenches and to take shelter in them when they get a warning or hear bombs falling. They are taught simple first aid and the best method of dealing with fires; they are made acquainted with arrangements for reporting casualties and the presence of suspected unexploded bombs.

(iv) To supplement medical resources in any particular area a mobile surgical team of 3 doctors has been established at a central point.

(v) In addition to the arrangements made by the Government of Bengal, special arrangements exist for labour employed on military targets in areas of Bengal lying East of Calcutta. They include slit trenches for 100 per cent. of the labour, adequate first-aid arrangements, arrangements for the transfer of casualties to civil hospitals, a system of raid spotters and visual and audible warning signals.

Mr. Lalchand Navalrai: May I know why does the Government allow the civil population to live near the military areas which are vulnerable?

Mr. N. V. H. Symons: The Government does not prevent them from leaving if they wish to leave.

Mr. Lalchand Navalrai: But when there is danger, the Government should, on the contrary, ask those people to leave, and they should also make the necessary arrangements for them. Have the Government taken any steps in that direction?

Mr. N. V. H. Symons: No, Sir.

Mr. Lalchand Navalrai: Will the Government do it now?

Mr. N. V. H. Symons: No, Sir.

Mr. Lalchand Navalrai: Will the matter be placed before the Standing Committee?

Mr. N. V. H. Symons: Matters can only be placed before the Standing Committee on which the Honourable Member in charge of the Department desires its advice. I will bring this matter to the notice of the Honourable Member in charge.

DEMOLITION OF MUSLIM GRAVES ON BAIRD ROAD, NEW DELHI.

8. ***Maulvi Muhammad Abdul Ghani:** (a) Will the Honourable the Home Member please state whether the attention of the Government of India has been drawn to an article published on page 4 of the *Daily Payam* of Delhi, dated the 24th May, 1943, regarding demolition or digging out of a number of Muslim graves by a Hindu Contractor on the Baird Road, New Delhi, near the temple of 'Kali'? If so, what action has been taken by the Provincial or the Central Government, and with what result?

(b) What is the number of graves so dug out?

The Honourable Sir Reginald Maxwell: The question should be addressed to the representative of the Education, Health and Lands Department.

DEFENCE OF INDIA RULES DECLARED *ultra vires* BY HIGH COURTS AND THE FEDERAL COURT.

9. ***Mr. Lalchand Navalrai:** (a) Will the Honourable the Defence Member be pleased to state how many times the High Court and the Federal Court have held some of the rules framed under the Defence of India Act to be

MR. GANDHI'S LETTER TO MR. JINNAH.

2. *Mr. Nabi Baksh Illahi Baksh Bhutto: (a) Will the Honourable the Home Member be pleased to place on the table a copy of the letter of Mr. Gandhi, which he addressed to Mr. Jinnah?

(b) Why was it not delivered to Mr. Jinnah?

(c) Did the Government of India consult the British Government before stopping this letter?

The Honourable Sir Reginald Maxwell: (a) No.

(b) and (c). I would invite the Honourable Member's attention to the Press Communiqué issued by Government on May 27th, 1943, a copy of which I place on the table. I have nothing to add to this Communiqué.

Press Communiqué.

The Government of India have received a request from Mr. Gandhi to forward a short letter from himself to Mr. Jinnah expressing a wish to meet him.

In accordance with their known policy in regard to correspondence or interviews with Mr. Gandhi the Government of India have decided that this letter cannot be forwarded and have so informed Mr. Gandhi and Mr. Jinnah. They are not prepared to give facilities for political correspondence or contact to a person detained for promoting an illegal mass movement which he has not disavowed and thus gravely embarrassing India's war effort at a critical time. It rests with Mr. Gandhi to satisfy the Government of India that he can safely be allowed once more to participate in the public affairs of the country, and until he does so the disabilities from which he suffers are of his own choice.

HOME DEPARTMENT;

New Delhi, May 26, 1943.

Mr. Lalchand Navalrai: May I know from the Honourable Member if this letter is a sealed letter up to this time and not shown to any one?

The Honourable Sir Reginald Maxwell: I have already answered that question by referring the Honourable Member to the Communiqué issued on the subject.

Mr. Lalchand Navalrai: I only want to know whether that letter has been a sealed letter or whether it has been shown to anybody up to this time.

The Honourable Sir Reginald Maxwell: The question was whether Government would please place on the table a copy of the letter and it seems to me that any other question relating to the letter is not relevant to the question.

Mr. Lalchand Navalrai: Has the letter been placed on the table?

The Honourable Sir Reginald Maxwell: I have replied to that question.

Mr. Lalchand Navalrai: My question is whether a letter which could not reach the addressee and was withheld was shown by Government to anyone.

The Honourable Sir Reginald Maxwell: It has not been shown to any member of the public, if that is what the Honourable Member means.

Mr. Lalchand Navalrai: May I know if the Governor of the Punjab has shown it to some people?

The Honourable Sir Reginald Maxwell: I am not aware of any such thing.

Mr. Lalchand Navalrai: Apart from the public, has it been shown to any Government official?

The Honourable Sir Reginald Maxwell: It has been handled in the Secretariat in the ordinary course.

CORRESPONDENCE WITH MR. WILLIAM PHILLIPS re PERMISSION TO SEE MR. GANDHI

3. *Mr. Nabi Baksh Illahi Baksh Bhutto: Will the Honourable the Home Member be pleased to place on the table a copy of the letter of Mr. William Phillips in which he sought permission to see Mr. Gandhi, and also a copy of the reply which the Government of India gave to Mr. William Phillips?

The Honourable Sir Reginald Maxwell: Government regret that they are not prepared to accede to the Honourable Member's request.

Mr. Lalchand Navalrai: Why is Mr. Gandhi treated as an untouchable and is not allowed to be seen by any one?

Mr. President (The Honourable Sir Abdur Rahim): I do not think there is any question of untouchability here.

Mr. Lalchand Navalrai: I want to know the reasons why he is being treated in such a manner as if he is an untouchable or a harijan and is not allowed to be seen by any one.

The Honourable Sir Reginald Maxwell: If the Honourable Member will refer to the communiqué which I have just placed on the table and which has already been made public he will find the reasons.

INDIAN PRISONERS OF WAR IN JAPAN.

4. *Mr. Nabi Baksh Illahi Baksh Bhutto: (a) Will the Honourable the Defence Member be pleased to state the number of Indian prisoners of War in Japan?

(b) What is the number of Japanese prisoners of War in India?

(c) What are the facilities given to the Indian prisoners of War in Japan?

(d) Is it a fact that the Indian prisoners of War are not treated according to the International Law? If so, what representations have the Government of India made to the Japanese Government?

The Honourable Malik Sir Feroz Khan Noon: (a) The number of Indian personnel so far notified as being prisoners of war in Japanese hands is 1,270.

68,499 Indian personnel are still unaccounted for and it is believed that the majority are prisoners of war in Japanese hands.

(b) It is not in the public interest to disclose the number of Japanese prisoners of war in India.

(c) Very little information has been received regarding the treatment of Indian prisoners of war in Japanese hands. So far Representatives of the Protecting Power and Delegates of the International Red Cross Committee have not been allowed by the Japanese authorities to visit camps in which Indian prisoners of war are detained. His Majesty's Government have made strong protest through the Protecting Power to the Japanese Government, but so far without avail.

(d) Such information as is available indicates that in many cases prisoners captured by the Japanese have been most brutally treated. Specific cases have been referred to His Majesty's Government with a view to lodging a strong protest through the Protecting Power.

Mr. Lalchand Navalrai: Has the Honourable Member got the names of the prisoners or only the total number?

The Honourable Malik Sir Feroz Khan Noon: So far as I am aware, we have no names of prisoners and as a matter of fact even these numbers we were not able to get for a very long time. The Japanese have been most difficult in this matter.

Mr. Lalchand Navalrai: May I know what treatment is being given to Japanese prisoners in India?

The Honourable Malik Sir Feroz Khan Noon: We always try to follow the International Conventions which we have entered into, and it does not mean that if another nation breaks these treaties or agreements into which they have entered we should also follow suit.

Mr. Lalchand Navalrai: Cannot the Government of India make an appeal to the international Governments (Voices of "Where are they?") or through some other channel seek to see that Indian prisoners are treated in the same way, failing which retaliatory steps should be taken here?

The Honourable Malik Sir Feroz Khan Noon: We are doing our best but, as I said, the Japanese are most difficult in this matter.

Sardar Sant Singh: Did the Japanese Government make similar inquiries about their prisoners of war in India?

The Honourable Malik Sir Feroz Khan Noon: I do not remember; I shall require notice of that question.

Mr. Govind V. Deshmukh: Do not the Government of India consider it better not to treat the Japanese prisoners in accordance with the Conventions and thus invite a representation by the Japanese Government?

The Honourable Malik Sir Feroz Khan Noon: I said that it is very difficult for this Government to break any of the treaties which they have entered into

through the international organisations and if we start breaking them we do not know how far the others will go in maltreating our prisoners of war. And when their ideas are already so low I think it is to the interest of our prisoners still in their hands that we must not make the situation any worse than it is now.

Mr. Govind V. Deshmukh: The Honourable Member said that the Indian prisoners in Japanese hands are most brutally treated. In that case is it incumbent on us to follow the International Conventions and would it not be better to invite representations from the Japanese Government with regard to the treatment of their prisoners?

The Honourable Malik Sir Feroz Khan Noon: I will explain the position by giving a little example. If our prisoners in their hands are a hundred thousand and their prisoners with us are a thousand and we say we are going to cut off the heads of their one thousand prisoners with us, they will also cut off the heads of our hundred thousand prisoners with them. Does the Honourable Member want me to do that?

RUPEE NOTES AND PAPER CURRENCY IN CIRCULATION.

5. ***Mr. Nabi Baksh Illahi Baksh Bhutto:** (a) Will the Honourable the Finance Member be pleased to state—

- (i) the value of Rupee notes;
- (ii) the value of Five Rupee notes; and
- (iii) the total value of paper currency;

in circulation up to June 30th, 1943?

(b) What measures have been adopted by Government to check the inflation?

The Honourable Sir Jeremy Raisman: (a) (i) No distinction is maintained in the accounts of the Reserve Bank between rupee coin and one rupee notes. (ii) and (iii). Information as to the value of five rupee notes in circulation is not readily available. The total value of currency notes in circulation will be found in the weekly accounts of the Reserve Bank which are published in the *Gazette of India*.

(b) I would invite the attention of the Honourable Member to the reply given to part (b) of Dr. Banerjee's question No. 117 in this House on the 21st of September last. More recent measures in the Central sphere, apart from taxation and borrowing, taken with this end in view are:

- (i) Summary provisional assessment of Excess Profits Tax;
- (ii) Compulsory deposits of Excess profits;
- (iii) Restriction of the extent to which purchase of raw materials and bonuses to employees will be allowed to count for Excess Profits Tax purposes;
- (iv) Control over new capital issues;
- (v) Prohibition of forward contracts and options of certain commodities including bullion; and
- (vi) Cloth and yarn control.

Mr. Lalchand Navalrai: May I know if the Reserve Bank or the Government of India keeps any silver or gold in place of the notes issued?

The Honourable Sir Jeremy Raisman: A statement is published by the Reserve Bank to indicate the assets which are held against the note circulation.

Mr. Lalchand Navalrai: Then may I take it that they are so held?

The Honourable Sir Jeremy Raisman: The Honourable Member is surely aware that a considerable quantity of gold is held in the reserve.

Sir Cowasjee Jehangir: Will the Honourable Member state what he has done with regard to bonuses, to limit them or to lay down any rules and regulations?

The Honourable Sir Jeremy Raisman: The matter is at present under consideration and the Chambers of Commerce have been consulted.

Sir Cowasjee Jehangir: How long will it take before the orders are issued?

The Honourable Sir Jeremy Raisman: I cannot say; we have not received replies from all these bodies.

Sir Cowasjee Jehangir: Will these orders include dearness allowance?

The Honourable Sir Jeremy Raisman: I do not think the rule as drafted covers dearness allowance.

Mr. Govind V. Deshmukh: Do Government consider forfeiture of press deposits as one of the best means of checking inflation?

The Honourable Sir Jeremy Raisman: No, Sir, that action is not taken in pursuance of anti-inflationary schemes.

Mr. Abdur Rasheed Choudhury: May I know if paper currency is now in excess of the statutory limit of gold and silver reserve?

The Honourable Sir Jeremy Raisman: No, Sir, it is not in excess of what is laid down by statute.

Dr. Sir Zia Uddin Ahmad: Will the Honourable Member give me the definition of the word 'inflation'? What I want to know is the limit: If the number exceeds that limit it is inflation and if it does not increase it is deflation. What is that number at the present moment?

The Honourable Sir Jeremy Raisman: I am afraid that question will require a treatise to answer it.

Dr. Sir Zia Uddin Ahmad: Then how will you find whether it exists or does not exist?

(No answer was given.)

Mr. Jamnadas M. Mehta: With reference to the six measures which the Honourable Member described, have they resulted in checking the inflation at all?

The Honourable Sir Jeremy Raisman: Yes, Sir. There has been a most notable improvement in the general situation, and the general index has not only ceased to move upwards but has actually begun to move downwards.

Mr. Jamnadas M. Mehta: By how many points?

The Honourable Sir Jeremy Raisman: I think it has moved down by six points, but I would emphasise that in dealing with inflationary tendencies the important thing is to arrest the upward movement. That in itself is a tremendous result to achieve, and any downward movement is proportionately more welcome.

Mr. Jamnadas M. Mehta: Are Government justified in describing it as remarkable?

The Honourable Sir Jeremy Raisman: If my Honourable friend has made any study of the history of this kind of thing, he will come to the conclusion that the word 'remarkable' is not unjustified.

Mr. Jamnadas M. Mehta: Why does the Honourable Member accuse others of not studying. Does he study anything?

Mr. President (The Honourable Sir Abdur Rahim): That question does not arise. The Honourable Member can argue that later.

Mr. Jamnadas M. Mehta: Where?

Mr. President (The Honourable Sir Abdur Rahim): Not in the question time.

JAPANESE AIR RAIDS ON FENI, COX BAZAR, CHITTAGONG, ETC.

6. ***Mr. Amarendra Nath Chattopadhyaya:** Will the Honourable Member for Civil Defence please state if it is a fact that between April 2nd and June 26th, there have been several air raids by Japan on Feni, Cox Bazar, Chittagong, Dibrugarh, Imphal and near about Sylhet? If so, will the Honourable Member be pleased to state—

- (i) the number of casualties in all the places, separately;
- (ii) the number of people wounded not fatally;
- (iii) the damage to private and Government properties;
- (iv) the number of enemy planes employed in such raids;
- (v) the number of enemy planes destroyed and brought down and the number of enemy planes damaged; and
- (vi) the number of planes of the Allied Nations employed to fight, and the number of such planes destroyed and damaged in such fights?

Mr. N. V. H. Symons: During the period between the 2nd of April and 6th June, 1943, there were seven raids on British India and three on Indian states. All the raids on British India were directed against military targets in South East Bengal.

ultra vires? Which High Courts have held the rules *ultra vires* and which are those rules?

(b) Is it a fact that recently the Federal Court in India held Rule 26 of the Defence of India Rules to be *ultra vires*?

(c) Has any expert judicial officer revised these rules in order to see if they were valid or invalid?

(d) Do Government propose to appoint some of the Judges of the Federal Court and the High Courts to examine these rules with a view to seeing if all the rules are consistently and properly framed within the rule-making power given to the Government under the Defence of India Act? If so, when? If not, why not?

The Honourable Malik Sir Feroz Khan Noon: (a) and (b). Rule 26 was held to be *ultra vires* of the Defence of India Act, as it then stood, in a judgment pronounced by the Federal Court on the 22nd April, 1943. The Government of India are aware of no other occasion on which any rule under the Defence of India Act has been held to be *ultra vires* either by the Federal Court or by a High Court.

(c) No. Government depend on their normal legal advisers for satisfying themselves regarding the validity of rules.

(d) No. The rules are examined from this point of view by Government legal advisers before they are framed.

Mr. Lalchand Navalrai: May I know from the Honourable Member who are those legal advisers who have framed these rules in which one rule is found to be *ultra vires*?

The Honourable Malik Sir Feroz Khan Noon: The legal advisers of this Government are the Law Department headed by the Law Member.

Mr. Lalchand Navalrai: Is the Law Member doing this alone?

The Honourable Malik Sir Feroz Khan Noon: The Law Member is responsible and he is quite competent to deal with this matter.

Mr. Lalchand Navalrai: I know he is; I do not want to be told about that. What I am asking is whether the Law Department do this work by themselves, or do they co-opt any people, or is it left to the sweet will of the Law Department?

The Honourable Malik Sir Feroz Khan Noon: When you say that the Law Member is competent to deal with this matter, why do you ask for others?

Mr. Lalchand Navalrai: Competent judges make mistakes; don't they? Therefore I am asking as to whether it is only one officer who is doing this business, or is it done in consultation with any experts, or in a committee. If not, say so.

The Honourable Malik Sir Feroz Khan Noon: Government are satisfied that their Law Department are quite competent to deal with it and they do not need any other assistance.

Dr. P. N. Banerjee: Is it not a fact that the Law Member had no hand in the framing of the Ordinances?

The Honourable Malik Sir Feroz Khan Noon: I require notice of that question.

Pandit Lakshmi Kanta Maitra: Is the Honourable Member aware that the Home Department has quite a lot to do with the framing of these Rules under the Defence of India Rules?

Mr. Govind V. Deshmukh: Does not the Government know who framed the Rules?

The Honourable Malik Sir Feroz Khan Noon: Ordinarily every Department concerned with any Rule is consulted before the Rules are actually published.

Sardar Sant Singh: Who frames the text of the Rules to give them the legal touch.

The Honourable Malik Sir Feroz Khan Noon: The text of the Rules is framed by the Law Member in consultation with the Department concerned.

JAPANESE RAIDS OVER EASTERN INDIA AND THE PRESENT WAR SITUATION.

10. ***Mr. Lalchand Navalrai:** (a) Will the War Secretary be pleased to state how many times, since the last session of the Legislative Assembly, Japan

has raided the Eastern borders of India including parts of Assam, Chittagong aerodromes, and Calcutta and its suburbs?

(b) How many aeroplanes of the enemy were brought down or destroyed during the raids mentioned in part (a), and how many British and American aeroplanes were destroyed by the enemy? What is the number of such casualties, and what damage was done by these raids on either side?

(c) Does the Honourable Member propose to make a full statement on the present condition of war in the East and the West and in North Africa; and for that purpose do Government propose to call a secret meeting in order to take the Honourable Members of the Legislature into their confidence? If not, why not?

Mr. C. M. Trivedi: (a) Ten times.

(b) Eighteen enemy aircraft destroyed; eight probably destroyed.

Six allied aircraft missing (two of the pilots are safe). Military damage caused by these raids was negligible.

(c) On the understanding that you, Sir, would be prepared to issue directions in the sense of those issued in connection with the Secret Session held on the 27th February 1942, Government will be glad to arrange for the discussion of the war situation on a formal motion to be moved at a secret meeting to be held in the course of the current Session. If this arrangement is made, a full statement on the war situation will be made by His Excellency the Commander-in-Chief in the course of the debate and in the circumstances I do not propose to make a statement on this occasion.

Mr. President (The Honourable Sir Abdur Rahim): If a motion like that is going to be made I shall take steps to see that the public gallery is cleared, except the gallery which will be reserved for the Members of the Council of State. I shall also direct that the proceedings will not be taken down as ordinarily.

FAMILY BUDGET OF A PEON.

11. ***Dr. Sir Zia Uddin Ahmad:** (a) Has the Honourable the Finance Member considered the budget of a peon getting Rs. 20 *per mensem* as pay and having a normal family of a wife and four children?

(b) Does he propose to examine the condition of such a family which has got no other income?

The Honourable Sir Jeremy Raisman: (a) and (b). A peon in Delhi who draws pay of Rs. 17 and lodging allowance of Rs. 3 is entitled in addition to:

(i) dearness allowance of Rs. 8-8-0 *per mensem*;

(ii) the supply of wheat or rice at concessional rates. The value of this concession for a peon with a family of the size referred to by the Honourable Member would, at the rates prevailing when the scheme was introduced, be Rs. 13 p. m.

Government consider that by granting the above concessions they have given considerable relief to the staff concerned, who cannot be completely protected from conditions created by the war.

Dr. Sir Zia Uddin Ahmad: He has mentioned these rates. Is he aware that these rates are not given at any place except Delhi?

The Honourable Sir Jeremy Raisman: There are different concessions in different places for Central personnel. I am not aware whether any considerable number of peons belonging to the Central Government are employed in the U. P.

Dr. Sir Zia Uddin Ahmad: Yes, the Post Office.

The Honourable Sir Jeremy Raisman: The concessions to the Postal and Telegraph personnel have been given in accordance with a different rule.

Dr. Sir Zia Uddin Ahmad: The concessional rates are different from the dearness allowance, and I should like to know whether these rates are given to all the servants of the Government of India.

The Honourable Sir Jeremy Raisman: They are given in localities in which these concessions appear to be called for and in which it is possible for the Central Government to make the necessary arrangements.

Mr. Jamnadas M. Mehta: Will the Honourable Member state how he arrives at the figure of Rs. 13?

The Honourable Sir Jeremy Raisman: I am afraid I shall have to take the Honourable Member through certain details which I could hardly give just now.

Mr. Jamnadas M. Mehta: Does he want to assure us that these Rs. 13 is a real figure and not only a paper figure?

The Honourable Sir Jeremy Raisman: As far as I am aware the supplies are being made.

Mr. Jamnadas M. Mehta: Of all the articles mentioned therein?

The Honourable Sir Jeremy Raisman: I mentioned wheat and rice. Both of these are being supplied.

Dr. Sir Zia Uddin Ahmad: In drawing up the Budget, we also considered the rent of the house and the cost of clothing but the Honourable Member has said nothing about them.

The Honourable Sir Jeremy Raisman: Certain peons have quarters supplied for them and most of them have clothing supplied. So that, I do not think the Honourable Member's question arises.

Dr. Sir Zia Uddin Ahmad: May I say that these people include persons who are drawing only Rs. 20 p. m. and that in the circumstances it might pay them better if they committed a dacoity, provided their children with a few thousands and went to jail themselves!

Sir Cowasjee Jehangir: Are these concessions the same for all the principal parts of India or does the Honourable Member vary these concessions?

The Honourable Sir Jeremy Raisman: The concessions are different in different localities. For instance, conditions are different in Calcutta from those in Nagpur, and again from those in Delhi.

Mr. Lalchand Navalsai: Is it a fact that the Honourable Member and also the Member for Railways have seen representations from those to whom the concessional rates have been given detailing and showing that these rates are not sufficient and that they should be increased?

The Honourable Sir Jeremy Raisman: The question seems to me to concern mostly the Honourable Member for Railways.

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

REPRESENTATION FROM SARDAR DIWAN SINGH MAFTOON, PROPRIETOR, *The Riyasat*, DELHI.

12. *Sardar Sant Singh: Will the Honourable the Home Member please state if he received any written representation from Sardar, Diwan Singh Maftoon, Proprietor, *The Riyasat*, Delhi, who is in detention in Ferozepore Jail, under Rule 26 of the Defence of India Rules, contesting the answer given to my question about him? If so, have Government considered the representation? If so, did they make any independent enquiries?

The Honourable Sir Reginald Maxwell: A representation has been received from the prisoner and examined. I have nothing to add to the reply which I gave to the Honourable Member's question No. 269 on the 9th March, 1943.

Sardar Sant Singh: May I know from the Honourable Member, if, in view of the serious allegations brought against the police officers, he has employed any independent agency to go into the question whether Sardar Dewan Singh Editor of the *Riyasat* was participating in any subversive movement?

The Honourable Sir Reginald Maxwell: In my previous reply referred to, I have quoted the following sentence from the judgment of the Court:

"Throughout the whole course of the case, the police have been the subject of attack. I feel compelled to describe this attack as, in all respects, absolutely baseless, and in almost all respects foolish."

This was the judgment of the High Court.

Sardar Sant Singh: May I ask the Honourable Member, apart from the judgment of the High Court, whether in the representation certain serious allegations have been made about the *mala fides* of the persons who reported against him? Will he employ any independent agency to make an enquiry whether he participated in any subversive activity?

The Honourable Sir Reginald Maxwell: No, Sir. The High Court is good enough for me.

Sardar Sant Singh: As the cases cannot go to the High Court, will the Honourable Member be justified in dealing with those cases on the report of those very persons against whom open allegations were made in the High Court, though the High Court might have come to a different finding?

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

DETENTION OF ABDUL AZIZ OF RAWALPINDI.

13. *Sardar Sant Singh: (a) Will the Honourable the Home Member please state if it is a fact that Abdul Aziz, a Socialist Leader of Rawalpindi, has been under detention under Rule 26 of the Defence of India Rules since 1940?

(b) Is it a fact that he was one of the detenus in the Deoli Camp?

(c) Is it a fact that after the discontinuation of the Deoli Camp Jail he was transferred to the Gujrat Jail in the Punjab? If so, in what Jail is he detained, and what is the condition of his health? Was his case reviewed? If so, when?

The Honourable Sir Reginald Maxwell: (a) Abdul Aziz was detained under the orders of the Punjab Government. The Government of India are not aware of the date of his detention.

(b) Yes.

(c) The answer to the first part is in the affirmative. The Government of India have no information with regard to the second part.

Sardar Sant Singh: May I know from the Honourable Member if, before passing the order under Rule 26, which the Government of India alone can pass, the Government of India were consulted in the matter or not?

The Honourable Sir Reginald Maxwell: The Honourable Member is wrong in supposing that only the Government of India can pass orders under Rule 26.

DETENUS AND FACILITIES ALLOWED TO THEM.

14. *Mr. Govind V. Deshmukh: Will the Honourable the Home Member please state:—

(a) the number of the present detenus;

(b) the number of interviews allowed, the monthly allowance given to these detenus, and the amenities allowed to them about a year ago and now;

(c) if a province where the detenus happen to be, is at liberty to modify the instructions of the Government as regards allowance, interviews; and

(d) under what conditions detenus are released; if a Provincial Government can use their discretion in the matter?

The Honourable Sir Reginald Maxwell: (a) The total number of persons in detention under rule 26 of the Defence of India Rules on the 1st June, 1943, was 11,717 excluding North-West Frontier Province for which figures are not available.

(b) The Government of India are concerned only with Security Prisoners detained in the Chief Commissioners' Provinces, whose treatment is governed by the Central Government Security Prisoners Order, 1942, a copy of which has been placed in the library of the House. No recent amendment has been made in this Order but under clause 21 thereof its provisions are to some extent modified in their application to Security Prisoners detained in connexion with the Congress movement. A copy of the relevant Order dated the 5th September, 1942, was laid on the table on the 17th March, 1943.

(c) Each Provincial Government is empowered under sub-rule (5) of rule 26 of the Defence of India Rules to determine the conditions under which security prisoners shall be detained in that Province.

(d) The power to direct the release of a security prisoner lies with the authority directing that prisoner's arrest and detention. In the case of a security prisoner detained under the orders of the Provincial Government full discretion rests with that Provincial Government.

Sardar Sant Singh: May I know if the Government of India are informed when orders are passed under Rule 26 of the Defence of India Rules by the Provincial Governments?

The Honourable Sir Reginald Maxwell: No.

Mr. Lalchand Navalrai: May I know from the Honourable Member if the Provincial Governments keep the Central Government informed of the persons that are detained and those that are released?

The Honourable Sir Reginald Maxwell: No. We only receive certain informations about the numbers detained. We do not get information about the persons or the reasons.

Mr. Govind V. Deshmukh: May I take it that general instructions are laid down by the Central Government for Provincial Governments regarding the release of the security prisoners or their treatment? If so, have the Government laid down that security prisoners or detenus, even if they are ill, should not be released till they are almost confined to their death bed?

The Honourable Sir Reginald Maxwell: The Government of India have issued no such instruction.

Mr. Abdur Rasheed Choudhury: With reference to the answer to part (b) of the question, may I know if any monthly allowance or amenities are allowed in the case of security prisoner, Maulana Husain Ahmad Madni?

The Honourable Sir Reginald Maxwell: No. Such people do not get allowances. They are allowed to receive remittances of funds sent to them from outside, but all their requirements are provided for in the place where they are detained.

Mr. Abdur Rasheed Choudhury: With reference to the answer to part (d) of the question, may I know whether the case of this security prisoner falls under the category of that in which the Provincial Government can order release?

The Honourable Sir Reginald Maxwell: Yes. I have already said that the Provincial Government have full discretion to release prisoners.

Pandit Lakshmi Kanta Maitra: Will the Honourable Member kindly inform the House if there have been fresh cases of detention under Rule 26 of the Defence of India Rules after it was declared *ultra vires* by the Federal Court?

The Honourable Sir Reginald Maxwell: I have no exact information, but probably there have been other cases of detention under Rule 26 subsequent to the amendment of the relevant clause of the Defence of India Act.

FOREIGN EVACUEES IN INDIA.

15. **Mr. Govind V. Deshmukh:** Will the Honourable the Home Member please state:—

(a) the total number of evacuees in India, and the countries they came from;

(b) the expenditure at present incurred by Government on maintaining them; and

(c) if there is any agreement between this Government and the Government of the Country the evacuees came from, in respect of expenditure incurred in maintaining or looking after them; if so, what the nature of the agreement is?

The Honourable Sir Reginald Maxwell: (a) The Home Department are concerned with evacuees who are European British subjects or subjects of allied or neutral Foreign States. I lay on the table a statement giving the information in respect of these evacuees.

It is estimated that the total number of Indian and Asiatic evacuees in India is about five lakhs. It is not possible to give accurate figures according to the countries they came from, but nearly all of them came from Burma.

(b) The Honourable Member is referred to the answers given on the 16th September, 1942, to Pandit Lakshmi Kanta Maitra's questions Nos. 64 and 65. The scale of advances shown in the statement laid on the table on that date still continues to be in force in respect of those who are residing outside Evacuee Camps. I lay another statement on the table which gives the scales of financial assistance given to evacuees who have been accommodated in Evacuee Camps.

(c) Yes. The Governments concerned have agreed to reimburse to the Government of India the expenditure incurred from Indian revenues. Accordingly, the expenditure on European British subjects from all countries except Burma is debited to His Majesty's Government. In the case of European Burman and Anglo-Burman evacuees from Burma, the expenditure is debited

to the Government of Burma. The expenditure on Poles and on subjects of the Netherlands East Indies is already being recovered from time to time from the Polish Government and the Royal Netherlands Government. The expenditure on evacuees of other allied or neutral foreign states is recovered through the Consuls of the countries concerned.

The approximate number of European British subjects or subjects of allied and neutral foreign States who have been evacuated to India is given below:—

Number of evacuees from (a) Balkans	1,079
Number of evacuees from (b) Malaya	1,797
Number of evacuees from (c) Burma	2,632
Number of evacuees via (d) Turkey	602
Number of evacuees from (e) Port Blair	22
Number of evacuees from (f) S. Russia	8
Number of evacuees from (g) China	29
Number of evacuees from (h) Iraq	122
Number of evacuees from (i) Japan	27
Number of evacuees via (j) Ceylon	16
Number of evacuees via (k) Afghanistan	1
Number of evacuees from (l) Australia	3
Number of evacuees from (m) Poland	2,636
Number of evacuees from (n) Netherlands East Indies	15
Number of evacuees from (o) Countries not known	571
Total	9,560

Statement showing the monthly rates of advances paid to evacuees residing in the British Evacuee Camps at Coimbatore and Ootacamund.

Single adult	Rs. 65
Married couple	Rs. 120 per couple.
Dependants over 12 up to a total of 3	Rs. 45 each.
Dependants over 12 years over a total of 3	Rs. 35 each.
Children 6-11 years up to a total of 3	Rs. 28 each.
Children 6-11 years over a total of 3	Rs. 25 each.
Children under 5 years	Rs. 25 each.

NOTE.—Evacuees do their own marketing and cooking within these advances which are given for maintenance only. These are not intended to cover other charges, e.g., accommodation in the camp, light, water, supervision, medical treatment, education of children and transport. Taking all these charges into account, the monthly average cost of an evacuee in the camp, comes to Rs. 135 approximately.

Scale showing rates of maintenance allowance prescribed for Polish refugees residing in the Polish Refugee Camp at Kolhapur.

(i) Adults	Rs. 53-12-0 each.
(ii) Children of 12 years and over	Rs. 45 each.
(iii) Children from 6-11 years	Rs. 28 each.
(iv) Children under 6 years	Rs. 25 each.

The average monthly expenditure per child in the Polish Children's Camp at Balachedi in the Nawanagar State is approximately Rs. 60.

Pandit Lakshmi Kanta Maitra: With regard to Anglo-Burmans and Anglo-Indian evacuees from Burma, their expenses are debited to the Burma Government. Have the Burma Government got any source of revenue at the present moment?

The Honourable Sir Reginald Maxwell: I understand that they are being financed by His Majesty's Government.

Mr. Lalchand Navalrai: If I understood the Honourable Member aright, the Central Government takes care of the European evacuees, and I presume the Provincial Governments do it in the case of the Indians. If so, why?

Dr. P. N. Banerjee: Racial discrimination!

The Honourable Sir Reginald Maxwell: Indians are looked after by the Honourable Member for the Indians Overseas Department.

Dr. P. N. Banerjee: But why?

Sir Cowasjee Jehangir: Will the Honourable Member make enquiries whether some of these evacuees are making a living in this country and still continuing to get this assistance?

The Honourable Sir Reginald Maxwell: Well, I have not enquired into the circumstances of each individual evacuee. Those who are not in the evacuee

camp may possibly have got other employment, but I have no information. If the Honourable Member will give me instances, I will go into them.

Sir Cowasjee Jehangir: Will the Honourable Member make enquiries with regard to a certain community that has come from other parts of the world to India who are making a very handsome living at the cost of this country and still drawing the allowances that the Honourable Member is good enough to give them?

The Honourable Sir Reginald Maxwell: That is rather a vague field for investigation. If the Honourable Member will be good enough to give specific instances, I will gladly go into them.

Sir Cowasjee Jehangir: The Honourable Member has only to refer to the Press and the complaints in the Press about a certain class of people who are in this country making an excellent living, and I am told, also drawing allowances from the Honourable Member's Department?

The Honourable Sir Reginald Maxwell: I am afraid that my study of the Press is not sufficiently detailed to enable me to understand to whom the Honourable Member is referring.

Dr. P. N. Banerjee: Double advantage!

RENT CONTROL DIRECTIONS ISSUED BY DISTRICT MAGISTRATES IN THE PUNJAB.

16. ***Sardar Sant Singh:** (a) Has the attention of the Honourable the Defence Member been drawn to the directions issued by the District Magistrates in the Punjab presumably under Rule 81(2)(b) of the Defence of India Rules controlling the rents and regulating the letting and subletting of accommodation residential or non-residential?

(b) Were the Government of India consulted in the matter?

The Honourable Malik Sir Feroz Khan Noon: (a) The Honourable Member probably refers to orders which have been issued by certain District Magistrates in the Punjab under rule 81 (2) (b) of the Defence of India Rules. If so, the answer is yes.

(b) No.

Sardar Sant Singh: May I know if under the Defence of India Rules, the powers delegated by the Central Government to the Provincial Governments can be delegated by the Provincial Government to the District Magistrates?

The Honourable Malik Sir Feroz Khan Noon: I presume that the action taken by the Provincial Government or their officers is in accordance with the law.

Sardar Sant Singh: It is not a question of presumption. Either it is in accordance with the law or it is not. May I know if the Honourable Member has consulted the Law Department, of which he has been so proud recently as to whether the power can be delegated to a District Magistrate?

The Honourable Malik Sir Feroz Khan Noon: May I ask if the Honourable Member himself has taken the trouble to study the rules and is he in a position to say that the action taken is illegal or against the law?

Mr. Govind V. Deshmukh: On a point of order? Can a member to whom a question is addressed ask a question of the member who is putting the question? Is that in order?

Mr. President (The Honourable Sir Abdur Rahim): That is not the ordinary way of answering questions.

Sardar Sant Singh: May I ask the Honourable Member, in view of the text of the order forwarded to him, whether he has consulted the Law Department if under rule 81 (2) (b), where the power is given to the Provincial Government alone, the Provincial Government can delegate such power to the District Magistrates. Is not that order illegal?

The Honourable Malik Sir Feroz Khan Noon: I presume that the order is in accordance with the law and the answers that I have given are in accordance with the opinion given to the Defence Department. I cannot add anything more.

CONSTITUTION AND THE WORKING OF THE INDIAN SOLDIERS' BOARD.

17. ***Mr. Govind V. Deshmukh:** Will the Honourable the Defence Member please state the constitution and working of the Indian Soldiers' Board with

special reference to the inquiry and disposal of applications for leave by Indian soldiers overseas?

The Honourable Malik Sir Feroz Khan Noon: The Indian Soldiers' Board as such is not concerned with the applications for leave. Applications for leave on compassionate grounds may be forwarded by the Commanding Officer of the Unit concerned to the Deputy Commissioner or Collector for verification when he considers it desirable. The Deputy Commissioner or Collector who is also the President of the local District Soldiers' Board where there is one may make enquiries through the District Soldiers' Board or employ his own revenue subordinates or pass on the case to the Civil Liaison Organisation whichever he considers most suitable.

The District Officer on receipt of the report makes a recommendation to the Commanding Officer concerned.

Mr. Govind V. Deshmukh: I am thankful to the Honourable Member for the information regarding the procedure about inquiry but I should like to have some information about the constitution of the Indian Soldiers' Board?

The Honourable Malik Sir Feroz Khan Noon: You have got a separate question on that, I believe.

Mr. Govind V. Deshmukh: I have no recollection whether I have sent a separate question.

The Honourable Malik Sir Feroz Khan Noon: If you will put down a question, I will answer it.

N. A. A. F. I. ORGANISATIONS.

18. ***Mr. Govind V. Deshmukh:** Will the Honourable the Defence Member please state:—

(a) if he is aware of the N. A. A. F. I. organizations; and

(b) whether it is possible to run canteen organisations on the same lines; if not, why not?

The Honourable Malik Sir Feroz Khan Noon: A statement is laid on the table of the House.

(a) Yes.

Statement.

(b) Being attracted by the N.A.A.F.I. idea like the Hon'ble questioner, in September, 1942, I requested the Director of Canteens to make a review of the existing Canteen systems and organizations with a view to their improvement wherever possible. Whereas the Canteen contractor system has worked and does work excellently in peace-time within India, it has proved unsuitable for service with the armed forces in the field. Consequently, so far as troops in war areas are concerned, we have already adopted the N.A.A.F.I. idea. So far as troops within India are concerned the Canteen contractors provide the most convenient and efficient method of serving the troops. This agency has been established for a long time and has tided us over a period of enormously increased activity remarkably well. The expansion in the service provided by the contractors to meet the increase in the number of troops within India calls for our appreciation.

2. In recent years the whole Canteen contractor system has been overhauled. The name of every Canteen contractor has to be registered with the Quartermaster General in India before a contract is given to him. All goods for Canteens are purchased through a central organization presided over by an officer, Sir John Abercrombie, who is appointed and paid by Government and who is a Government servant. The contractors have to pay to this organization, the prices fixed by Government. At the other end, the contractors have to charge from the troops fixed prices for all goods and under orders of Government they have to keep printed lists of all goods with their prices marked against each item in every canteen, so that every soldier who walks into a canteen can read in this list the prices fixed for all the goods sold in the Canteen. Consequently, the profits of the canteen contractors have been cut to the very minimum.

3. On account of the nature of the needs and the small financial resources of the Indian soldier it is seldom that he will find his way into a canteen. The counterpart of the canteen so far as he is concerned is the regimental bania's shop. Units who wish to deal with the Canteen Stores Department register their Banias with the Quartermaster General in India, after which they are entitled to purchase their requirements from the Canteen Stores Department. A very large proportion of Indian Units have so registered their Banias, thus enabling the Canteen Stores Department to purchase requirements in bulk with resultant cheapness to the Indian troops through the Regimental Bania. In operational areas, however, militarised canteens cater for and are patronised by Indian and British troops equally.

4. In my recent tours in various parts of the country I have heard nothing but praise for the Canteen contractors who have proved to be excellent servants of the soldier and who have on many occasions contributed liberally at the request of the regi-

mental officers towards the improvement of amenities for troops. Whether an organisation run by Government servants would serve the needs of the soldier as well as the present canteen contractors and their staff, must be doubtful. It must be remembered that it would take a long time to recruit the trained and organised staff necessary to replace the contractors. We also have certain obligations under the Memorandum of Association of Canteen Contractors e.g., we have to disturb their business as little as possible and to give them a year's notice before winding up their business completely. I see no prospect of Government taking any such course during the present war so far as work inside India itself is concerned.

Mr. Govind V. Deshmukh: Does that statement disclose how this organisation is financed?

The Honourable Malik Sir Feroz Khan Noon: So far as I am aware, it pays for itself?

Mr. Govind V. Deshmukh: That may be. How was this institute started? Where did the capital come from?

The Honourable Malik Sir Feroz Khan Noon: The capital must have been provided by His Majesty's Government.

Mr. Govind V. Deshmukh: Why does not the Government of India provide capital on similar lines for the Indian Soldiers' Board?

The Honourable Malik Sir Feroz Khan Noon: In this statement, I have given you the system under which our canteens work. Our canteens are working under a system of canteen contractors who are members of a syndicate and all the material sold in these canteens is purchased on a co-operative basis through this syndicate. The syndicate is presided over by Sir John Abercrombie who is a Government servant and it is he and his committee who make the purchases. These things are sold to these contractors at fixed prices and these contractors are allowed to sell these goods in the regimental canteens also at fixed prices. Another thing to remember is that these canteens exist only in British regiments and not in Indian regiments. In the Indian regiments, the canteen is represented by the baniya's shop, because the Indian soldier's pay is low and he cannot afford to go to these canteens. The banyas are also authorised to buy from these canteens such material as they wish to sell to the soldiers at exactly the same prices as those charged in the British regiments.

Mr. Govind V. Deshmukh: I am again thankful for the information given. Why cannot this Government supply the funds and purchase the material and work, on a co-operative basis, these canteens. Where is the difficulty?

The Honourable Malik Sir Feroz Khan Noon: The Government are in a position to do these things but the only thing is when a thing like this can be done and whether it will be beneficial from the point of view of the Government or the soldier. I have given you the full facts in the statement. So far as this war is concerned, it is impossible to change over from the canteen contractor system to the Government system. I have seen many of these canteens working and my own impression is that these canteen contractors are rendering excellent service. They are practically the servants of the regiments. Whether the Government agency system worked by Government servants will be equally efficient as the present system is to be seen in the future but so far as the present war is concerned, it is impossible to change over from the canteen contractor system to a Government system or the N. A. A. F. I. system for the British troops.

Sir Cowasjee Jehangir: May I know whether the Honourable Member is aware of the great demand for these free canteens for Indian troops in the main centres of India? May I ask further whether the Honourable Member is aware that in one place where such a canteen works it has been proved that they are very necessary and fully availed of and greatly appreciated? If the answer to my question is in the affirmative, will the Honourable Member see to it that funds are provided all over India to establish such canteens for Indian soldiers? I am not talking of the European soldiers. I am only referring to Indian soldiers?

The Honourable Malik Sir Feroz Khan Noon: I should like to take this opportunity of paying my tribute to these organisations and the persons who are rendering

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member will only answer the question.

The Honourable Malik Sir Feroz Khan Noon: I say that a great deal is being done for the Indian soldier. Sir Cowasjee Jehangir knows, that, in Bombay voluntary organisations for Indian soldiers have provided free canteens in many places.

Sir Cowasjee Jehangir: Only in one place.

The Honourable Malik Sir Feroz Khan Noon: No, no. You are thinking of Bombay. I am talking of the whole of India, not of Bombay alone.

Sir Cowasjee Jehangir: Are there any other places?

The Honourable Malik Sir Feroz Khan Noon: Yes. Come to Lahore and I will show you one working at the Railway station. I agree that more canteens are needed for the Indian soldier. Whether we can introduce a system under which we can persuade the Government to pay for all these canteens is a question mainly of finance and nobody will be more pleased than myself to do it if we had the money.

Mr. Govind V. Deshmukh: Is the Honourable Member aware that the N. A. A. F. I. make a profit of more than 10 per cent.?

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

LEASE-LEND AID TO INDIA.

19. ***Mr. T. T. Krishnamachari (on behalf of Mr. K. C. Neogy):** Will the Honourable the Finance Member be pleased to state:—

(a) whether his attention has been drawn to various reports emanating from the United States of America in regard to the value of Lease-Lend aid given to India, particularly to a report of the United States Office for War Information wherein it is stated that Lease-Lend aid to India is valued over 295 million dollars;

(b) whether his attention has been drawn to a message dated Washington, March 12, 1943, wherein it is reported that the Lease-Lend Administrator, Mr. Edward Stettinus, mentioned that 595 million dollars of Lease-Lend aid had been extended to India upto 1st March, 1943;

(c) the nature and amount of Lease-Lend goods so far received in India;

(d) how much out of the above total has been for the benefit of China; and

(e) how much out of the above total has been debited to His Majesty's Government on account of such goods or aid as is being utilised on behalf of His Majesty's Government?

The Honourable Sir Jeremy Raisman: As I said in the course of my reply to the Finance Bill debate on the 17th March, 1943, we are engaged in the task of completing our records of lease-lend aid and reconciling them with those which the Indian Supply Mission in America have been asked to maintain. We are actively pursuing this and have made good progress. It will however be some time before the task is completed; and until this stage is reached it is not possible to quote any figure or to attempt to determine the respective share of India and His Majesty's Government. As soon as I am in a position to do so, I hope to give the necessary information to the House at a suitable opportunity.

Mr. Muhammad Nauman: May I know if under the arrangement any limit has been reached and that only up to that limit India will get these commodities under this lease-lend bill from United States of America?

The Honourable Sir Jeremy Raisman: As far as I am aware, no such limit has been fixed, but it is the case that appropriations are made from time to time by the United States authorities and presumably in building up these appropriations, they make allocations or work out allocations to different countries.

Dr. Sir Zia Uddin Ahmad: Is the Honourable Member in a position to mention the aid which India has given under lease-lend arrangement?

The Honourable Sir Jeremy Raisman: I think there is another question in regard to reciprocal aid.

(b) WRITTEN ANSWERS.

PROCEDURE FOR ALLOCATION OF LEASE-LEND LIABILITIES BETWEEN THE BRITISH AND INDIAN GOVERNMENTS.

20. *Mr. K. C. Neogy: (a) Will the Honourable the Finance Member be pleased to refer to the statement made by him on the 17th March, 1943, in the Legislative Assembly while explaining the methods of allocation of Lease-Lend expenditure to His Majesty's Government and the Government of India, respectively and the difficulty in making an accurate appraisal thereof, as also to his statement that well-known *per capita* rates for the issues made to the American Forces could be adopted for giving the information concerning reciprocal Lease-Lend, and state (i) the exact procedure adopted in allocating the respective liabilities of His Majesty's Government and the Government of India in regard to Lease-Lend aid received in this country; and (ii) the exact amount of *per capita* rates adopted by the Government of India in assessing the cost of such services as rations, clothing and travelling expenditure of the Forces of the United States of America and the cost of repair jobs done for American transport in India?

(b) As regards the aforesaid *per capita* basis, is a similar procedure adopted in other countries, such as England, Australia, New Zealand, etc., giving reciprocal aid to the United States of America? If so, what is the *per capita* basis adopted in those countries for the purpose of calculating these items of expenditure?

(c) Is it a fact that in regard to the reverse Lease-Lend aid given by Australia to American Forces stationed in that country, the actual values of the services and the quantities of items of food, etc., consumed by the Forces of the United States of America are taken into account in assessing the reciprocal Lease-Lend aid given by Australia to the United States of America?

The Honourable Sir Jeremy Raisman: (a) (i) The problem in India is to allocate between His Majesty's Government and the Government of India the Lease-Lend stores arriving in India for their joint use. Had Lease-Lend not been in existence the one Government or the other would have had to pay for these stores, and the allocation of Lease-Lend stores arriving in India will follow the financial liability which would otherwise have arisen for providing the stores. The liability attaching to the receipt of Lease-Lend stores whatever it may be is of course assumed by the Government to which they are allocated in this way. Accordingly lease-lend aid to railways, posts and telegraphs, and other civil concerns—public and private—in India, is allocated to India. In the case of Lease-Lend supplies sent to India for defence purposes the allocation between the Government of India and His Majesty's Government is determined in accordance with the principles of the Financial Settlement and therefore depends upon the nature of the stores and the manner in which they are ultimately utilised. India is thus allocated Lease-Lend stores the cost of which if they had not been lease-lent, she would eventually under the Settlement have had to bear herself. Such defence stores consist mainly of tanks and M.T. vehicles of all kinds since His Majesty's Government have accepted complete liability for providing other non-indigenous stores and equipment required for India's expanded army and air forces. The problem of the best practical method of allocating Lease-Lend aid between India and His Majesty's Government is now being tackled, and I shall be happy to give the Honourable Member details of the procedure eventually adopted in this matter as soon as it has been worked out.

(ii) From an examination of the actual transactions involved it became apparent that the issues of rations, clothing, etc., to the U.S.A. forces in India under Reciprocal Aid arrangements were not sufficiently regular or uniform to enable their value to be assessed even approximately by the *capitation* rate method. It has accordingly been decided for the present to adopt direct method of assessing the value of these supplies and services.

(b) and (c). The Government of India have no information on the subject at present in view of the reply to part (a) (ii) the points do not arise.

INSTRUCTION TO SUGAR FACTORIES IN GORAKHPUR DISTRICT FOR CONTRIBUTION TO WAR LOAN.

21. *Mr. K. C. Neogy: (a) Will the Honourable the Finance Member be pleased to state whether the attention of the Government of India has been drawn to a complaint that Sugar Factories in the district of Gorakhpur (United Provinces) have been instructed by the local officials to contribute a sum of rupees one lakh each towards the War Loan or Bond as a part of the Special Defence Savings Drive in the United Provinces launched by His Excellency the Governor?

(b) Is it a fact that the said instruction is practically operating as a compulsion?

(c) If any such instance has been brought to the notice of the Government of India, what action has been or is proposed to be taken in the matter?

The Honourable Sir Jeremy Raisman: (a), (b) and (c). A representation on the subject was received and has been passed on to the Government of the United Provinces. The matter is one entirely within the competence of the Provincial Government.

DEARNESS ALLOWANCE TO CENTRAL GOVERNMENT SERVANTS ON THE PUNJAB SCALE

22. *Sardar Sant Singh: Will the Honourable the Finance Member be pleased to state if his attention has been drawn to the decision of the Punjab Government sanctioning Dearness Allowance of 20 per cent, to Government employees drawing salaries between Rs. 75 and Rs. 250 *per mensem*? If so, do Government of India propose to sanction a similar sum to the employees of the Central Government?

The Honourable Sir Jeremy Raisman: I have seen a statement in the press to the effect mentioned by the Honourable Member but I believe this matter is still under the consideration of the Punjab Government. In regard to the second part of the question, the Central Government has adopted an All-India Scheme of dearness allowance and does not automatically adhere to the scheme prescribed by any particular province.

DESIRABILITY OF CREATING AN INDIAN BRANCH IN THE WELFARE AND AMENITIES DIRECTORATE.

23. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable the Defence Member please state if it is or it is not a fact that the Army Department has constituted the Directorate of Welfare and Amenities solely for the purpose of looking after the amenities of the troops and the provision of entertainment for their amusements?

(b) Is it or is it not a fact that the said Directorate is composed entirely of European Military Officers?

(c) Is it a fact that some of these officers do not understand and can not speak any vernacular language?

(d) Is it or is it not a fact that these officers of the Welfare and Amenities Directorate have naturally little or no taste and knowledge of Indian music, singing or dancing?

(e) Is it or is it not a fact that while half a dozen Concert Parties have been provided for British troops, the number of parties actually on tour for Indians is not more than two in existence? If not, what is the correct number of Indian parties with their names, and the places where they were constituted, and under what conditions, i.e., their composition and the qualifications of their actors?

(f) Is it or is it not a fact that the Concert Parties for British troops are composed of highly paid personnel of professionals in the art of music and dancing, while those for the Indian troops consist mainly of ordinary bazaar nautch girls and male singers with no talent chosen in a haphazard manner by the European staff? If not, who chooses the personnel of the Indian Concert Parties now in contract with the Military, and on what standard of qualification?

(g) Is any Indian Concert Party at present acting and touring with troops overseas? If so, what is the name of that Party, and its personnel?

(h) What is the number or proportion of Indian soldiers serving in India and overseas to the number of British troops serving under the Indian Command?

(i) What amount of money, separately, was spent by the General Headquarters on entertaining British and Indian troops during the year 1942 and the first four months of 1943?

(j) Have Government considered the advisability of creating and constituting a branch in the Directorate of Welfare and Amenities of an Indian section composed purely of Indians both from among the Indian military officers and civilians from outside?

The Honourable Malik Sir Feroz Khan Noon: A statement is laid on the table.

Statement.

(a) No. The Directorate of Welfare and Amenities in addition to looking after the amenities of the troops and the provision of entertainments is also responsible for their Welfare Education and for Family Welfare. It also holds a watching brief on all other matters affecting the Welfare of British and Indian troops in India.

(b) No. At Headquarters two officers deal with entertainments, one is British and the other Indian, and as both British and Indian troops have to be catered for, this seems a fair division.

(c) Does not arise, particularly as some of the staff are concerned with British troops only. The officers who deal with British troops may not know the vernacular language, but officers who come directly in touch with the Indian troops all do. For example, the section which deals with the Welfare Education of Indian troops contains 4 British officers of the Indian Army and 13 Indian officers of the Indian Army.

(d) All officers working under the Welfare and Amenities Directorate do not deal with dancing and singing only. As mentioned above, a great deal of the work concerns Welfare Education and Family Welfare of the troops, but those who deal with the entertainment side of the activities of this Directorate do possess a knowledge of Indian music, singing and dancing.

(e) No. There are three, Concert Parties at present for British troops and four run by General Headquarters for Indian troops in India and an additional Party is being organised as from September. In addition to this, Southern Army run an Indian Concert Party, Eastern Army are arranging for two from 22nd August, and Central Command is organising 2-3. General Headquarters Concert Parties are engaged through impresarios—2 by Mr. Dziubinski and 2 by Mr. Haren Ghosh. None of the parties consists of less than 15 persons. In addition to the parties organised by General Headquarters, and by Armies a large number of lower formations and units have organised their own entertainment parties and General Headquarters is encouraging these activities in every way.

(f) No. British General Headquarters Concert Parties are composed of mixture of amateurs and professionals; Indian Concert Parties are all professionals, selected by the above mentioned impresarios, and are of a high standard.

(g) Yes. Two Indian Concert Parties are touring with troops overseas—one raised by Mr. Dziubinski and the second by the Punjab Co-operative Society. The latter is shortly returning to India and is being replaced by another Party raised by Mr. Dziubinski.

(h) It is regretted that this question cannot be answered for security reasons.

(i) Money spent for entertainment of British troops during the year 1942, and the first four months of 1943, was approximately Rs. 92,500 excluding travelling expenses. Expenditure on entertainment of Indian troops was approximately Rs. 1,79,000 excluding travelling expenses.

(j) Does not arise.

SCHEME FOR CREATING AN INDIAN BRANCH IN THE WELFARE AND AMENITIES DIRECTORATE.

24. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable the Defence Member please state if it is or it is not a fact that a concrete scheme with full details to work out the same for creating the Indian branch of the Welfare and Amenities Directorate was submitted to the Director General, Welfare and Amenities, in February this year and it was highly appreciated and accepted by that Officer after careful consideration? Has that scheme yet been put into force? If not, why not?

(b) What military rank does the officer-in-charge of the Concert Parties for Indians occupy? Does this officer travel with the Entertainment Parties, and is this officer also in-charge of the Entertainment Parties for British troops? What are the qualifications of this officer in the technique of Indian music, singing and dancing?

(c) Is it or is it not a fact that the officer-in-charge of Concert Parties for the Indian section of the troops invariably occupies a rank senior to officers commanding the various units in a station, or the officers-in-charge of units and battalions?

(d) Is it or is it not a fact that this officer-in-charge of Entertainment Parties goes round after the singers have finished their songs to solicit credentials from the officers-in-charge of units and battalions to show good work of the Concert Party?

(e) Has or has not this practice been mainly adopted by way of creating evidence of the good work done by the present Directorate for the benefit of Indian sepoys?

(f) Are Government aware that the Indian section of the military is not at all satisfied with the existing arrangements for their entertainment?

(g) Is it proposed to lay the draft of the concrete scheme referred to in (a) above on the table together with all the papers of acceptance of the same and all the correspondence concerning the same?

The Honourable Malik Sir Feroz Khan Noon: A statement is laid on the table.

Statement.

(a) Government Departments are constantly receiving suggestions from members of the public with regard to many matters. The Director General of Welfare and Amenities is no exception. As the Honourable questioner has not given the name of the person who made the particular suggestion which he has in view, I am afraid, I am unable to answer this question. But he may rest assured that any scheme submitted by any person will always receive the very best consideration of the Director General, if any such schemes are not accepted, the only reason for such non-acceptance can be that on close examination, they were found to be unworkable or defective or unnecessary because of the existing practice being in consonance with the suggestions made.

(b) The Manager of Indian Concert Parties is appointed by the impresario engaged to raise the Party and has no military rank. He travels with his own Party and is not in charge of any Entertainment Party for British troops. His qualifications are judged by the impresario who raises the party.

(c) This is not understood. The Manager of an Indian Concert Party, as explained in (b) above, does not hold a commission and, therefore, is not senior to officers commanding units, etc.

(d) Government have no information but even if a man tried to find out what opinion others have of his work, such a course cannot be exceptionable.

(e) Does not arise in view of reply to (d).

(f) No. No report to this effect has been received.

(g) In view of the answer to question (a) above, does not arise.

DESIRABILITY OF CONSTRUCTING A MOSQUE IN THE INDIAN MILITARY ACADEMY, DEHRA DUN.

25. *Qazi Muhammad Ahmad Kazmi: (a) Will the War Secretary please state if it is or it is not a fact that when the construction of the Indian Military Academy at Dehra Dun was at first undertaken, a sum of about Rs. 10,000 was kept for a mosque and a similar amount for a worshipping place of other communities? If not, what are the facts?

(b) Is it or is it not a fact that no mosque exists at present in the Military Academy at Dehra Dun and the Muslims employed there feel considerable difficulty in offering prayers?

(c) In view of the considerable number of Muslims working in the said Academy, do Government propose to consider the advisability of meeting their religious needs by constructing a mosque there? If not, why not?

Mr. C. M. Trivedi: (a), (b) and (c). The information required is being obtained and will be laid on the table in due course.

HEALTH OF MR. RAFI AHMAD KIDWAI, A DETENU IN BAREILLY JAIL.

26. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable the Home Member please state if it is or it is not a fact that Mr. Rafi Ahmad Kidwai, an Ex-Minister of the United Provinces, who is a detenu in the Bareilly Jail is having a slight temperature for the last eight or nine months and has lost more than 30 pounds in weight? If not, what is the fact?

(b) In view of the delicate health of Mr. Kidwai, do Government propose to consider the advisability of releasing him unconditionally or at least on parole for a proper treatment?

The Honourable Sir Reginald Maxwell: (a) I have no information.

(b) This is a matter for the Provincial Government.

COMPLAINTS OF DETENUS IN BAREILLY JAIL.

27. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable the Home Member please state if it is or it is not a fact that one Sher Jang was arrested under the orders of the Government of India and is a detenu in the Bareilly Jail?

(b) Is it or is it not a fact that eight prisoners were repatriated from the Deoli Jail to the Bareilly Central Jail as detenus?

(c) Is it or is it not a fact that Sher Jang and these detenus are keeping very bad health and have lost from 10 to 20 pounds in weight?

(d) Is it or is it not a fact that these prisoners are not allowed to sleep in the open even in the hot summer days?

(e) Is it or is it not a fact that these detenus were allowed to write post cards to their homes in November, 1942 for winter clothing, but were not allowed to make a request for anything else, even for shoes and cotton clothing?

(f) Is it or is it not a fact that the detenus wrote the post cards that very day but the cards were posted on the 3rd January, 1943, and the clothing received was actually given to the detenus at the end of January, 1943?

(g) In view of the continuous complaints of the detenus, do Government propose to consider the advisability of making an enquiry into the complaints, and to give the necessary relief?

The Honourable Sir Reginald Maxwell: (a) Yes.

(b) No. 60 security prisoners were transferred from the Deoli Jail to the Bareilly Central Jail of whom six were Central Government prisoners and the remainder prisoners of the United Provinces Government.

(c) to (g). I have no information to the effect stated, but I have called for a report and a further statement will be laid on the table of the House in due course.

INDIAN OFFICERS FOR TRAINING IN ORDNANCE DEPOT AT KASU BEGU, FEROZEPUR CANTONMENT.

28. *Sardar Sant Singh: (a) Will the War Secretary please state if he is aware—(i) that quite recently sixteen officers of the Indian Army were selected for training in the Ordnance Depot at Kasu Begu (Ferozpur Cantonment) under orders from higher authorities and half of these were to be Indians; (ii) that this order was whittled down by including a Jew and an Anglo-Indian; (iii) that all the officers were given theoretical training and put to a written test in which the Indians did better than the Europeans; (iv) that the officer commanding has reported that all the Indians are unfit for appointment in the Ordnance Branch, and that the Anglo-Indian only should be selected; and (v) that Indians are not given any opportunity for any independent practical work in the Advance Department?

(b) Does he propose to call for the result of the written test, and to see how the officers who acquit themselves better than Europeans are being declared unfit for this work?

(c) What does he propose to do to improve the conditions of service of Indians in the Advance Department of the Indian Army?

Mr. C. M. Trivedi: (a) (i) and (ii). Sixteen Indian Army Officers recently underwent a course of training at Kasu Begu Ordnance Depot. They formed part of a batch of 403 Infantry officers posted by the Military Secretary, General Headquarters, to the Indian Army Ordnance Corps. These officers were distributed for training amongst Ordnance establishments throughout India. Of the sixteen sent to Kasu Begu eight were British, six were Indian, one was a Jew and one an Anglo-Indian. No orders were issued that half of this party were to be Indian and half British, and no question as to differentiation between nationalities ever arose.

(iii) The training was both theoretical and practical and in the written test on theoretical training the first six were placed in the following order—

(1) British officer. (2) Indian officer. (3) Anglo-Indian officer. (4) Indian officer. (5) Indian officer. (6) British officer.

In the practical training tests however the British officers did better than the Indian candidates.

(iv) No, Sir. Of the 16 officers under training, seven British, two Indian and one Anglo-Indian were reported on as fit for retention. The remainder were recommended for return to their infantry units.

(v) Indian Officers are given the same opportunities as British Officers for practical work in the Ordnance Department.

(b) No, Sir. The written tests comprise only one method by which an officer's capabilities can be assessed. An officer's personality, powers of leadership and command and administrative ability can only be assessed by observations over a period by experienced instructors. The Chief Ordnance Officer, who is responsible for the training, is the best judge of an officer's suitability for posting in the Indian Army Ordnance Corps.

(c) Indian Commissioned Officers of the Indian Army Ordnance Corps receive the same rates of pay as those in other branches of the Services. In addition they draw Indian rates of Corps pay. For the purpose of promotion, they are treated in exactly the same way as other officers of the Indian Army Ordnance Corps.

MAXIMUM PERIOD OF STAY OF EUROPEAN AND INDIAN MILITARY OFFICERS AT GENERAL HEADQUARTERS.

29. *Sardar Sant Singh: (a) Will the War Secretary please state the maximum period of stay of a European Military officer at the General Headquarters as against an Indian, and what the reasons are for disparity, if any?

(b) What does he propose to do in the matter?

Mr. C. M. Trivedi: (a) and (b). Although in peace time the normal maximum period was four years, in war time there is no prescribed maximum period of stay for an officer at General Headquarters. Officers, whether British or Indian, are transferred to and from General Headquarters as the exigencies of the service demand.

I have examined the figures of officers who left General Headquarters within the last six months, and I find that the maximum stay of a British officer was one year, 11 months and 25 days, while the maximum stay of an Indian officer was one year, six months and six days. I can assure the Honourable Member that there is no disparity in treatment between British and Indian officers in this matter.

RETIRED EUROPEAN AND INDIAN I. C. S. OFFICERS RE-EMPLOYED BY GOVERNMENT OF INDIA.

30. *Sardar Sant Singh: Will the Honourable the Home Member please state the number of European and Indian I. C. S., retired officers re-employed by the Government of India, and the salary as well as the pension drawn by each of them?

The Honourable Sir Reginald Maxwell: The information asked for is being collected and will be laid on the table of the House.

GIVING OF EUROPEAN SECRETARIES TO INDIAN MEMBERS OF THE EXECUTIVE COUNCIL.

31. *Sardar Sant Singh: Will the Honourable the Home Member please state the reasons and circumstances under which each of the Indian Member of the Executive Council of His Excellency the Viceroy has been given a European Secretary, and how long this policy is likely to be continued?

The Honourable Sir Reginald Maxwell: The facts are not as stated in the first part of the question. The second part does not arise.

LEASE-LEND AID AND LOANS FROM THE UNITED STATES OF AMERICA.

32. *Mr. Abdur Rasheed Choudhury: Will the Honourable the Finance Member please state: (a) the total amount of money borrowed up-to-date from

the United States of America (i) with security (ii) without security; and if the money so borrowed was with security, the nature of the security offered or given; and

(b) the total value of goods procured up-to-date from the United States of America under the Lease and Lend System, and the security offered for repayment, if any?

The Honourable Sir Jeremy Raisman: (a) Nil.

(b) I have already dealt with this question in my reply to Mr. Neogy's starred question No. 19.

†35.*

STATEMENTS LAID ON THE TABLE.

Information promised in reply to parts (a) and (b) of starred question No. 34, asked by Khan Bahadur Shaikh Fazl-i-Haq Piracha on the 11th February, 1943.

EXPENDITURE BY PORT HAJ COMMITTEES ON FACILITIES FOR PILGRIMS.

(a) The following amounts were spent by the Port Haj Committees for the provision of facilities and amenities during the years 1934-35 to 1939-40 :—

Year.	Port Haj Committee, Bombay.			Port Haj Committee, Karachi.			Port Haj Committee, Calcutta.		
	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.
1934-35	11,221	6	3	1,499	0	0	32	0	0
1935-36	5,727	3	0	2,027	0	0	715	2	0
1936-37	6,211	2	3	4,304	0	0	742	6	3
1937-38	6,671	4	9	2,618	0	0	536	10	0
1938-39	7,209	5	0	2,756	0	0	519	9	9
1939-40	6,154	4	0	10,165	0	0	1,239	3	9

NOTE 1.—The cost of establishment of the Port Haj Committees which assist Haj pilgrims, is not included in the above figures.

NOTE 2.—The expenditure incurred from Central Revenues on the vaccination and inoculation of pilgrims and the Police employed at the ports of Bombay, Karachi and Calcutta is not included in these figures.

NOTE 3.—The figures shown in Table (vii) on page 127 of the Special Hajj Inquiry Report do not represent the net income of the Port Haj Committees as 1/3rd of the pilgrim-pass fee received from Indian pilgrims was paid to the Provincial Haj Committees concerned.

(b) The facilities other than those detailed in Part II of the 'Manual of Instructions for Pilgrims to the Hejaz' (1938 Edition), are as follows :—

Bombay.—Repatriation of poor and destitute pilgrims from Bombay to their respective homes.

Karachi.—Hire of kanats, tents, etc., for pitching them in the compound of Pilgrim Camp.

Construction of compound wall of the Pilgrim Camp.

Calcutta.—Repatriation of poor and destitute pilgrims from Calcutta to their respective homes.

†This question has been postponed to be answered on the 29th July, 1943.

STATEMENTS LAID ON THE TABLE

Information promised in reply to part (c) of the unstarred question No. 11 asked by Mr. K. C. Neogy, on the 11th February 1943.

EXPORTS, IMPORTS* ETC., OF FOODGRAINS.

Average price per maund of 82 2/7 lbs. paid by Government for their purchases during the 12 months of 1942.

All figures in Rs. as. ps.

Grain.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	Nov.	Dec.
Wheat	4 10 0	4 10 0	4 8 9	4 13 0	4 10 3	4 14 6	5 2 6	5 3 3	5 4 0	5 5 3	5 12 0	5 13 3
Rice	7 10 3	7 10 0	8 15 6	No purchase.	8 3 3	8 12 3	9 6 6	10 1 3	9 10 0	9 8 9	7 11 8	10 9 3
Bajra*	..	..	..	..	..	..	..	..	..	..	..	..
Jawar*	..	..	..	..	..	..	..	..	..	..	..	..

*No purchases made during 1942.

Statement showing the actual prices of wheat in principal markets for the 12 months of 1942.

All figures in Rs. as. ps. per md. of 82 2/7 lbs.

Name of markets.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	Nov.	Dec.
Punjab Province.												
1. Lyallpur*	4 8 0	4 8 0	4 8 0	5 0 0	4 11 6	5 0 0	5 0 0	5 0 0	5 0 0	5 0 0	5 0 0	5 0 0
2. Okara	4 6 0	4 6 0	4 6 0	4 14 0	4 10 3	5 0 0	5 0 0	5 0 0	5 0 0	5 0 0	5 0 0	5 0 0
3. Amritsar	4 13 0	4 13 0	6 8 0	5 4 0	5 4 0	5 6 0	5 12 0	5 11 0	5 10 0	5 12 0	6 8 0	5 10 0
U. P.												
4. Hapur	4 6 0	4 6 0	4 6 0	4 15 6	4 14 9	5 0 0	5 0 0	5 0 0	5 0 0	5 0 0	5 0 0	5 14 9

Rice.

During the period rice prices were not controlled. Government purchases were made at the prevailing market rates. A statement showing the ruling rates of rice is placed on the table.

*Wheat prices at Lyallpur were controlled from the 10th December 1942.

Statement showing the wholesale market prices of Rice (Balam No. 1) prevailing at Calcutta during the end of each of the following months.

(Prices per maund of 82 2/7 lbs.)

	Rs. A. P.		Rs. A. P.
January 1942	6 4 0	July 1942	8 0 0
February 1942	6 2 0	August 1942	9 4 0
March 1942	6 0 0	September 1942	9 14 0
April 1942	6 2 0	October 1942	9 14 0
May 1942	6 8 0	November 1942	9 4 0
June 1942	8 0 0	December 1942	12 8 0

Information promised in reply to parts (a) and (c) of starred question No. 80, asked by Mr. Ananga Mohan Dam on the 15th February, 1943.

PREFERENCE TO ANGLO INDIANS, EUROPEANS AND FOREIGN REFUGEES IN ORDNANCE FACTORIES.

- (a) 3191 out of which 988 are Europeans and Anglo-Indians.
(c) One Czechoslovakian and one Yugoslavian were recruited for work in Railway Workshops.

Information promised in reply to unstarred question No. 25, asked by Mr. N. M. Joshi, on the 18th February, 1943.

GRIEVANCES OF TRAINED CANDIDATES OF GREAT INDIAN PENINSULA RAILWAY.

- (a) Trained candidates were started in service as untrained candidates on Rs. 25 p. m. and after about 9 months training were promoted as trained candidates on a fixed pay of Rs. 30 p. m. provided they had passed the prescribed examination. When vacancies occurred in the station staff cadre they were promoted and came on to the time scale of pay of Rs. 30-4-50.
(b) No. Between 1930 and 1938 the trained candidates were, on an average, held up on Rs. 30 p. m. for from 3 to 5 years but subsequently this period has become less consequent on the creation of more posts on the time scale to cope with increased traffic.
(c) and (e) Yes.
(d) Government are informed that one representation from the Union was considered in 1935.
(f) No, it is not normal policy to give retrospective effect to such sanctions.
(g) Yes.
(h) The Hon'ble Member is referred to the reply to part (f) above.

Information promised in reply to part (b) of the starred question No. 187, asked by Sir Abdul Halim Ghumanvi, on the 24th February, 1943.

UNITED KINGDOM COMMERCIAL CORPORATION.

Telephone : 7623.

Telegram : "Unicomind".

FEDERATION OF INDIAN CHAMBERS OF COMMERCE AND INDUSTRY.

Ref. No. F-2218/589.

28, Ferozshah Road,

New Delhi, 25th September, 1942.

To

The Secretary to the Government of India,

Department of Commerce, New Delhi.

SUBJECT:—Activities of the U. K. Commercial Corporation.

SIR,

The Committee of the Federation of Indian Chambers of Commerce and Industry have carefully considered the Press Note, dated 30th July 1942, issued by the Government of India, on the activities of the United Kingdom Commercial Corporation in India. They welcome this explanation about the various aspects of the U.K.C.C. but, while giving due weight to the various considerations mentioned therein, they regret they do not feel that the Press Note is reassuring in regard to the important issues in connection with this Corporation which have been raised by this Federation and other Indian Commercial bodies. They would, therefore, like to examine the Press Note and submit their views to the Government.

2. The Corporation, as the Government acknowledge, is an organisation financed and controlled by His Majesty's Government. This fact alone makes it more influential and powerful and places it in a position of greater advantage in the matter of its purchases and sales. The Committee cannot still see the propriety of permitting an organisation of this character to introduce in the foreign trade of India, exercise ordinary trade functions in this country and operate in competition with Indian commercial interests under conditions which definitely give it a specially favoured position. The Committee cannot help feeling that

this commercial organisation has been imposed upon India by the British Government and it is apparent from the Press Note that the various Departments of the Government concerned, such as Commerce, Supply and Transport, consider it their duty to provide whatever facilities the Corporation demands. The Committee are not aware whether any such similar organisation is functioning in any of the Dominions like South Africa, Australia or Canada, and fail to understand why such an expert organisation to assist and encourage trade and exports is reserved for the particular benefit of this country. It might be added in passing that the Chairman of the U.K.C.C., Lord Swinton, is the Governor of West Africa, which indicates the political and economic importance and the widespread ramifications of this organisation. There is no doubt that the U.K.C.C. does enjoy in several respects a monopolistic position in the matter of India's exports. This is all the more surprising in view of the fact that owing to occupation of several countries by the enemy and the difficulties of sea transport, India is in a particularly advantageous position for supplying various materials, raw and manufactured, especially to the countries in the Middle East. It is these countries, therefore, which should be anxious to obtain supplies from India and India need hardly be anxious to invoke the aid of the U.K.C.C. to provide supplies of these articles, even as in the case of food grains, at the cost of depletion of her own stocks.

3. The Committee are not impressed by the contention of the Government that the privilege enjoyed by the U.K.C.C. is in respect of trading in commodities of essential war importance. At the present time, most of the trade is for one reason or another in materials connected with the war; restrictions in respect of priorities and shipping have reduced civilian trade strictly so called, to a comparative insignificance. Moreover, if the fundamental object for setting up such an organisation is to handle commodities of military importance which cannot be done by private trading interests, it should strictly concern itself with articles like arms, munitions, railway materials, machinery, etc., which cannot be carried through normal commercial channels; the Corporation should not deal with articles in which Indian commercial interests have traded for years and even after the outbreak of this war such as piecegoods, yarn, jute, jute manufactures, sugar, wheat, shellac, tea, oil and oil-seeds, rice and other raw materials and manufactured goods. If an outside body, which was originally and avowedly established for advancing British exports and sale of British manufactures in the Balkans is permitted to intervene in the trading of these commodities and purchase and sell them, then it is a clear infringement of freedom of trade and interference with its normal channels. The position becomes still more objectionable from the Indian view-point when it is remembered that this Corporation utilises all Government, semi-Government and transport agencies for its own transactions and carriage while this privilege is denied to Indian shippers and traders in their own country.

4. The Press Note states that the Corporation handles operations which cannot be performed adequately by normal Commercial enterprise or which lie beyond the scope of private trading concerns. The fact is that so far as sales to Russia, for example, are concerned, certain transactions were actually effected directly with the Soviet Government by Indian merchants, without the intervention of the U. K. C. C., and payments were made at the time of shipment by the Reserve Bank of India on behalf of the Russian Government. As regards Iran also, shipments of sugar were made to that country from India by Indian shippers and irrevocable Letters of Credit were opened by the Iran Government in favour of certain Indian firms. But Indian exporters were subsequently reluctant to enter into fresh business because of the Government grant of monopoly of exports of sugar to Iran to the U. K. C. C., through their Notification of 18th April 1942. Similarly, merchants also used to send hides to Iran to its tanneries though they are not permitted to do so now. Some tyres and tubes also went through India to Iran after the outbreak of the war, and gunnies, which were largely bought, were also stopped. Although till now, tea is being exported by private traders to Iran, there are persistent reports in Calcutta market that the trade in this commodity will also be handed over by the Government to the U. K. C. C. The Committee cannot accept the contention that because war communications with Russia, Iran and other countries in the Mid East have become difficult, it is necessary to hand over the transactions, in connection with supplies to these countries, to an outside body like the U. K. C. C. There are also established traders who did business with Saudi Arabia in rice and other food-stuffs from Calcutta, Burma and Bombay, although, as the Press Note itself admits, the Corporation effected shipments of rice to Saudi Arabia on two occasions at the request of the Saudi Arabian Government as also of Burma rice to Ceylon on behalf of a London owner. The Committee would point out that the very fact that the Saudi Arabian Government made this request to the Corporation or that the London owner delegated this work to the Corporation is due to the influence wielded by this body and is an illustration of its privilege. Similarly, the Government themselves acknowledge the error that was made in regard to shipments of oil and oil-seeds, which shows not only how this Corporation functions in a manner so as to ignore even the Government of India and acts directly under the orders of His Majesty's Government but also provides another instance of the manner in which the Corporation has introduced in normal channels of trade. In the face of all these facts, it passes the Committees' comprehension as to how it can be reasonably argued either that the merchants themselves are not prepared to take the risks of trading in the present abnormal times or that the Corporation has not, in fact, tended to supplant established shippers and divert normal channels of trade.

5. The Press Note had contradicted the example given about the sale of sugar in Persia at an exorbitant price in order to disprove the contention that the Corporation is

making undue profits and has stated that it retains 'no more than a reasonable margin to cover expenses and payment for services'. The Committee would like to know whether the Government of India themselves are aware of the prices at which the U. K. C. C. makes its purchases in India or sells in the markets supplied by it, and whether they have taken any measure to see that the margin pocketed by the Corporation out of this difference does not amount to undue profits. The Committee would like to know, for example, in the specific case of sugar, as to whether the Corporation purchases sugar in India at the controlled rate of Rs. 12-3-6 per maund, and what is the exact price at which such sugar is actually sold by the Corporation itself in Iran. It is of little avail to argue that 'the high prices at which sugar is reported to be sold in Persia are the resultant of a number of local factors', unless the Government of India give definite information as to the price charged by the Corporation, and are prepared to assure the public that they have control over the prices at which the Corporation sells these articles purchased in India in markets abroad. Incidentally, it might be observed that the benefits of the Corporation's earnings are not derived by the Indian Exchequer, so that India is not a gainer in that respect. The Government are at pains to make out in the Press Note that the Corporation makes its purchases from exporters in the line, but it should not be overlooked that the percentage reserved by the Corporation for itself could very well have been appropriated by the buying countries if it had not intervened. The attention of the Committee has also been drawn to the fact that in making its purchases, the U. K. C. C. demands unpriced invoices from the seller and it is presumed from this that the Corporation would fill the prices at its discretion, thereby not disclosing the rate at which it has really obtained the goods. The Corporation is a commercial organisation and the public in India, where it functions, is surely entitled to know in what manner it operates so far as its prices and profits are concerned. If the Government of India are unable to throw any light on the subject, it is incumbent on them to address His Majesty's Government on the subject and make a public statement in consultation with them.

6. The Committee would now briefly refer to some of the specific commodities referred to in the Press Note. As regards wheat, for example, the Press Note states that 'responsibility for arrangements for requisition and supply was centralised, at the request of the Ministry of Food, in the U. K. C. C., which was specially equipped to perform that task', and that 'there had been no previous exports of wheat from this country to Persia and consequently no organised machinery to deal with such exports'. Apart from the question of effect of such wheat exports to other countries on the stocks of foodstuffs in the country, which would naturally not be the concern of a body like the U. K. C. C., it is pertinent to enquire whether if India's wheat trade had no such experience despite the large exports handled in the past by Indian shippers and merchants, what were the special expert knowledge and experience which this Corporation, established only a couple of years ago, had to handle this trade. In regard to sugar again, it seems as though the Government have gone out of their way in order to divert the mode of transport and interfere with normal channels of trade in order to hand over this trade to the U. K. C. C. When the Indian sugar industry was already exporting sugar to Iran by land, through normal trade channels, it is difficult to understand the necessity of permitting exports to Iran by sea through a foreign agency particularly when there is a serious dearth of shipping tonnage and when the overland route could have been encouraged instead of being closed down. A position was thereby created wherein exports by sea by the U. K. C. C. were considered to be normal while the hitherto normal exports by land by Indian exporters were found 'to interfere with the arrangements for the distribution of sugar' and were consequently sought to be limited on the plea of growing shortage of sugar in India. The nett result has been the substitution of Indian exporters by the U. K. C. C. and the Indian Sugar Mills Association were informed by the Government that 'no fresh licences will be issued for export to Persia except to the U. K. C. C.' It is only a technical question as to whether the stocks are directly made available to the U. K. C. C. or through the Ministry of Food. Besides, this Federation has urged in the past that the Ministry of Food should make its purchases in India through the Government of India and that could easily have been arranged in respect of sugar exports instead of delegating this work to the U. K. C. C. The Committee have already dealt above with certain other commodities. They cannot, therefore, help observing that the position attained by this organisation is not different from that of a monopoly when business houses interested in the trade from this country to Near Eastern countries cannot get licences for export of commodities and when the privileges and facilities enjoyed by the Corporation are such as no individual trader or business house can expect from the Government of India. The attention of the Federation has, for example, been drawn by some of its Member-Bodies to the effect that the Corporation is obtaining priorities and special facilities in respect of railway bookings, while it need hardly be pointed out that so far as shipping is concerned, the British Ministry of War Transport would provide all requisite facilities to this Corporation functioning on behalf of the British Government. The Committee might further point out in this connection that arrangements have also been arrived at a couple of months ago by the U. K. C. C. with the Turkish Government whereby Turkey's trade with the British Empire would be maintained through the medium of the U. K. C. C. The Agreements between this Corporation and the Turkish Government were significant for India since all trade between this country and Turkey

would in course of time be handled by this Corporation and it seems doubtful whether in that case the existing exporters to Turkey would be allowed to carry on their usual trade with that country which has been steadily growing in recent years. It should be pointed out in this connection that it is not merely a question, important though it is, of earnings and profits. Because the U. K. C. C. operates on its own, it appoints its own agents and representatives abroad and thereby deprives Indian merchants, exporters and shippers of the opportunity of establishing direct contacts with commercial interests and markets outside India which would be of no small benefit to Indian commerce in the years after the war.

7. As regards the use which the Corporation has made of the Supply Department for making its purchases, as explained in the Press Note, it is well-known that the Supply Department makes its purchases at certain controlled rates. If this Corporation is, therefore, allowed this price advantage, it is hardly fair to the Indian commercial and industrial interests. It is true that the Press Note states that where such purchases are for the purposes of ordinary civil trade, however valuable that trade may indirectly be in the military sense, the Corporation is not granted any price advantage not available to commercial houses in India, but it is not clear as to why the Supply Department undertakes these purchases on behalf of the Corporation and as to what is the procedure which is being followed in regard to other purchases which do not come within this category. It has been stated in the Press Note that these special advantages are given by the Supply Department because it secures the avoidance of competitive buying which would react adversely on the prospects of the Supply Department obtaining their own requirements in the requisite quantities or at satisfactory prices. If, however, this implies that the activities of the U.K.C.C. constitute competitive buying and may have adverse reactions, it does tend to support the contention that the Government of India should not permit such activities.

8. The Committee feel that if the Government are anxious that operations which cannot be adequately performed by ordinary commercial interests or which lie beyond the scope of private trading concerns should be carried out by an independent body, there is nothing to prevent them from setting up an Indian agency for the purpose of handling such export trade. No national government responsible to the people would have agreed at the dictation of His Majesty's Government to provide all assistance in the shape of priorities, facilities and price advantage to an outside agency, and permit it to operate in its markets and capture its export trade to the detriment of its own merchants and exporters. The Committee have particularly to emphasise in this connection the adverse repercussions which such an organisation is likely to have in the post-war period on India's trade. They regret that Government are completely silent in their Press Note as regards the suggestion put forward to them by Indian commercial bodies regarding the establishment of an Indian agency or organisation to carry on the work performed by the U.K.C.C. as also regarding the post-war effects of such an organisation. The Committee cannot accept the view which is sometimes urged that this Corporation is a measure of war exigency. In the first place, they would like to enquire whether the Government of India have got any assurance or guarantee from His Majesty's Government that this organisation will not be permitted to continue its operations and be dissolved at the end of the war. It should be stressed in this connection that the United States of America have also got a similar organisation called the 'Defence Supply Corporation', which handles export trade with America and is already exercising control in respect of several commodities exported from India, such as shellac, gunnies, etc. Moreover, before this war, foreign trade was already becoming a branch of foreign diplomacy in Europe and America. The keen and intense rivalry between England and Germany, for example, in the Balkan States and the whole of Eastern Europe, as well as between these countries and the United States in South America and other countries for capturing the markets showed that the question of foreign trade was becoming a political issue. The Board of Trade had devised various methods of pushing British export trade and the British Treasury was subsidising these exports and different organisations like the Export Credit Corporation were set up to further this object. The importance of maintaining exports for a country like Britain in the years after the war will be vital particularly because of the heavy financial indebtedness of the United Kingdom to the U. S. A. and the need to maintain adequate imports and prevent the sterling from unduly depreciating. It is, therefore, evident that the British Government will adopt all possible measures to develop Britain's export trade and will make such agencies as the U.K.C.C. a permanent and integral feature of their national economy. In fact, such organisations have been described as pillars of British prosperity and would be consolidated and expanded in the years after the war. The Committee would, therefore, like to impress on the Government of India the imperative necessity of their representing this important aspect of the matter to His Majesty's Government, and to obtain complete assurances to the effect that this organisation will neither be permitted to interfere in India's trade nor should it be allowed to take advantage of its present position to stabilise itself in order to serve the interests of British exporters and manufacturers. The Committee consider that this is the fundamental reason why the Government should conduct their operations in regard to India's exports through an Indian agency.

9. The Committee trust that the Government of India will give their careful consideration to the points of view submitted by them.

I have the honour to be,

Sir,

Your most obedient servant,
(Sd.) Illegible,

Secretary.

Ref. No. F. 2219/589.

Copy forwarded, with compliments, to the Member Bodies and Members of the Committee, for information.

(Sd.) Illegible,

Secretary.

NEW DELHI;

The 25th September 1942.

No. 64-C.W.(24)/41.

GOVERNMENT OF INDIA.

DEPARTMENT OF COMMERCE.

New Delhi, the 28th May 1943.

From

S. N. RAY, Esquire, I.C.S.,

Joint Secretary to the Government of India,

To

The Secretary,

Federation of Indian Chamber of Commerce and Industry,

28, Ferozshah Road, New Delhi.

SIR,

I am directed to invite a reference to your letter No. F. 2218/589, dated the 25th September 1942, on the subject of the activities of the United Kingdom Commercial Corporation in India, and to express regret for the delay in sending a reply.

2. The Government of India are aware that the Indian commercial community view with considerable misgivings the entry of an organisation having the financial backing of His Majesty's Government. The Government of India realise that there exists an impression in Indian business circles that the Corporation's ultimate goal is the establishment of ascendancy over India's export trade with neighbouring countries and that that the Corporation enjoys certain privileges and concessions in regards to civil trade which are denied to private exporters. This basic misconception regarding the Corporation's functions and activities would not have arisen if it had been more generally known that the Corporation's present activities in India consist, as to some 90 per cent., of inter-Governmental supplies for Russia which are not dealt with on a profit making basis at all and could otherwise be effected only through the Supply Department of the Government of India. The Corporation's share in India's export trade with other countries has been insignificant and has consisted, for the most part, of minor shipments for which His Majesty's Government have had to assume responsibility for special reasons and to some extent, of such items as jute goods needed to pack their own purchases in Turkey and other Middle East countries. How small these exports have been may be judged from the following figures:

Country to which exported.	Percentage of the total exports from India during the period April 1942 to February 1943, representing proportion of export made by the Corporation as principal during the same period.
Arabia	3.2
Egypt	2.1
Palestine and Syria	1.3
Iraq	0.03
Persia	5.9
Aden	0.1
Sudan	0.4
Turkey	3.3
Other Middle East countries.	Negligible (total value about Rs. 2.6 lakhs).

The figures given above show that the Corporation have not hitherto made any appreciable incursions into the ordinary civil trade, while as regards the future, it may be assumed that no extension of the Corporation's activities will take place without the Government of India being fully consulted in the matter.

3. In the light of the information given in the preceding paragraph, it will be realised that much of your apprehensions are without foundation. The Corporation has mostly confined itself to arranging and handling supplies against certain inter-Governmental transactions and there are no reasons to suppose that its activities are likely to result in permanent control by United Kingdom interests of India's trade with the Middle East countries. The Government of India's attention has in this connection been drawn

to a statement made by the Minister of Economic Warfare in the House of Commons to the effect that he was not prepared to give any assurance that the activities of the Corporation will be terminated after the end of the war. It is understood that His Majesty's Government feel that any such undertaking would preclude the use of the Corporation's machinery for any purpose in the unpredictable and difficult conditions which may exist in the period following the war. The agency of the Corporation might be found useful, for example, to meet the exigencies of recovery and reconstruction in the territories now under enemy occupation but in so far as Indian interests are concerned, it may be assumed that the Government of India will always be ready to take up with His Majesty's Government the question of any interference with private trade by the Corporation.

4. In view of the foregoing statement of the position it is perhaps unnecessary to stress the point that no special significance need be attached to the Corporation's handling of certain specific consignments of rice, yarn and wheat in 1941-42, although this is referred to in the letter under reply as illustrations of the Corporation's interference with Indian trade. The exact circumstances in which the handling of these particular consignments was entrusted to the Corporation were fully explained in the Press Note issued in July 1942.

5. The functions undertaken by the Corporation in certain Middle East countries and the establishment of subsidiaries in those areas have naturally attracted some attention in India, but it is not correct to say that the Corporation enjoys any monopoly of trade in those areas. The Corporation's activities are subsidiary to the functions and policy of the Middle East Supply Centre which concerns itself, in consultation with the Governments of the respective territories, with the framing of import programmes for the essential civil requirements of those areas. The Centre is compelled by shipping considerations and by the economic necessities of the countries in question to limit imports to bare essentials, to programme ahead, to take steps to secure equitable distribution and to make the area self-supporting to the greatest possible degree. That these arrangements hardly displace commercial channels in so far as exports from India are concerned will be evident from the figures given in paragraph 2 but it is necessary to explain some points in further detail. For example, the Middle East countries are mostly self-sufficient in regard to oilseeds, but to the extent to which Aden has been compelled to draw some supplies from India, it has been arranged that orders should be placed through normal commercial channels. Again, with reference to the alleged agreement between the United Kingdom Commercial Corporation and the Turkish Government whereby Turkey's trade with the British Empire would be maintained through the medium of the Corporation, the position is that the Turkish Government have found it convenient, for reasons of their own, to arrange some supplies through the Corporation from sources other than India; but in so far as Commercial shipments from India are concerned, the Corporation do not exercise any control and have openly expressed themselves, as not interested in assuming any responsibility for the sponsoring of such shipments. Similarly in regard to exports of tea from India under the block purchase scheme, the reports in the Calcutta market that the trade in this commodity would be handed over to the United Kingdom Commercial Corporation have proved to be groundless. The arrangements are that the Tea Controller for India purchases the exportable surplus of Indian tea on behalf of His Majesty's Government, and arranges distribution to the various consuming countries. He utilises the services of a panel of established exporters in this country in selecting and allocating the teas required for the different markets, and the United Kingdom Commercial Corporation do not enter into the picture. On the importing side, the Governments of the countries themselves act as sole buyers in most cases, while in others it is understood that steps have been taken to utilise the services of normal importers.

6. Particular reference has been made to the part played by the Corporation in handling exports of certain goods from India to Persia. The facts have already been explained in the Press Note issued in July 1942. Since then, the supply of hides to the Persian factories engaged on war work has had to be suspended owing to the necessity for conserving stocks in India. Lorry tyres and tubes are supplied through the Corporation specifically for use in the special war transport services in Persia while in regard to sugar the proposal to send some small supplies for distribution in East Persia through the Corporation has not yet materialised. It is necessary to repeat, in view of the misapprehension which prevails in the matter, that no sales of Indian sugar have yet been made by the Corporation in Persia. Exports of jute goods to Persia have never been canalised through the Corporation, but the volume of exports through ordinary commercial channels has had to be restricted to essential requirements.

7. With regard to the allegation of profiteering made against the Corporation it has already been stated that supplies to Russia are not made on a profit making basis. The Government of India have been informed that, taking its activities as a whole, the Corporation operates at a loss and even in particular cases where profits may seem to arise, there is generally some off-setting factor. It has been stated that the Corporation demands unpriced invoices from sellers and that this is done deliberately with a view to concealing the rate at which it has obtained the goods. This, however, is not at all correct. The real position is that in respect of supplies to Russia, full priced invoices are first obtained from suppliers and despatched to London where the financial settlement with Russia is finalised. Goods are then despatched by various routes, and the so-

called "unpriced invoices" are really specifications of the goods which are required as enclosures to the Bills of Lading or the Railway receipts.

8. Most of the criticisms against the policy of the Supply Department in respect of purchases made by them for the United Kingdom Commercial Corporation have already been answered in the Press Note issued in July 1942. The Supply Department make purchases on behalf of the Corporation only in so far as it is necessary to meet the essential requirements of Empire and allied countries in regard to commodities which are controlled and are in short supply. About 90 per cent of such purchases are for Russia and the only alternative to these supplies being handled by the Corporation would be for the Supply Department themselves to undertake the entire work.

I have the honour to be,

Sir,

Your most obedient servant,

S. N. RAY,

Joint Secy. to the Govt. of India.

Information promised in reply to starred question No. 247, asked by Seth Yusuf Abdoola Haroon on the 5th March, 1943.

PROMOTION OF JUNIOR GOODS CLERKS IN KARACHI DIVISIONAL SUPERINTENDENT'S OFFICE.

(a) None. The post of Rates Clerks require special aptitude and those Goods Clerks who possess this are chosen to officiate in these posts, which are out of their normal line of advancement.

(b) Government understand that the Railway does not propose to confirm these men as Rates Clerks Grade II; they will seek promotion in their turn in their own line.

Information promised in reply to part (a) of the starred question No. 260 asked by Kunwer Hajee Ismaiel Ali Khan, on the 9th March 1943.

PROPERTY CONFISCATED IN SIND UNDER MARTIAL LAW.

No immovable property has been confiscated. Approximate value of movable property confiscated in Sind under Martial Law, is Rs. 57,900.

2. The information in para. 1 above does not include property, belonging to the late Pir Pagaro, confiscated to the Government.

Information promised in reply to starred question No. 300 asked by Mr. Muhammad Ahsan on the 15th March, 1943

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

The number of Muslims and non-Muslims recruited in permanent and temporary vacancies during the periods referred to is as follows :—

Period.	Permanent.		Temporary.	
	No. of Muslims.	No. of non-Muslims.	No. of Muslims.	No. of non-Muslims.
Recruited during June 1941 to June 1942	176	191	1,280	1,692
July 1942 to January 1943	6	3	796	1,080

Information promised in reply to part (c) of unstarred question No. 53 asked by Mr. Lalchand Navalrai on the 15th March, 1943

PROMOTION OF ASSISTANT STATION MASTERS TO STATION MASTERS' POSTS ON NORTH WESTERN RAILWAY.

(c) By selection on the basis of merit with due regard to seniority. The Railway Board have prescribed no rules in this connection but the matter is within the competence of the railway administration.

Information promised in reply to starred question No. 321 asked by Khan Bahadur Shaikh Fazl-i-Haq Piracha on the 16th March, 1943.

CONTRACTS IN AVIATION WORKS.

(a) In certain cases, where the normal procedure of awarding contracts for works by competitive tenders was not found practicable, due to urgency of works and paucity of contractors, aviation works had to be awarded by private negotiations.

(b) Rs. 12,28,96,332.

(c) Rs. 81,49,482.

Information promised in reply to part (b) of starred question No. 354, asked by Bhai Parmu Nand on the 23rd March, 1943.

HINDI AND URDU AS MEDIA OF PUBLICITY IN THE INFORMATION AND BROADCASTING DEPARTMENT.

(b) In the All-India Radio the staff is not recruited for Hindi and Urdu programmes as such but for Hindustani programmes. Taking the matriculation and higher examination passed as the criterion the strength of such staff in All-India Radio is :—

	Hindi.	Urdu.
Gazetted	1	4
Subordinate	13	38

Information promised in reply to part (b) of starred question No. 360, parts (b) and (c) of starred question No. 361 and starred questions Nos. 362 and 363, asked by Mr. Muhammad Nauman on the 24th March, 1943.

REPRESENTATION OF MUSLIMS IN BENGAL AND ASSAM RAILWAY ESTABLISHMENT OFFICES.

No. 360.—(b) A statement giving the required information is laid on the table of the House.

Statement showing (1) the number of Muslim clerks, stenographers and typists in the Establishment Offices of the B. & A. Railway, and (2) the number of Muslims appointed in these categories from 1st January, 1940 to 31st December, 1942.

Strength (Muslims) on 1st January, 1940.		Strength (Muslims) on 31st December, 1942.		No. of Muslims appointed from 1st January, 1940 to 31st December, 1942.	
Temporary.	Permanent.	Temporary.	Permanent.	Temporary.	Permanent.
12	83	78	94	117	34

REPRESENTATION OF MUSLIMS IN BENGAL AND ASSAM RAILWAY ESTABLISHMENT OFFICES.

No. 361.—(b) The number of Muslim clerks employed in the Establishment Offices of the B. & A. Railway was 86 and 124 on 1st April, 1940, and 1st April, 1942, respectively.

(c) No.

REPRESENTATION OF MUSLIMS IN BENGAL AND ASSAM RAILWAY ESTABLISHMENT OFFICES.

No. 362.—(a) According to General Manager's circular letter No. 185-E/18-PVI, dated 5th July, 1941, 50 per cent. of vacancies in the Establishment Branches of the Bengal and Assam Railway are to be reserved for members of all minority communities and not exclusively for Muslims. The number of Muslims employed in these offices increased from 112 on 5th July, 1941 to 172 on 31st December, 1942.

(b) Out of 106 vacancies, 49 went to Muslims.

NON-APPOINTMENT OF PANEL MUSLIMS AS CLERKS IN CERTAIN BENGAL AND ASSAM RAILWAY LOCO. SHEDS.

No. 363.—(a) Yes, but the reference to General Manager's circular as quoted by the Hon'ble Member is not correct.

(b) On one occasion, when a Muslim approved candidate refused to accept the post and no other Muslim was available, a non-Muslim matriculate was utilized against a temporary vacancy for a period of one month.

(c) The number of non-Muslims who were appointed during the period from 1941 to January, 1943, is four. As regards the second part, no representation was received from any Muslim candidate during this period.

Information promised in reply to part (a) of starred question No. 365, asked by Mr. Muhammad Ahsan on the 24th March, 1943.

RECRUITED MUSLIM AND NON-MUSLIM TALLY CLERKS ABSORBED IN HIGHER POSTS ON BENGAL AND ASSAM RAILWAY.

(a) Yes; Muslims were recruited in excess of the quota reserved for direct recruitment in the category of Tally Clerks grade Rs. 20-1-28, during the period from 1st April, 1938 to 31st December, 1942. Information for the period from April, 1936 to March, 1938, is not available. There is no grade of Rs. 30-3-45 on the Bengal and Assam Railway. The higher grades of Rs. 30-2-40 and 30-3-45-5-60 are filled by promotion, and communal quotas do not apply in promotion.

Information promised in reply to starred question No. 372, asked by Maulvi Muhammad Abdul Ghami on 24th March, 1943.

MUSLIM ELECTRICAL CHARGEMEN AND ELECTRICIANS ON CERTAIN STATE RAILWAYS.

(a) & (b) A statement giving the required information is laid on the table of the House. (c) The Bengal and Assam Railway contemplate recruiting 3 Electrical Chargemen during 1943-44. As regards the second part, the answer is in the negative, although it is understood that some reserve posts have been created on the Bengal and Assam Railway.

Statement showing the number of Electric Chargemen and Electricians on the Bengal and Assam, East Indian and Oudh and Tirhut Railways.

Railway.	Electrical Chargemen.				Electricians.			
	Total No. in service.	Total No. of Muslims.	No. appointed during the last three years.	No. of Muslims appointed during the last three years.	Total No. in service.	Total No. of Muslims.	No. appointed during the last three years.	No. of Muslims appointed during the last three years.
Bengal and Assam	74*	7	29	3	19†	4	4‡	1
East Indian	81	2	Nil	Nil	13	2	Nil	Nil
Oudh and Tirhut	1	Nil	Nil	Nil	30	6	Nil	Nil

*Includes 10 temporary.
†Includes 1 temporary.
‡Includes 1 temporary.

Information promised in reply to unstarred question No. 65, 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 collieries in the Bengal and Bihar coalfields with daily bases of 5 wagons and under 298
Total number of wagons and of priority wagons allotted to the collieries referred to in Part (a).

	January, 1943.	February, 1943.
(b) Total number of wagons	4,857	5,795
(c) Total number of priority wagons excluding Provincial quota wagons	4,565	4,842

Information promised in reply to unstarred question No. 69, asked by Mr. Muhammad Azhar Ali on the 24th March, 1943.

PROMOTION OF RELIEVING GUARDS ON EAST INDIAN RAILWAY DIVISIONS

(a) The qualification for appointment as a relieving guard is his suitability to fill higher transportation subordinate posts such as assistant station master, assistant yard master and controller and higher posts.

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

(c) None; the second part does not arise.

Information promised in reply to starred question No. 394, asked by Mr. Muhammad Nauman on behalf of Mr. Muhammad Ahsan on the 29th March, 1943.

NON-OPERATION OF SCHEME FOR TRAINING MUSLIMS FOR POSTS AND DRAFTSMEN, ETC., ON BENGAL AND ASSAM RAILWAY.

(a) Yes.

(b) No. Apprentice Mechanics are given the necessary training in mechanical drawing and are eligible for appointment as Draftsmen (Mechanical). On the Civil Engineering side, it has not been possible to make any special arrangements for training Muslims for the post of Draftsmen due to the present emergency.

(c) There are two Muslim Assistant Draftsmen on the B. & A. Railway, who are qualified as . . . Their request for transfer to outdoor duties could not be acceded to due to the exigencies of service.

(d) Government regret they cannot undertake to give the names and qualifications of the individuals referred to.

Information promised in reply to starred question No. 406, and parts (d) and (g) of starred question No. 408, asked by Mr. Muhammad Nauman on 29th March, 1943.

TRANSFER OF MUSLIM CLERKS IN THE OFFICE OF SUPERINTENDENT, WATCH AND WARD, BENGAL AND ASSAM RAILWAY.

No. 406.—One Muslim Number Taker who was an approved candidate for a clerical post was employed temporarily in the office of the Superintendent W. & W. as a substitute clerk on the scale 30-3-45-5-60 and was subsequently transferred (to make room for the absorption of a senior clerk who had become surplus elsewhere) as a Station clerk on the scale Rs. 30-2-40 for a short time before permanent promotion to the grade of clerk on scale Rs. 30-3-45-5-60.

MAXIMUM AGE LIMIT FOR CLERICAL RECRUITMENT IN THE POSTS AND TELEGRAPHS DEPARTMENT

No. 408.—(d) Muslims 22; Non-Muslims 134.

(g) In no other Department. Competitive examinations for promotion in the Posts and Telegraphs Department are being abolished.

Information promised in reply to parts (b) to (e) of unstarred question No. 77, and unstarred question No. 82 asked by Hajee Chowdhury Muhammad Ismail Khan on the 29th March, 1943.

TIME ALLOWED FOR INSPECTION OF STATION ACCOUNTS ON EAST INDIAN RAILWAY.

No. 77.—(b) Yes.

(c) The time allowed for inspection is fixed in relation to the number of transactions and to miscellaneous work, such as handling charges, etc.

(d) The time allowed for the inspection of stations referred to, is as given below :—

Fyzabad	14 days	Bulandshahr	7 days
Shahjahanpur	12 "	Khurja City	7 "
Rampur	18 "	Khurja Junction	5 "
Roorkee	8 "	Amroha	5 "
Najibabad	7 "	Hardwar	12 "
Nagina	4 "	Gurhmukhtesar	4 "

The figures of monthly traffic and monthly earnings are not readily available and their collection cannot be undertaken under present conditions.

(e) Yes, Gaya, Aligarh and Delhi. As regards the third part, time spent travelling to the place of inspection is a necessary concomitant of inspection work.

CHANNEL FOR PROMOTION AS INSPECTOR, TRANSPORTATION (ROLLING STOCK).

No. 82.—(a) No; promotion to posts of Inspector Transportation (Rolling Stock) are made from East Indian Railway Train Examiners grade I, and grade I Train Examiners of the combined system. Old Oudh and Rohilkhand Train Examiners grade 'A' have first to secure promotion to East Indian Railway Train Examiner grade I to become eligible for promotion to posts of Inspector.

(b) The seniority of grade I Train Examiners is determined from the date of promotion to that grade.

(c) There is no old Oudh and Rohilkhand Train Examiner grade I, and there is no special discrimination against old Oudh and Rohilkhand Train Examiners grade 'A' with regard to their seniority when they secure promotion of East Indian Railway Train Examiners grade I. The reply to the second part is in the negative.

Information promised in reply to unstarred question No. 84, asked by Mr. Muhammad Azhar Ali on the 29th March, 1943.

STAFF APPOINTED AS TRANSPORTATION INSPECTORS IN MORADABAD DIVISION.

- (a) Experience is a desideratum and no person is promoted as an Inspector unless he is capable of performing the duties connected with the post.
- (b) The reply to the first part is in the negative. As regards the second part, information is not readily available and its collection cannot be undertaken under present conditions.

Information† promised in reply to a supplementary question to starred question No. 456, asked by Mr. K. C. Neogy on the 31st March, 1943.

PROPAGANDA PROGRAMME OF THE NATIONAL WAR FRONT.

Information promised in reply to starred question No. 457, asked by Mr. K. C. Neogy on the 31st March, 1943.

MACHINE-GUNNING ON A MOB FROM AIR NEAR RANAGHAT IN BENGAL.

- (a) Yes.
- (b) The Chief Minister of Bengal is referring to the same incident as that mentioned by the Deputy Commander-in-Chief in his reply to question No. 66 in the Council of State on the 25th of September, 1942. The facts are that the pilot of an aircraft saw a crowd on the railway line near Ranaghat about 16 miles south of Krishnagar. The aircraft dived five times over the crowd in order to ascertain whether or not they were saboteurs. As it was not possible to make this certain and as the crowd did not disperse the Pilot fired 15 rounds over their heads with no intention of causing casualties. No bombs were dropped and there were no casualties. The occurrence took place on the 21st of August, 1942 and a report of the incident was received by the Bengal Government on the 22nd August. The discrepancies in the Chief Minister's statement may be due to a misunderstanding of the material laid before him.
- (c) The answer to the first part is in the affirmative, and liaison was maintained through a civil liaison officer of the Bengal Government attached to Military Headquarters in Calcutta. Air Force patrols acted in accordance with instructions received from those headquarters.
- (d) Orders to Pilots were issued by the Defence Service authorities in accordance with instructions relating to the use of regular forces in aid of the civil power. Pilots were told to fire on persons who, so far as they could judge, were committing acts of sabotage or looting, and aircraft sorties were employed to reconnoitre and patrol lines of communication not otherwise adequately protected. Strict orders were given that no bombs were to be dropped and cannon were not to be fired. Restrictions were also placed on the number of machine guns which could be used by multi-machine gun fighters.

DEATH OF MR. NAOROJI DUMASTA.

The Honourable Sir Sultan Ahmed (Leader of the House): Sir, it is with great regret that I have to refer to the death of our friend Mr. Naoroji Dumasia, who was a Member of this Assembly when he died on the 22nd of June last. Mr. Dumasia was an elected Member of this House from the 29th November, 1923, to the 21st January, 1926, and again from the 21st August, 1930, till the end of the fourth Assembly some time in 1934. Mr. Dumasia died at the age of 73 after a prolonged illness which became serious in the first week of last June. He was one of the oldest journalists in the Bombay Presidency and had a career extending about 50 years during which he was associated with Indian statesmen and leaders of political thought in different parts of the country. He was the oldest member of the editorial staff of the *Times of India*. He was a member of the Bombay Municipal Corporation for 10 years and for some time of the Bombay Improvement Trust and also of the first Bombay Legislative Council created under the Montford Reforms. Later on, he came to this House. In this Assembly, in recent times, because of his illness, he did not speak very often, but whenever he did he spoke with the courage of his convictions. Sir, we deeply mourn his loss and beg of you to convey to his family our deepest sympathies in their bereavement.

Nawabzada Muhammad Liaquat Ali Khan (Rohilkund and Kumaon Divisions, Muhammadan Rural): Mr. President, I join the Honourable the Leader of the House on behalf of my Party in mourning the loss of one of our veteran colleagues. As the Honourable the Leader of the House has stated, he had been in public life for a very long time. He started his career long before

†Not included in these Debates, but a copy has been placed in the Library of the House.—
Ed. of D.

some of us were even born and he rendered useful services in the spheres of life in which he was engaged. I request you to convey the sympathies and the condolences of our Party to the members of the family of Mr. Dumasia.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Sir, I associate myself and my Party with the expression of sorrow which has been uttered by the Honourable the Leader of the House at the death of Mr. Dumasia. He was a public man for a long time and rendered useful service to the country in a variety of ways. I also desire that we should send our condolences to the bereaved family.

Sir Henry Richardson (Nominated Non-Official): Sir, Mr. Dumasia was liked and respected by all Members of this House and we in this Group much regret the passing of this very loyal and friendly colleague. We join most sincerely in the sentiments which have been expressed.

Mr. Hooseinbhoj A. Lalljee (Bombay Central Division: Muhammadan Rural): Sir, I rise to join in the tribute that has been paid to Mr. Naoroji Dumasia who was a Member of our Party. It is painful duty for me that we should have to perform once again this painful duty so far as my Party is concerned. He is the second veteran of our Party whom we have lost. After the tribute that has been paid by the Leader of the House I have very little to add except to say that I come from the same city from which he came here and in our city we can never forget the name of Mr. Dumasia as one of the oldest journalists, and a public citizen in the public life of Bombay. As a member of the Municipal Corporation, he did all he could for the welfare of the people and I must say that his activities in that capacity never showed any bias of any communal type whatsoever. That is a great trait for which we must certainly admire a person specially who has done so much service and specially more in these times.

With regard to this Assembly, as the Leader of the House has pointed out, he served this Assembly on three occasions, but I can tell you, Sir, that as a member of our Party we have lost in him a Member who was very free and frank in our deliberations and in this House. We seldom have people who speak out their minds without any reservation and freely and frankly. His loss has been a great loss to us and I beg of you to convey our tribute to the family of the deceased.

Mr. President (The Honourable Sir Abdur Rahim): I share the sorrow that has been expressed by the Leader of the House and by the other speakers and I associate myself with the tribute that has been paid to the memory of the deceased, Mr. Naoroji Dumasia, who, as the Leader of the House has pointed out, had rendered for a long time valuable services as a journalist. I shall forward the condolence of the Assembly to the bereaved members of the family of the deceased.

MOTIONS FOR ADJOURNMENT.

REFUSAL OF THE GOVERNMENT OF INDIA TO FORWARD MAHATMA GANDHI'S LETTER TO MR. M. A. JINNAH.

Mr. President (The Honourable Sir Abdur Rahim): I have received notice of a motion for adjournment of the House from Sardar Sant Singh. The Honourable Member wishes to discuss a definite matter of urgent public importance, namely, refusal of Government of India to forward the letter of Mahatma Gandhi to Mr. Muhammad Ali Jinnah, M.L.A., President of the Muslim League in May last.

I want to know the facts from Government about the refusal to forward the letter.

The Honourable Sir Reginald Maxwell (Home Member): Sir, the Government of India made the public know the fact that they had refused to forward this letter in a Communique of the 27th May last where they said that the refusal was in accordance with their known policy in regard to correspondence or interviews with Mr. Gandhi. A similar case arose at the last Session when it was sought to move the adjournment of the House on the ground of refusal of Gov-

[Sir Reginald Maxwell.]

ernment to allow the Bombay Conference Delegation to interview Mr. Gandhi, where I also pointed out that this policy had been in existence for a considerable time and that there was nothing new in it. On that, Sir, you held that this was not a new or an urgent matter coming within the meaning of the rules. I submit, Sir, that this case is exactly of the same kind and there is no question of policy to discuss.

Sardar Sant Singh (West Punjab: Sikh) My submission in this respect is this.

Mr. President (The Honourable Sir Abdur Rahim): How do you distinguish the two cases?

Sardar Sant Singh: This is not a question which relates to the policy of the Government which they had enunciated before as it is argued by my Honourable friend the Home Member. The position is that the Government of India are committed to the policy of bringing about an agreement between the various communities in this country, and here was a chance of bringing about that agreement. They stood deliberately in the way and thus flouted their own declared opinion. Therefore the Government of India require to be censured on this point.

Mr. President (The Honourable Sir Abdur Rahim): As the Honourable the Home Member pointed out, that policy is nothing new.

Sardar Sant Singh: I am saying that this is a new point, namely, the non-forwarding of the letter to Mr. Jinnah which was intended for the purpose of bringing Mahatma Gandhi and Mr. Jinnah together and to bring about an agreement between the two major communities in this country. For this act the Government of India require to be censured.

Mr. President (The Honourable Sir Abdur Rahim): I hold that this motion is not in order. The policy relating to communication between Mr. Gandhi and the outside public is nothing new. It was in existence, I believe, during the last Session also when a similar motion was ruled out of order. I hold that this motion is not in order.

REFUSAL OF PERMISSION TO MR. W. PHILLIPS TO SEE MAHATMA GANDHI.

Mr. President (The Honourable Sir Abdur Rahim): The next motion is also in the name of Sardar Sant Singh. This has been disallowed by the Governor General on the ground that the motion cannot be moved without detriment to the public interest. I ought to mention to the House that the motion relates to the refusal of the Government of India to grant permission to Mr. W. Phillips, the personal representative of Mr. Roosevelt, President of the United States of America, to see Mahatma Gandhi.

DEPRIVING CERTAIN LOCAL GOVERNMENTS OF THEIR POWER TO CONTROL FOODSTUFFS WITHIN THEIR RESPECTIVE JURISDICTIONS.

Mr. President (The Honourable Sir Abdur Rahim): The next motion is in the name of Mr. Abdur Rasheed Choudhury. He wishes to move:

"That the House do adjourn to discuss a matter of urgent public importance, namely, the action of the Government of India in issuing Notification No. 5-DC(28)43, dated New Delhi, the 18th May, 1943, under the Defence of India Act, 1939 (XXXV of 1939), amending proviso to sub-rule (2) of Rule 81 of the Defence of India Rules and thereby depriving the Governments of Bengal, Assam, Bihar and Orissa of their power to control foodstuffs within their respective jurisdictions and making null and void all orders passed by the said Governments up to 18th May, 1943, in this connection and thereby forcing up prices of foodstuffs in the Provinces of Assam, Bihar, Orissa, specially of rice beyond the capacity of purchasing power of the population of these Provinces."

Is there any objection to this motion being moved?

The Honourable Sir Muhammad Azizul Huque (Food Member): Sir, the whole question including this will be the subject-matter of debate in this House in connection with the motion which I have tabled. Sir, I feel that a question like this cannot be discussed in isolation from all other factors that are in operation, and the conclusions which he has drawn are not also correct.

Mr. President (The Honourable Sir Abdur Rahim): That is, on the merits.

The Honourable Sir Muhammad Azizul Huque: Yes. In view of the fact that another motion which has been tabled has not yet been discussed, this motion will not be in order.

Mr. President (The Honourable Sir Abdur Rahim): What is that motion?

The Honourable Sir Muhammad Azizul Huque: To discuss the food situation, including the discussion of the subject which has been taken up in this adjournment motion.

Mr. President (The Honourable Sir Abdur Rahim): This motion raises a specific question.

The Honourable Sir Muhammad Azizul Huque: That specific question also will come within the scope of the Resolution which I have tabled.

Mr. Abdur Rasheed Choudhury (Assam: Muhammadan): No, Sir. This is quite a separate thing. It is a specific question. This motion has been tabled in order to discuss this matter which is of urgent public importance, namely, the action of the Government of India in issuing the notification under the Defence of India Act.

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

The Honourable Sir Muhammad Azizul Huque: I object.

Mr. President (The Honourable Sir Abdur Rahim): As objection has been taken, will those Honourable Members who are for leave being granted rise in their places?

(Less than 25 Honourable Members stood up.)

Mr. President (The Honourable Sir Abdur Rahim): Less than 25 Members have stood up and so, leave is refused.

FAILURE OF THE GOVERNOR GENERAL'S COUNCIL TO PROTEST AGAINST LEGISLATION BY ORDINANCES.

Mr. President (The Honourable Sir Abdur Rahim): The next motion is in the name of Mr. Amarendra Nath Chattopadhyaya. He wants to discuss a definite matter of urgent public importance, viz., that the Governor General's Council failed to protest against the practice of issuing laws through ordinances by the Governor General on his own individual responsibility without consulting either the Governor General's Council at a meeting or the Legislative Assembly and thereby lowering the dignity of both. I think this is too general and vague and so it cannot be allowed.

DEPRIVING CERTAIN LOCAL GOVERNMENTS OF THEIR POWER TO CONTROL FOODSTUFFS WITHIN THEIR RESPECTIVE JURISDICTIONS.

Mr. President (The Honourable Sir Abdur Rahim): No. 12 of which notice has been given by Maulvi Abdul Ghani is the same as that of Mr. Abdur Rasheed Choudhury and is therefore barred.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Sir, I am referring particularly to Bihar and Orissa.

Mr. President (The Honourable Sir Abdur Rahim): That does not make any difference; the question raised is the same.

MALADMINISTRATION IN DISTRIBUTION OF WHEAT.

Mr. President (The Honourable Sir Abdur Rahim): The next motion is in the name of Sir Zia Uddin Ahmad who wants to discuss the maladministration in distribution of wheat leading to miseries of the people in spite of the presence of sufficient stock of wheat in the country.

Dr. Sir Zia Uddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I do not want to move it because this is also covered by the previous motion.

FAILURE TO BRING IN CIRCULATION SUFFICIENT NUMBER OF SMALL COINS.

Mr. President (The Honourable Sir Abdur Rahim): The next motion is in the name of the same Honourable Member who wants to raise the question of the failure of Government in bringing in circulation sufficient number of small coins leading to the rise in prices of small coins.

I think this question was debated at the last Session on Mr. Bajoria's motion.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadian Urban): It was not about hoarding but only about the scarcity of coins.

The Honourable Sir Jeremy Raisman (Finance Member): The motion, Sir, is substantially the same as was debated in the last Session. The only change in the situation is that it has improved in various parts of the country and that the output of coins has also greatly increased.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadian Rural): Sir, the Finance Member promised in the last Session that he would be minting small coins in large numbers and the trouble would be at an end. But the trouble is now all the greater and for a paper rupee note you only get 13 or 14 annas so that its purchasing power is less than one rupee in small coin. That is why we want to discuss it here.

Mr. President (The Honourable Sir Abdur Rahim): I think this motion is not in order as it raises practically the same question that was debated in the last Session on the motion of Mr. Bajoria.

FAILURE TO PUT INTO OPERATION THE RECIPROCITY ACT AGAINST THE COLONIAL AFRICANS RESIDING IN INDIA.

Mr. President (The Honourable Sir Abdur Rahim): The next motion stands in the name of Mr. Deshmukh who wishes to discuss the failure of Government to put into operation the Reciprocity Act against the colonial Africans residing in India at present after the passing of what is known as the Pegging Act by the Union Government of South Africa.

I understand a day has been allotted for the discussion of this matter?

The Honourable Dr. N. B. Khare (Member for Indians Overseas): Sir, I am moving today for leave to introduce a Bill to amend the Reciprocity Act and also to discuss the situation arising out of the Pegging Act.

The Honourable Sir Sultan Ahmed (Leader of the House): Sir, as the matter is exceedingly important and we know that Members of this House and the public outside are very anxious to know the position, Government are prepared to give a day for the discussion of this vitally important question.

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadian): Sir, in the circumstances I withdraw the motion.

Mr. President (The Honourable Sir Abdur Rahim): The next motion is the same as the previous one.

FAILURE TO SUPPLY FIRST-AID EQUIPMENT, MEDICINES, ETC. ON THE MAIL TRAIN WHICH COLLIDED WITH GOODS CARRIAGES AT BORGAON NEAR AKOLA.

Mr. President (The Honourable Sir Abdur Rahim): Then by another motion Mr. Deshmukh wishes to raise the question of the failure of Government to supply materials necessary for first medical aid, medicines, stretchers, etc., and equipment such as electric torches, etc., on the mail train which recently collided with goods carriages at Borgaon near Akola which resulted in greater loss of life and limb and property than it otherwise would have been if the train had been equipped as mentioned.

The Honourable Sir Edward Benthall (Member for Railways and War Transport): Sir, I do not appear to have received notice of this motion although I am aware of its existence.

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadian): I sent a notice on the same day as I sent it to the President.

Mr. President (The Honourable Sir Abdur Rahim): If he has not received the notice it cannot be moved.

The Honourable Sir Edward Benthall: But I do not necessarily wish to stand on that as it may have gone astray. I would say, however, that this matter of the accident at Borgaon is under investigation by the Chief Inspector of Railways under the Posts and Air Department; and in the circumstances if this adjournment motion were moved I should not be able to make a comprehensive statement until that report is received. I would also point out that there was first-aid equipment on the train and also full medical relief

equipment on the train, and in the circumstances I would suggest that my Honourable friend should withdraw the motion.

Mr. Govind V. Deshmukh: The matter under inquiry relates to the responsibility for the accident; the motion relates not to that but to the absence of first-aid equipment on the train.

Mr. President (The Honourable Sir Abdur Rahim): Will not all these matters that are mentioned in the motion be gone into at the inquiry?

Mr. Govind V. Deshmukh: No, Sir; that is intended to trace the culprits who by negligence or otherwise caused this accident, and will not relate to things which I seek to discuss by this motion, i.e., inadequacy of medical aid.

The Honourable Sir Edward Benthall: I would merely say that if the adjournment motion were moved I should not be able to make a much longer speech than I have already made.

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

The Honourable Sir Edward Benthall: Sir, I have no objection but I would again appeal to my Honourable friend to withdraw the motion because I do not think it will serve a very useful purpose.

Mr. President (The Honourable Sir Abdur Rahim): The motion will be taken up at 4 o'clock, but according to the convention of this House, if the business on the agenda is finished earlier than 4 o'clock, the motion will be taken up as soon as that business ends.

H. E. THE GOVERNOR GENERAL'S ASSENT TO BILLS.

Secretary of the Legislative Assembly: Sir, information has been received that the following Bills which were passed by both Chambers of the Indian Legislature during the Budget Session, 1943, have been assented to by His Excellency the Governor General under the provision of sub-section (1) of section 68 of the Government of India Act, as continued by section 317 of the Government of India Act, 1935:

1. The Motor Vehicles (Amendment) Act, 1943.
2. The Government Savings Banks (Amendment) Act, 1943.
3. The Indian Railways (Amendment) Act, 1943.
4. The Aligarh Muslim University (Amendment) Act, 1943.
5. The Code of Civil Procedure (Amendment) Act, 1943.
6. The Indian Penal Code (Amendment) Act, 1943.
7. The Coffee Market Expansion (Amendment) Act, 1943.
8. The Indian Finance Act, 1943.
9. The Reciprocity Act, 1943.
10. The Tobacco (Excise Duty) Act, 1943.
11. The Vegetable Product (Excise Duty) Act, 1943.
12. The Indian Tea Control (Amendment) Act, 1943.
13. The Delhi Muslim Wakfs Act, 1943.
14. The Indian Army and Air Force (Military Prisons and Detention Barracks) Act, 1943.
15. The Trade Marks (Amendment) Act, 1943.
16. The Muslim Personal Law (Shariat) Application (Amendment) Act, 1943.

AMENDMENT TO THE INSURANCE RULES.

The Honourable Sir Muhammad Azizul Huque (Commerce Member): Sir, I lay on the table a copy of a further amendment to the Insurance Rules, 1930, published under the Department of Commerce Notification No. 597-1(1)/43, dated the 3rd April, 1943.

Department of Commerce, Notification, New Delhi, the 3rd April, 1943.
No. 597-1 (1)/43. (Insurance).—In exercise of the powers conferred by sub-sections (1) and (2) of section 114 of the Insurance Act, 1938 (IV of 1938), the Central Government is pleased to direct that the following further amendment shall be made in the Insurance

Rules, 1939, the same having been previously published as required by sub-section (1) of the said section, namely :—

To sub-rule (1) of rule 15 of the said Rules, the following proviso shall be added, namely :—

"Provided that an election for the holding of which the latest date otherwise permissible under this sub-rule is a date in the year 1943 may be postponed to a date not later than the 31st December, 1944".

S. R. ZAMAN, Joint Secy.

AMENDMENTS TO CERTAIN MOTOR VEHICLES RULES.

Sir Gurunath Bewoor (Secretary, Posts and Air Department): Sir, I lay on the table a copy each of:

(i) Notification No. A-3-54/43, dated the 5th May, 1943 issued by the Chief Commissioner of Coorg, under the Motor Vehicles Act, 1939.

(ii) Notification No. F-12(8)/43-General, dated the 31st March, 1943, issued by the Chief Commissioner of Delhi, under the Motor Vehicles Act, 1939; and

(iii) Notification No. 12(8)/43-General, dated the 5th July, 1943, issued by the Chief Commissioner of Delhi, under the Motor Vehicles Act, 1939.

The Chief Commissioner of Coorg, Notification, dated Mercara, the 5th May, 1943.
No. A-3-54/43.—In exercise of the powers conferred by section 68 of the Motor Vehicles Act, 1939 (IV of 1939), and the notification of the Government of India, Department of Communications No. R-60, dated the 28th June 1939, the Chief Commissioner is pleased to make the following amendments to the Coorg Motor Vehicles Rules, 1940, issued with his notification No. R. F-43/121-39, dated the 26th March, 1940 :—

Amendment.

After rule 53(b) add the following :—

53(c). The fee for the countersignature of a permit and for its renewal shall be—

(i) for the countersignature of a permit—

(a) for the 1st year of validity 16

(b) for every subsequent year 8

(ii) for the renewal of permit for every year of validity. 8

K. CHENGAPPA, Chief Commissioner.

Office of the Chief Commissioner, Delhi; Notification, Delhi, the 31st March, 1943.

No. F-12(8)/43-General.—In exercise of the power conferred by clause (f) in sub-section (2) of section 21 of the Motor Vehicles Act, 1939, read with the notification of the Government of India in the Department of Communications No. R-60, dated the 28th June, 1939, the Chief Commissioner is pleased to make the following rule, the same having been previously published with his Notification No. F-12(8)/43-General, dated the 26th January, 1943.

RULES.

If any person who on the 3rd day of September, 1939, held a licence to drive a motor vehicle issued under the Indian Motor Vehicles Act, 1914, or under section 7 of the Motor Vehicles Act, 1939, and has subsequently been employed on military service outside India applies at any time not later than six months after his release from military service for the renewal of the driving licence held by him under the Motor Vehicles Act, 1939, or for a new licence under that Act, he shall be exempt from liability to any fee therefor in excess of three rupees and shall also be exempt from any fee on account of any test of his competence to drive.

The foregoing rule shall continue in force until the expiry of twelve months after the end of the present war and shall then cease to have effect.

Delhi, the 5th July, 1943.

No. F-12(8)/43-General.—The Chief Commissioner is pleased to direct that the following modifications be made in the rule promulgated with his notification No. F-12(8)/43-General, dated the 31st March, 1943, being a rule made in exercise of the power conferred by clause (f) in sub-section (2) of section 21 of the Motor Vehicles Act, 1939, read with the Notification of the Government of India in the Department of Communications No. R-60, dated the 28th June 1939.

I. For the words "not later than six months" in the sixth and seventh lines of the rule the words "not later than one year" shall be substituted.

II. For the words "twelve months" in the second paragraph of the rule the words "two years" shall be substituted.

A. V. ASKWITH, Chief Commissioner, Delhi.

THE WAR INJURIES (COMPENSATION INSURANCE) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Dr. B. R. Ambedkar (Labour Member): Sir, I present the Report of the Select Committee on 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.

THE DELHI UNIVERSITY (AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

Mr. J. D. Tyson (Secretary, Department of Education, Health and Lands): Sir, I present the Report of the Select Committee on the Bill further to amend the Delhi University Act, 1922.

THE INDIAN BOILERS (AMENDMENT) BILL.

The Honourable Dr. B. R. Ambedkar (Labour Member): Sir, I move for leave to introduce a Bill further to amend the Indian Boilers Act, 1923.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That leave be granted to introduce a Bill further to amend the Indian Boilers Act, 1923."

The motion was adopted.

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

THE PUBLIC DEBT (CENTRAL GOVERNMENT) BILL.

The Honourable Sir Jeremy Raisman (Finance Member): Sir, I move for leave to introduce a Bill to consolidate and amend the law relating to Government Securities issued by the Central Government and to the management by the Reserve Bank of India of the Public Debt of the Central Government.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That leave be granted to introduce a Bill to consolidate and amend the law relating to Government Securities issued by the Central Government and to the management by the Reserve Bank of India of the Public Debt of the Central Government."

The motion was adopted.

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

THE MINES MATERNITY BENEFIT (AMENDMENT) BILL.

The Honourable Dr. B. R. Ambedkar (Labour Member): Sir, I move for leave to introduce a Bill to amend the Mines Maternity Benefit Act, 1941.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That leave be granted to introduce a Bill to amend the Mines Maternity Benefit Act, 1941."

The motion was adopted.

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

THE MOTOR VEHICLES (DRIVERS) AMENDMENT BILL.

The Honourable Dr. B. R. Ambedkar (Labour Member): Sir, I move for leave to introduce a Bill to amend the Motor Vehicles (Drivers) Ordinance, 1942.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That leave be granted to introduce a Bill to amend the Motor Vehicles (Drivers) Ordinance 1942."

The motion was adopted.

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

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

The Honourable Sir Asoka Kumar Roy (Law Member): Sir, I move for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1898.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That leave be granted to introduce a Bill further to amend the Code of Criminal Procedure, 1898."

The motion was adopted.

The Honourable Sir Asoka Kumar Roy: Sir, I introduce the Bill.

THE AGRICULTURAL PRODUCE (GRADING AND MARKING) AMENDMENT BILL.

Mr. J. D. Tyson (Secretary, Department of Education, Health and Lands): Sir, I move for leave to introduce a Bill further to amend the Agricultural Produce (Grading and Marking) Act, 1937.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That leave be granted to introduce a Bill further to amend the Agricultural Produce (Grading and Marking) Act, 1937."

The motion was adopted.

Mr. J. D. Tyson: Sir, I introduce the Bill.

THE INDIAN ARMY AND INDIAN AIR FORCE (AMENDMENT) BILL.

Mr. C. M. Trivedi (Secretary, War Department): Sir, I move for leave to introduce a Bill further to amend the Indian Army Act, 1911, and the Indian Air Force Act, 1932.

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

"That leave be granted to introduce a Bill further to amend the Indian Army Act, 1911, and the Indian Air Force Act, 1932."

The motion was adopted.

Mr. C. M. Trivedi: Sir, I introduce the Bill.

THE RECIPROCITY (AMENDMENT) BILL.

The Honourable Dr. N. B. Khare (Member for Indians Overseas): Sir, I move for leave to introduce a Bill to amend the Reciprocity Act, 1943.

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadan): On a point of information, may I know whether a motion for the consideration of this Bill will be made in this Session?

The Honourable Dr. N. B. Khare: Yes, Sir.

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

"That leave be granted to introduce a Bill to amend the Reciprocity Act, 1943."

The motion was adopted.

The Honourable Dr. N. B. Khare: Sir, I introduce the Bill.

THE CRIMINAL PROCEDURE AMENDMENT BILL.

The Honourable Sir Asoka Kumar Roy (Law Member): Sir, I move:

"That the Bill to make certain provision for appeals in criminal cases tried by a High Court exercising original criminal jurisdiction be referred to a Select Committee consisting of Mr. Lalchand Navalrai, Sir Syed Raza Ali, Sir Muhammad Yamin Khan, Rao Bahadur N. Siva Raj, Sir George Spence, Mr. P. J. Griffiths, Sardar Sant Singh 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 believe this motion will be entirely uncontroversial. Honourable Members will recollect that the Bill was circulated on a motion moved by the Honourable the Law Member on the 16th of February last. The opinions received disclose unanimous approval of the principle of the Bill. I need not at this stage refer to the various points of detail which have been raised, but if the House will accept my motion, I have no doubt they will be carefully considered by the Select Committee. I do not think that on this motion I should take up the time of the House any further. Sir, I move.

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

"That the Bill to make certain provision for appeals in criminal cases tried by a High Court exercising original criminal jurisdiction be referred to a Select Committee consisting of Mr. Lalchand Navalrai, Sir Syed Raza Ali, Sir Muhammad Yamin Khan, Rao Bahadur N. Siva Raj, Sir George Spence, Mr. P. J. Griffiths, Sardar Sant Singh 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 Navalrai (Sind: Non-Muhammadan Rural): I will not take up much time of the House. I must say that this amendment is very much overdue. I will explain in a few words what this Bill aims at. At present, there is no right for a person convicted by a High Court under the original jurisdiction to appeal to anyone.

Originally, when British rule came into force, there were Courts called King's Courts and also Company's Courts. Then, the King's Courts came to be called Supreme Courts and the Company's Courts remained as such. At that time there was no appeal allowed against the decisions given by the High Court. Subsequently when the Charter was made, then, too, the Charter provided no appeal, especially with regard to the three High Courts—the High Court of Calcutta, the High Court of Madras and the High Court of Bombay.

It will be seen that subsequently the Criminal Procedure Code provided for appeals in the Provinces, but not by these three High Courts which remained exclusive for deciding in any way they liked without there being any opportunity of their decision being contested. Therefore, Sir, from time to time, there has been a complaint that the High Courts should not be allowed to leave those decisions unredressed by a higher Court. It is very necessary that when there is a decision given by any Court there ought to be an appeal. That gives confidence to the people. Now it may be said that because it is a High Court, therefore there should be no remedy to the people for going to any Appellate court. This would be erroneous, because Judges are not infallible.

I am very glad that Government have now awakened to the necessity of this amendment. I give credit to Sir Sultan Ahmed who first introduced this Bill when he was Law Member. Now that he has the Honourable Sir Asoka Kumar Roy with him, I feel sure that a very satisfactory Bill will come out of the Select Committee.

Of course, there are provisions in the contemplated Bill which require to be amended and considered. They have also been very briefly described in the opinions that are now before the House, and certain opinions are such that they will carry weight, and I hope they will be given full consideration.

As we are considering the principle of the Bill, I submit that it is necessary to refer to certain points. To begin with, Sir section 411A allows the appeal. With that we are all agreed. When we come to 411A(b) then I think that some change is required and the Select Committee should consider it. Now the appeal is being given, but I think the work is being done half-heartedly in spite of the procedure that is being adopted.

The procedure is this. At present appeals are allowed by the Bill. For instance, in Karachi, appeals are permitted from the High Court decision while the High Court sits as a Sessions Court. But that appeal goes to it on a point of law. The demand of the public is that appeals should not only be allowed on a question of law but also on a question of fact. In that respect I find a provision here, but it is half-hearted. I think the Honourable Members responsible for this should take courage in both their hands and say that there will be appeals also on the question of fact and let not it be hedged, or restricted or barricaded in such a way as to make it anything but as good as it would be otherwise.

In para. (b) they say that "with the leave of the Appellate Court, or upon the certificate of the judge or judges who tried the case that it is a fit case for appeal, against the conviction on any ground of appeal which involves a matter of fact only, or a matter of mixed law and fact, or any other ground which appears to the appellate Court to be a sufficient ground of appeal" then the appeal on facts will be heard. With regard to that, my submission is this. To say, first of all, that a Judge who has decided the case should give a certificate appears to me to be not a good and salutary provision. How would the Judge who decides the case like his judgment to be set aside? Virtually in most cases we shall find that such certificates are refused; for what do we find in these days? Apart from the fact that they commit mistakes, we find another thing, that will bar them from giving a certificate. The impression we have or the public have is this, that in some cases their convictions are counted for promotion, many other things are done which are taken into consideration. In that case how would they like that their convictions should be set aside or their errors pointed out.

Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan Urban): The Honourable Member is dealing with a Judge of the High Court. Surely, it is not the conviction by the High Court that counts either for promotion or against it.

Mr. Lalchand Navalrai: Well, I am talking generally. It may be that the High Court Judges may be sitting on a higher pedestal, there is no doubt that they have got more intellect. I will admit all that, but all the same they are liable to make mistakes. And when they make mistakes,—no one would like

[Mr. Lalchand Navalrai:] that what he is doing should be criticised, and from that point of view this provision ought to be amended or considered well in the Select Committee.

Coming to the question of leave of the High Court, this will be double trouble to the High Court; this is duplication. First of all, when the appeal comes, the question arises whether the High Court should go into the question of fact. Of course, on the question of law they will go into it. But so far as the question of fact is concerned, the High Court will have to decide and then give permission. Then they should go through the whole record to find out whether there is a question of fact of such a nature that they should give leave. Then when the case comes before them regularly they have to go into the whole question over again. Why do you give them double trouble, and also that will take time. Therefore, forthwith say that on the question of law as well as of fact, when it is a first appeal from the first trial court it should be considered from all points of view.

I find that the provision under section 434 is being omitted. Section 434 is a salutary section. When a conviction has been made and there is a question of law in which there is some doubt, then it is referred to other Judges or other High Court. I should like to know from the Honourable the Law Member why that provision is going to be omitted and why it should not remain. I submit that all possible help should be given to the person who is convicted, that the decision given in the case should be free from all defects. I hope the Honourable Member will explain why it is proposed to omit that section instead of retaining it.

In clause 2 I find:

"Notwithstanding anything elsewhere contained in any Act, or Regulation, an appeal under this section shall be heard by a Division Court of the High Court composed of not less than two judges, being judges other than the judge or judges by whom the original trial was held; and if the constitution of such a Division Court is impracticable, the High Court shall report the circumstances to the Provincial Government with a view to the transfer of the appeal under section 527 to another High Court."

In connection with this, defects have been pointed out, which the House would find at page 3 of the Opinions. The defects are these.

Under the heading, N.-W. F. Province, we find:

"Sardar Raja Singh considers that the Bill is a step in the right direction while Mian Ziauddin and Lala Diwan Chand Obhrai, are of opinion that the Bill does not concern this province as this Court exercises no original criminal jurisdiction."

Further on, we find:

"It makes no provisions for the transfer of 'applications for leave' . . ."

The Honourable Sir Sultan Ahmed (Leader of the House): May I suggest that these opinions will have to be considered by the Select Committee and they will be considered there? My Honourable friend is a member of the Select Committee.

Mr. Lalchand Navalrai: I do understand that fully but what.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member himself will be on the Select Committee too.

Mr. Lalchand Navalrai: I understand that, but my point is this. There may be certain Members in this House who may say something about this and that will be helpful to the Select Committee. I will not take long. I am only pointing out—if you say, that I may say, page so and so, I will do so, but my belief is that other Members may also contribute something.

Mr. President (The Honourable Sir Abdur Rahim): Other Honourable Members will take care of themselves.

Mr. Lalchand Navalrai: But what I mean is this. When a transfer is made, then it is for the Court to say that the case should be transferred. But supposing that the Court does not make any order, there is no provision made for it. If it is transferred by the Provincial Government and then it goes again to another High Court and that High Court does not consent.

Mr. President (The Honourable Sir Abdur Rahim): I think the Honourable Member is not sticking to his original resolution.

Mr. Lalchand Navalrai: Honourable Members on this side were very generous, but what I meant to say was this. However I have one more thing to say. May I know whether the contempt of court cases also would come under this or not? What we find is that the High Courts have got the power to try contempt of court and I should think that they are original cases under the original powers of the High Court. Therefore it should be made absolutely clear that this provision of appeal should also apply to contempt of court cases. I would like to hear the Honourable the Law Member on that point. I would only point out that recently there have been some excesses or some defects, where the High Courts have gone into the question, and in that regard the Contempt of Court Act may have to be amended. I do not know if the Government are going to bring in another Bill, but I say that an appeal should be allowed. There have been cases where it cannot be said that there have not been excesses and abuses. If Honourable Members have read that well known pamphlet of Mr. Gauba, Lala Harkishen Lal's son, it points out many defects and certain abuses with respect to the jurisdiction regarding contempt of court. Therefore, that also should be either included in this Bill or provision for that should be made.

Then I am glad to see that from the Division Bench, an appeal to the Privy Council has been allowed. I have nothing more to say.

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadan): I should

1 P.M. like to say just a few words. As I am not a member of the Select Committee, I think I am entitled to speak unless the Law Member prevents me by appointing me as a member of the Select Committee.

This Bill proposes to confer a right of appeal on the convicted person as well as the Government. So far as the convicted person is concerned, I thoroughly agree with what the Bill proposes to do and with what has fallen from my friend, Mr. Lalchand Navalrai; but so far as the right of appeal for the Government is concerned, I am not in favour of it. The High Court comes to a decision. There has been an investigation and a full trial has been gone through. Under those circumstances I submit that there should be no right of appeal from the judgment of the High Court given to the Government. Then, so far as the right of appeal given to the accused is concerned, it should be a full right, not merely on matters of law but also on evidence or fact. As it is, if you take these two sections, 435 and 439, of the Criminal Procedure Code—on matters of law, the accused has a remedy. So, on the question of evidence and finding of fact, if any extension of the right of appeal is to be given, it should be given and it will really count for something.

Another thing I wish to say is this. I have been helped in this matter by my friend, sitting on my right, the Congress Member (Mr. Sami Vencatachalam Chetty). So far as the conferring of the right of appeal on the convicted person is concerned, there is a very elaborate procedure but so far as the Government is concerned, the Government has not got to go through this elaborate procedure of applying for a certificate as the wording of the present provision stands. With these few remarks, I support this motion for Select Committee and these observations may be taken into consideration by the Select Committee.

The Honourable Sir Asoka Kumar Roy: I am glad that the principle of the Bill has been accepted. Mr. Lalchand Navalrai and Mr. Deshmukh have made certain observations with regard to the details of the Bill. I have no doubt that their observations will be carefully considered by the Select Committee.

Honourable Members know that this Bill was introduced to remove an anomaly. There was no appeal provided for under the law against judgments of the High Court in the exercise of their ordinary original criminal jurisdiction. There was a limited right to go to a Full Bench upon a certificate of the Advocate General or upon any question of law being reserved by the trial Judge himself. It was felt for some time past that a right of appeal should be given to an accused person in matters arising out of the exercise of original criminal jurisdiction by the High Courts and this Bill owes its origin to that feeling. The principle of the Bill has been accepted by everybody and I am

[Sir Asoka Kumar Roy.]

sure any important points which have been raised will be considered by the Select Committee. I need not say anything more.

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

"That the Bill to make certain provision for appeals in criminal cases tried by a High Court exercising original criminal jurisdiction be referred to a Select Committee consisting of Mr. Lalchand Navalrai, Sir Syed Raza Ali, Sir Muhammad Yamin Khan, Rao Bahadur N. Siva Raj, Sir George Spence, Mr. P. J. Griffiths, Sardar Sant Singh 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 adopted.

Mr. President (The Honourable Sir Abdur Rahim): The House will now take up the adjournment motion. I need not remind the House that the debate will terminate at the end of two hours.

The Honourable Sir Sultan Ahmed (Leader of the House): As it is time for the House to adjourn now, may I suggest that the debate on the adjournment motion be taken up after Lunch?

Mr. President (The Honourable Sir Abdur Rahim): Very well, if that will suit the convenience of the House.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Syed Ghulam Bhik Nairang (one of the Panel of Chairmen) in the Chair.

MOTION FOR ADJOURNMENT.

FAILURE TO SUPPLY FIRST-AID EQUIPMENT, MEDICINES, ETC., ON THE MAIL TRAIN WHICH COLLIDED WITH GOODS CARRIAGES AT BORGAON NEAR AKOLA.

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadan): Sir, I move:

"That the Assembly do now adjourn."

While making this motion I want to make one point very clear. It is not my purpose to fix the guilt on any particular individual regarding the collision between the two trains, one being the goods train and the other the down Mail coming from Bombay. It is not my purpose either to contradict the official figures as regards the persons who were killed and who were injured. I will confine myself to the specific purpose of this motion which I have mentioned very clearly, namely, that when the accident did take place, the passengers were hurt and injured; some of them were lying very near the compartments and some were inside the compartments and their limbs were somehow interlocked; when passengers were in that condition, no proper medical aid was given. My main complaint is that there was no proper medical aid which could be administered to these persons who were lying in that pitiable condition. I was told that there was medical aid. Before I tabled this motion, I made inquiries from railway officers and from the passengers who travelled by this mail train. One of them happened to be a doctor, the son of a doctor friend of mine. When the accident took place, there was not sufficient light. The collision was heard at a distance where there is a village called Borgaon, people came from there and when they saw the passengers in that condition, they administered water to those who were thirsty and gave such other aid as the ordinary villagers are capable of doing. But fortunately some doctors and some soldiers were also travelling by that train. When the doctors got out and saw this pitiable condition, they started working but they found that there was not first medical aid or such other things which could help them to administer some relief. I was told here that they had first medical aid. I will tell you the character of the medical aid. It is a small box which is carried in the guard's van. I have learnt from the guards and the drivers themselves that they are given some sort of training in administering first aid. But just imagine the sort of first aid that they carry. They carry a few bandages, a bottle of tincture of iodine and cotton wool and even these things are not sufficient for more than one or two

cases. I think I carry more first medical aid in my small bag than these guards and drivers are expected to carry. My friends have seen, as a matter of fact, that I do carry some first medical aid with me. So, when these doctors got out of the compartments, they did not know what to do with the wounded passengers. But they started thinking about the thing and wanted to have some appliances and some other handy things which would help them to remove the persons who were in that predicament to which I have referred. They wanted to remove those who were wounded to some distance from the place where the accident took place so that they could be conveniently treated.

Now, there were no stretchers in the train. This statement cannot be contradicted. It is not their practice to carry any stretchers in the vans. They carry only a small box. There is nothing else which could be of any use to the doctors. I have made inquiries and I have learnt that on the Nizam's State Railways they do carry one or two stretchers in the guard's van. Sir, this accident has not taken place all of a sudden. There have been accidents in India for the last two or three years, particularly on the East Indian Railway. And there have been cases of sabotage also. So, this was not the first accident of its kind and therefore the railway authorities cannot say that they did not know that any such thing is likely to happen. These have been matters of frequent occurrence. So the Government should have taken the necessary precautions.

So far as the lights are concerned, there were two or three kerosene lanterns and some oil is given to them to use in these lanterns. This much light was not sufficient. On some railways—and this is certainly the case in the case of foreign railways—to safeguard themselves against such an emergency, they do carry electric torches, they carry stretchers and they also carry sufficient surgical material to be of use to doctors who may be able to render help to the injured persons. Then, they should carry some stimulants for those passengers who have fainted or for those who need them after some preliminary treatment. In view of the fact that the Government is not careful or vigilant about the safety of the passengers and also in view of the fact that such accidents have taken place very frequently, we must say that the Government has made no attempts to improve matters. Even the education, with regard to first medical aid that is given to the guard and the driver is very poor indeed. I am not surprised that this perfunctory first medical aid is given to them. It is perfunctory because they do not consider it of any importance. I have made inquiries and found that there is nothing for them to put their hearts into it because they do not get any extra allowance or extra pay for being acquainted with this first medical aid. As it is one of the conditions that the guard and the driver must have this knowledge of first aid, they get acquainted with it anyhow. But the principal thing is that even if there are other passengers who want to render help to the wounded and injured, there are not enough things by which the wounded passengers could be given relief. That is the primary object in moving this motion. It is enough to censure the Government for not observing their duty towards the third class passengers from whom they get the major portion of their income. Third class passengers were the persons who suffered most in this respect. Very few upper class passengers were affected. We know the condition in which third class passengers travel; they are packed like sardines. If there were more casualties, I shall not be surprised. The Government derive much of their revenue from third class passengers. The formation of the train is such that anyhow first and second class passengers are safe and third class passengers alone suffer. Very few precautions are taken. They take only a small box containing medicines to save the lives of passengers. My intention was and is that Government should hereafter make due provisions and not neglect their primary duty as they have done till now in spite of the accidents that have taken place on the East Indian Railway which also formed the subject matter of adjournment motions several times in this House. In spite of those adjournment motions from Members coming from Bengal and Bihar, the Government remained callous and did

[Mr. Govind V. Deshmukh.]

nothing during the last two or three years to prevent accidents of this character. Sir, I move.

Mr. Chairman (Syed Ghulam Bhik Nairang): Motion moved:

"That the Assembly do now adjourn."

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Sir, accidents on railways have been very frequent in recent years. Almost at every Session of the Legislative Assembly, adjournment motions are moved relating to railway accidents. I myself have been responsible for moving several adjournment motions. But what has the Government done? The Government have not taken any active steps to prevent these accidents. At least we do not know what steps they have taken to prevent the railway accidents. On every occasion that an accident took place, human lives have been lost and on the present occasion a large number of lives has been lost. It is not the purpose of the present motion to discuss the question of guilt or otherwise of the driver or other officers of the railway, because I am told by the Honourable Member for War Transport that it is the subject of an enquiry. Even then no persons have been put on their trial.

An Honourable Member: Certain persons have been put on trial.

Dr. P. N. Banerjee: Whatever may be the present situation, the present motion does not go into the question of the guilt of certain persons or the innocence of certain persons. But the present motion raises the question which is not of a political character, but is of a humanitarian character. It is the duty of the Government to prevent accidents and to prevent loss of life as far as possible. For that purpose they should provide adequate equipment on the railways for giving first aid. Then they should also make arrangements for their proper treatment at as near a place as possible. These things have not been done in the present instance; these precautions have not been taken. That is why the adjournment motion has been tabled. My Honourable friend, Mr. Deshmukh, has pointed out that the villagers were the first to render assistance. All credit to them. Then came the doctors and they tried to be very helpful. But what can doctors do without any equipment? There were no surgical appliances, there was a bottle of tincture iodine and so forth. Of course, when so many persons were killed and when so many were injured such appliances and medicines were very inadequate. It is on account of the inadequacy of the appliances and medicines that a large number of lives was lost. It may be said that what is past is past. But if we refer to the past, the reason is that we have to learn our lesson for the future from our past experience. If it is ascertained, if it is proved, that the equipment was inadequate for giving medical aid, then the Government should so provide in future that in case of an accident, as few human lives be lost as possible. That is the contention. There is no politics in it. It is a humanitarian question, and I hope the Honourable Member for War Transport will look into the question from a broad point of view and provide against such things happening in future.

Mr. Muhammad Nauman (Patna and Chota Nagpur cum Orissa: Muhammadan): Sir, I do not propose to discuss this in the light of a censure motion. But I do think it necessary that in the present conditions in which we live, where the number of railway accidents have assumed rather an alarming proportion, the Government ought to revise their ways and they ought to take proper steps and proper care not only to eliminate the chances of accidents but also to face facts and make necessary arrangements for such medical equipment to be carried in passenger trains as would be considered reasonably sufficient and good equipment for the first aid arrangement. The capacity of a train to carry passengers varies probably between 300 and 500. I do not mean to suggest that medical equipment should be carried to give aid to 300 or 500 passengers. It may be reasonably expected that 20 per cent of them may have fatal effect or even some effect where immediate

medical aid may be necessary and, therefore, I suggest that medical equipment should be carried for about 60 persons to 80 persons on the average. I have not seen the medical box which is supposed to be carried by the guard in the guard van. Relying on the statement which Mr. Deshmukh made on the floor of the House just now that they carry medical equipment sufficient only to give aid to two or three injured persons, well, certainly that is pitiable. Under normal conditions, i.e., before 1934 accidents were not so frequent as they are now since 1935. Many circumstances have been responsible for this, sabotage being one. Apart from the fact that they should not occur and that how and why these occur, we have to face facts and Railways should make due arrangements to meet the situation. I do not want to make any particular suggestions as the Mover did, i.e., about stretchers and torches and kerosene lamps, etc., but I must say that as the Persian proverb goes—

"Maslehet been wo kar asan kun."

Translation of which is: "See the time and do what is needed". The medical department on the railways is probably consisting of the best persons to advise as regards the sort of equipment to be carried in order to cope with these accidents and an immediate inquiry should be undertaken on those lines. That is my only submission in this connection.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I thought that after the Mover moved his motion the Honourable Member in charge would reply so that we could understand the position and offer our criticisms one way or the other. Sir, the allegations made on this motion are very serious and if the facts are as have been stated, we would be showing our weakness if we do not call it a censure motion. It would surely be a censure motion if the allegations are true. We are told in the first place that medical aid was not sufficient. If that is so, Government should meet this serious charge. With regard to this insufficiency of medical equipment my Honourable friend said that he had made inquiries from passengers in that train and also from other quarters and come to that finding. We do not know what the evidence is on the other side. Of course, there cannot be a medical train going with every train and, of course, no one expects that a particular train is going to meet with an accident; but sufficient material and equipment is very necessary. The small box carried by the guard is not sufficient and there should be more equipment and material there. Therefore the excuse about the small box of the guard cannot come from the other side.

The second allegation was that the lights were insufficient. Of course, a kerosene lamp is carried by the guard and also by the driver but my friend was referring to the absence of torches, and I must say that a sufficient number of electric torches should be carried in a train in order to have better facilities at the time of accidents. The stretchers and other things are small matters, but the point that weighs with me is that sufficient medical aid should be provided. The next thing is that whenever there is an inquiry into a railway accident it is always a departmental inquiry, and the public have an idea that it is not an impartial inquiry because it is always conducted by one of their own officers. I know it is the Chief Inspector who does these inquiries but very often the inquiry has been found to be defective or unsatisfactory; and it is very necessary that the public and the passengers should have complete confidence in the inquiry. Therefore I suggest that if the inquiry is made by the Chief Inspector there ought to be co-opted some judicial officer or magistrate.

The Honourable Sir Edward Benthall (Member for Railways and War Transport): Sir, I submit that that has nothing to do with the motion which is confined to the adequacy of medical supplies.

Mr. Chairman (Syed Ghulam Bhik Nairang): The Honourable Member had better confine himself to the motion. There is no question of any defective inquiry being held.

Mr. Lalchand Navalrai: Then I would say that if the Chief Inspector says that the medical arrangements were sufficient it would not command our

[Mr. Lalchand Navalrai.]

confidence unless some impartial judicial officer were associated with him. It is only thus that Government can absolve themselves from all blame.

Mr. Muhammad Muazzam Sahib Bahadur (Nominated Non-Official): Sir, I do not think that this motion has been brought at a very happy moment. If the matter is not, exactly *sub-judice* it is surely analogous to it because there is a departmental inquiry being held. It has even gone, I am told, beyond the stage of a departmental inquiry and as such we should not discuss it. But since the Chair has given its ruling we have got to abide by it.

My Honourable friend, Mr. Deshmukh, said that guards carry with them a first-aid box containing some tincture iodine, bandages and lint. This little box in itself was not enough to deal with accidents that might occur in a running train. I am one of those who think that in the days when we had experience of ill-conceived sabotage, probably we should have been justified in making the guards van a small dispensary or a hospital, but as it is, my Honourable friend, Mr. Deshmukh, cannot expect every train that carries passengers to behave like a hospital train. What is wanted is a small quantity of such medicines which might be administered in cases when there is an accident. If the idea is that we should have a number of torches, a number of stretchers and a few gallons of tincture iodine, and other appliances that might be required, I cannot possibly support this motion. I wonder whether this is possible. I do not know what is the state of things in England, but I do not think any passenger train there has all these appliances. Incidentally, my Honourable friend said that he himself carries a number of medicines with him.

Mr. Govind V. Deshmukh: I will give you when the necessity arises.

Mr. Muhammad Muazzam Sahib Bahadur: It hardly occurred to me that my Honourable friend, Mr. Deshmukh, was such an unhealthy person.

Mr. Govind V. Deshmukh: It is for persons like you. I am not a selfish man.

Mr. Muhammad Muazzam Sahib Bahadur: If those humanitarian motives are in his view, then probably he is justified.

My Honourable friend, Mr. Lalchand Navalrai, said that drivers and guards ought not only to have these first-aid appliances, but they should be recruited from the medical profession. If that is the idea, I think it is a good suggestion. But if it is a case of the guards having very good medical education before they enter upon their duties—in the way of first-aid, they probably have sufficient knowledge—I really do not think it is necessary.

Then my Honourable friend also made some remarks regarding the Chief Inspector of Railways who is holding the enquiry. I think that is absolutely irrelevant; I do not want to say anything regarding that. I think, if the Railway authorities had taken the precaution to provide the train which met with this accident with such first-aid material as is ordinarily on the train, they have sufficiently discharged their duties.

Mr. Hooseinbhoy A. Lalljee (Bombay Central Division: Muhammadan Rural): Sir, it was not my desire to speak after the speeches I heard on this motion, but after hearing the views of the Honourable Member who has just spoken, I cannot resist making some remarks. The loss of 70 lives to my friend seems to be a very insignificant affair.

An Honourable Member: It was more than hundred.

Mr. Hooseinbhoy A. Lalljee: It was first given out at 90, but subsequently the number came down to 70, and I have reasons to believe that that figure is more correct.

We are passing through war days and thousands and thousands of men are being killed every day, and if that is the mentality of my Honourable friend, I have very little to say. I wish he had seen some of the people who had lost their sons and who had seen that their sons were buried under the debris for three hours. I wish my Honourable friend had seen that there were people

who were shouting for hours together and they could not be located because there was no light at that time. The accident took place between 4 and 4-30 A.M. It was a dark night. To ask for provision on the train for a few hurricane lamps for such an occasion is not asking for much. Do you think guard's lamp and driver's lamp can look after four hundred passengers? When you are spending crores of rupees every day, what is there, after all, if you spend five hundred or a thousand rupees on equipment on each passenger train. This will be a capital expenditure which you will not be required to recur except at the end of 5 or 10 years. If there are no accidents, this equipment will not be used. In fact, these first-aid appliances, suggested by my Honourable friend, Mr. Deshmukh, are such things which can be kept in the guard's van, and after three or four years these can be given over to hospitals. There is—I repeat—no recurring expenditure involved in it, and to say that we should not have even some torches would not, to say the least, be a wise counsel.

Mr. Muhammad Muazzam Sahib Bahadur: I never said so.

Mr. Hooseinbhoy A. Lalljee: But you don't want it.

Our trains carry five to seven hundred passengers through jungles and through such stations where for miles you cannot get even drinking water, leave aside medical practitioner or any kind of medical outfits. Under these circumstances if an Honourable gentleman were to suggest that in the guard's van you should have sufficient first-aid outfit for, say, one hundred passengers, it should be considered as very reasonable. Every ship carrying passengers going out of the harbour has got to carry the necessary equipment according to the number of passengers it carries. Laws and bye-laws are laid down that a steamer carrying so many passengers should have so much outfit, dispensary and what not. But here when we speak what do we find? We find no sympathy and the position is different. If you think that always the nature of accidents which you can have in railway travel are just a window paint falling upon the finger, or a bruise somewhere on the body while getting down from a compartment and for which an outfit worth Rs. 25/- is kept is sufficient then I must say, it is not fair and right. This must now be put right without delay, we cannot allow this position to remain.

So far as this accident is concerned, I have made enquiries in the matter. The Railway authorities, as soon as they came to know about this accident, did all they could. They sent out doctors and nurses from Bombay and everything that could be done was done. This is all very creditable. Very great care was taken at the hospital and at Wardha station and the railway people are looking after those who were injured right up to now. That is really good. But what we want now is and I quite agree with my Honourable friend, Mr. Deshmukh, that in the trains you must have first-aid and other necessary outfits and you must have lamps and torches, so that if, at all, accidents do take place, people, in searching for their kith and kin lying under the debris, will not in the first instance be groping in the dark for want of enough light and secondly to give them medical relief. I, therefore, say that adequate first-aid outfits and a few hurricanes and torches is not a great thing for the railway administration to provide at once and it must be done. That is all I have got to say on this motion.

The Honourable Sir Edward Benthall: Sir, a terrible accident has occurred and we are all naturally disturbed at the suffering which took place. But to say, as Dr. Banerjee said, that these accidents are of very frequent occurrence, is an inaccuracy, and I should like Dr. Banerjee to remember that there are thousands of trains travelling up and down the lines in India and millions of passengers travelling, and the incidence of accidents even in these times when the trains are overcrowded is very low indeed, and is really very creditable to the operation of the railways. But when an accident of this kind happens, it is only natural that members of the public and Members of this House should wish to look into the circumstances, and that is the reason why, in spite of the fact that my Honourable friend did not submit a notice either to me or to the Department, I agreed this morning to admit discussion of this motion because I

[Mr. Govind V. Deshmukh.]

motion. I am not prepared to take it from anybody that my facts are incorrect, because I have made personal inquiries. It is the usual practice of the Government not to take sufficient precautions. They do not take enough medical aid. How can we think of a major accident on every train, they say. I do not want every train to have a major accident. Accidents have happened several times. Unfortunately they have happened in this country several times, more than in other countries. Therefore, I say that the Government, in the light of what has been said by me and my friend, Mr. Hooseinbhoj Lalljee, and others, should be prepared to go into this matter and furnish more adequate medical relief. I do not know whether the Railway Member is prepared to say that he will take steps to improve matters. Unless he says that he will take steps on the lines of the suggestions I have made, I am not prepared to withdraw my adjournment motion.

Sir Cowasjee Jehangir (Bombay City: Non-Muhammadan Urban): Under the amendment of the Act, all those killed and injured will be paid compensation, whether they claim it or not. I am speaking of the amended Act.

The Honourable Sir Edward Benthall: Certainly they will.

Mr. Govind V. Deshmukh: What is the sense in saying that? How do you know the names of the persons who have been killed? No claim may be made unless somebody comes into the court and gives the names of the persons concerned.

Sir Cowasjee Jehangir: The Honourable Member runs away with his eloquence. All those who have been killed will have to be identified and under the amendment of the Act, they will get compensation, whether they claim it or not. It is possible that some injured people will go undetected but those who have been killed will have to be identified and they will get compensation under the amendment of the Act, limited compensation though it might be.

Mr. Govind V. Deshmukh: Four or five persons could not be identified at all.

Mr. Chairman (Syed Ghulam Bhik Nairang): The question is:

"That the Assembly do now adjourn."

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Tuesday, 27th July, 1943.

LEGISLATIVE ASSEMBLY.

Tuesday, 27th July, 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:

Rai Bahadur Naresh Chandra Ray, M.L.A. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

LOWERING OF THE EDUCATIONAL QUALIFICATIONS FOR EUROPEAN AND ANGLO-INDIAN CANDIDATES FOR TICKET COLLECTORS POSTS IN ALLAHABAD DIVISION.

34. *Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railway be pleased to state whether his attention has been drawn to an Employment Notice by the Divisional Superintendent, East Indian Railway, Allahabad, which appeared in the *Hindustan Times*, dated the 1st May 1943?

(b) Which authority has fixed the educational qualifications of "Working knowledge of English" for European and Anglo-Indian candidates forming a panel of Ticket Collectors?

(c) If the orders were issued by the Divisional Superintendent or the General Manager, who authorised them to deviate from rules, which lay down the Matriculation examination as the minimum? If the orders were issued by the Railway Board, why were the qualifications for candidates of other communities for employment on other State-managed Railways not also so lowered?

(d) Do Government propose to stop the racial discrimination and different practices on various State-managed Railways? If not, why not?

The Honourable Sir Edward Benthall: (a) Yes.

(b) The qualification referred to is contained in the rules issued by the Railway Board.

(c) The advertisement conforms to the rules issued by the General Manager, East Indian Railway. The minimum qualification is not matriculation in the rules issued by the Railway Board which apply to all candidates whatever the community they may belong to. As regards the last part, it is open to a Railway Administration to prescribe a qualification higher than that laid down in the Railway Board's rule if it should consider such a course desirable. I do not consider it necessary to insist on absolute uniformity among all Railways in this matter.

(d) There is no racial discrimination as explained above.

Mr. Lalchand Navalrai: May I know from the Honourable Member why, when qualifications have been fixed at least in the E. I. Railway by the Railway Board, such qualifications have not been fixed so far as other railways are concerned? Why is it left to the General Managers?

The Honourable Sir Edward Benthall: The answer to that has been given in my reply to part (c).

Mr. Lalchand Navalrai: Have the Board gone into the reasons for having a higher qualification in other railways and less qualification in E. I. Railway?

The Honourable Sir Edward Benthall: That, Sir, as I have already explained is at the discretion of the administration.

Mr. Lalchand Navalrai: When there is that discretion, why is there a change in some railways?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is arguing. He is not putting a question.

Mr. Lalchand Navalrai: Will the Board then consider whether that is in accordance with the discretion and whether that discretion should be changed or revised?

[Sir Edward Benthall.]

hoped that some practical suggestions would come from my Honourable friends as to what should be done in the future.

I should first, perhaps, recall once more that the whole matter of this accident is under investigation. Mr. Lalchand Navalrai, who has, I think, left the House, as he is perhaps not sufficiently interested to hear the explanation, said that he was not prepared to accept the examination of the Inspector. I should like to point out that the Inspector of Railways, who makes an enquiry into these cases, is not a servant of the Railway Department. He is an independent Inspector who makes his report to an entirely separate department, so that his investigation is impartial. He is charged primarily with finding out the causes of the accident and the people, if any, who are to blame. I will say nothing more of that because there are staff who are actually being prosecuted at the moment: but he is also charged with looking into any connected circumstances, and among those connected circumstances he has an obligation to make any comments that he may think fit upon the medical treatment of people who may be injured or killed in an accident.

I think that Mr. Deshmukh could not have been fully informed upon the circumstances of the accident. I think he said that the people who first came to the rescue of the unfortunate injured people were the neighbouring villagers. Well, I am informed that there were, in fact, four doctors travelling on the train, two of them railway doctors, and that these medical men immediately rendered first aid by making use of the First Aid box, which was, of course, inadequate for an accident of this dimension, but who also improvised to meet the circumstances. Mr. Deshmukh said: 'What could a doctor do if he has not adequate medical supplies?' Well, a doctor who is worth his salt knows what to do in a case like this, and as the report says they set about immediately improvising splints and bandages, and thereby I understand, saved a number of lives. Not only that but shortly afterwards, there was assistance from local doctors. I will explain the importance of that in a minute. There was also assistance from the relief train which came upon the scene.

Pandit Lakshmi Kanta Maitra (Presidency Division: Non-Muhammadan Rural). What was the actual interval of time between the occurrence and the arrival of the relief train?

The Honourable Sir Edward Benthall: You do not keep a relief train on the spot! There was also considerable assistance given by 19 British Other Ranks who were travelling on the train and who rendered very valuable assistance in extinguishing the fire and helping the dead and the injured. You will see, therefore, in the first place that the Honourable Member was unjustified in his statement that inadequate aid was rendered.

Dr. P. N. Banerjee: On account of lack of equipment: he did not blame the doctors.

Mr. Govind V. Deshmukh: I blame the Government for the inadequacy of the equipment.

The Honourable Sir Edward Benthall: Let me pay the tribute to the doctors and those who did assist, which Mr. Deshmukh does not see fit to pay. I am saying that the doctors rendered very notable assistance on this occasion in the interim before the relief train could come.

Let us examine the whole problem. As I understand it, the suggestion of the Honourable Member, or some of the speakers at any rate is that each passenger train should carry enough equipment to provide for a major accident. That was really what my Honourable friend said, that is what it amounted to. In other words, you should start out on the assumption that every train is going to meet with an accident. Well, that is not the principle on which provision is made. The principle on which provision is made is that the train will not meet with an accident. For ordinary accidents, inseparable from any moving objects, you carry a First Aid equipment. The First Aid equipment is not designed to cope with a major accident of this sort. The principle for dealing with major accidents of this sort is the prompt removal to hospitals of those who

are injured. It is the plan that the relief train, which carries a special medical carriage on it, should be on the spot at the earliest possible moment, and that that relief train should supply the necessary medical equipment. For this purpose the relief train is adequately furnished with supplies for major accidents. It is not even suggested that those in charge of the relief train should necessarily apply First Aid to the injured, as everybody knows that First Aid inadequately and unscientifically applied may very easily result in damaging rather than healing the patient. So the principle of the plan is to move to the spot of a serious accident a relief train as soon as possible and to remove the injured to hospital. But I should also mention that it is part of the system of the railways that station masters should have in their possession a list of medical practitioners in their neighbourhood so that if there is an accident in or near their station, they will at once be able to get into touch with local medical aid.

Dr. P. N. Banerjee: Is that the present system?

The Honourable Sir Edward Benthall: That, I understand, is the present system. Obviously, that is a sound system. Whereas you cannot carry special doctors on every train, to enlist local aid is a very desirable thing. I mention this because it was said by my Honourable friend, Mr. Deshmukh—I have not got his exact words, but he indicated that the Government were callous in this matter and gave no attention whatsoever or thought to the poor people who might be injured in accidents on railways. I would suggest that the careful thought which has been given to the laying down of all those regulations in the past shows that Government have not been callous and that, whether or not the first aid box is sufficient for a major accident—whether or not that is the case, Government have gone most carefully into the measures to be taken to relieve accidents of this sort, and if my Honourable friend wishes, I can show him on some other occasion the rules and regulations in connection with the procedure.

As regards the scale of the medical relief provided in these accidents—that I think is the kernel of the question. The scale laid down to be carried by each train and by relief trains has been carefully thought out. It is settled on the advice of the medical section of the Indian Railway Conference Association, an association of all the principal Railways in India. It is on their advice, on the advice of the medical men of the railways that these scales are laid down.

Mr. Muhammad Nauman: When was this scale fixed and that advice received?

Mr. Hooseinbhoj A. Lalljee: Before you were born!

Mr. Muhammad Nauman: It must be thirty years ago.

The Honourable Sir Edward Benthall: 1929 is the date of the last paper on the subject that I have here.

Dr. P. N. Banerjee: However, you may place our views before them and they may revise their opinion.

The Honourable Sir Edward Benthall: These scales were laid down by the medical men of the railways and after each accident the adequacy of medical relief is naturally reviewed by the Inspector who is making the inspection. And as a matter of interest, although we have not officially received the final report, we have had an interim report from the Government Inspector which says:

"I think the injured persons received prompt medical attention and there was no undue delay in the relief train reaching the site of the accident."

That shows that the Inspector in this case is also examining the question: and from time to time Inspectors do make suggestions as to what additional medical equipment or medical arrangements should be made on the train.

Mr. Chairman (Syed Ghulam Bhik Nairang): The Honourable Member has one minute more.

The Honourable Sir Edward Benthall: I will close, Sir, by saying that, while we cannot undertake that every train shall start out on the assumption that it is going to have a major accident, we will carefully examine the question of whether the first aid boxes carried on the train are adequate. We will take

[Sir Edward Benthall.]

the advice of the medical section of the Indian Railways Conference Association, but I cannot admit on this occasion that there was any neglect either on the part of the Government or on the part of the railway servants. Sir, I oppose.

Dr. P. N. Banerjee: May I ask a question? What would be the objection to appointing a tribunal to investigate the whole matter instead of relying on the report of the Government Inspector?

The Honourable Sir Edward Benthall: This question was gone into some years ago and it was decided—I presume with the approval of the House,—for I was not here at the time that the Inspectorate of Railways should be removed from the Railway Department in order that they might be a separate and independent body, and so far as the Government are concerned, they accept that position.

Dr. P. N. Banerjee: The House has always insisted on a tribunal.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): In this debate I find that both on the side of the prosecution and on the side of the defence there are many common points. Both sides admit that medical aid was provided to a certain extent. The only difference is about the degree—that the medical aid provided was insufficient to the number of the injured, or it may be said, to the number of the passengers. Otherwise, the Railway Department admits that every train does not carry such a great amount of medical equipment as may be available in a well fitted hospital. The Honourable the Railway Member on the other side also says that if there are any valuable suggestions coming forward the Railway Department will consider them. Many points being in common, and the difference being not very much, I do not see how my Honourable friend, Mr. Deshmukh, or Mr. Lalchand Navalrai, can divide the House on this question. The accident happened on the 4th June, but no report from the Inspector has come yet. The period that has elapsed since the accident is not a small period; it is a pretty long period, and I think the Railway Department ought to go into this matter.

The Honourable Sir Edward Benthall: I have just explained that this is not a matter for the Railway Department but for another Department. I would also ask whether the Honourable Member does not think it fair that people who are under a serious charge should have the charge most carefully enquired into.

Mr. Muhammad Azhar Ali: This may not be a matter of the Railway Department, it may be the matter of another department. But I urge that the Railway Department should approach the Government and say that such serious accidents happening, reports must come very soon. To say on the floor of the House that it is not a matter concerning the Railway Department is not a sufficient reply to the objection which I have just made. The Honourable the Railway Member has given a good certificate to some doctors and to some other people. I may inform the House that the Muslim League was also on the spot. There were many members of the Muslim League who rendered very valuable service to the injured. Therefore, I think that this is no great occasion for any very great difference between the two sides of the House, and, therefore, the House ought not to divide on the question.

Mr. Govind V. Deshmukh: I am very glad that this adjournment motion has given an opportunity to some Members to open their mouths, who have been all along keeping quiet, and to deliver sermons. As a matter of fact, to start with, I was confining myself to certain facts. I started with facts. The first thing that I said was that I did not wish to go into the causes of this accident. I did not wish to fix any guilt on any person, but in spite of that, when I find that some persons have gone into the matter my surprise is very great. Another misconception on the part of certain Members is that they thought that I had been advocating that a compartment full of medicines or a carriage full of doctors should be attached to every passenger train. It was a perversion

of what I said, it is a misconception of what I said. All that I said was that there should be stretchers, there should be more medical aid, more outfits than are there. How does it mean that I was thinking of a great medical train or a great compartment filled up with all surgical appliances, operation tables, nurses and so on. What made them think so? It was the weakness of their case. Those who wish to support the Government had nothing else to say to support the Government. I cannot otherwise think why matters should have been so exaggerated and perverted as to put into my mouth something which I did not say. As regards those who said that it was not possible to keep anything in the guard's van, have they ever thought about? Do they think that the guard's van is not roomy enough to have a few stretchers put up against the wall of the compartment? Have they ever thought what space it would occupy, what space a few torches would occupy? The box, if it is a bigger one,—would it be a great inconvenience to the guard? How would the operation of the guard be handicapped? Have they ever thought for a single moment about all those things which I have been putting before the House? What I said was that the first medical aid should be increased, that there should be more appliances than are ordinarily to be found nowadays. I referred to callousness, because there have been major accidents during the last three or four years. They have been the subject-matter of adjournment motions in this House. This is the first time, of course, we are coming before this House in this particular way for censuring the Government, not for the accident, not for how it was caused but because of the fact that there was less equipment than there should be. My friends say 'Look here, you are charging us with callousness'. Of course, I do. In spite of these accidents, you will not take the warning and provide for the safety of the lives of the third class passengers. The third class passengers are the passengers who generally suffer the most and if in this particular country, the lesson has not been learnt by the Government, it is because the third class passengers are poor and do not know how to claim compensation. Otherwise you would not have been so negligent, if you had been required to pay damages to all these people who have been killed or maimed. How are trains run in foreign countries? Have you ever inquired? In America, for instance, there is the guard's van in which stretchers, electric torches and medical aid appliances are kept. All these things are kept there. Have they handicapped the running of the trains? I tell you the instance of this very country. In the Nizam's Railway, in the guard's van, stretchers are carried. How had you say it is not possible? Then, Sir, it has been said that medical aid was given. I say it was not given. I say that medical relief arrived at 12 o'clock.

The Honourable Sir Edward Benthall: No, Sir.

Mr. Govind V. Deshmukh: What time did the train arrive from Nagpur?

The Honourable Sir Edward Benthall: 10 o'clock.

Mr. Govind V. Deshmukh: It did not reach before 11 or half-past 11.

The Honourable Sir Edward Benthall: One train arrived at 10.

Mr. Govind V. Deshmukh: I tell you that till the time the relief arrived, number of men were in a state of suspense between life and death. They could have been saved by an injection or two, if there were stretchers and they had been taken to a different place. They would then have had a chance to live. I said so in the very beginning when I opened my case. I want to speak about this dispassionately. Arrangements are made but they are poor. I do not say that no medical relief was given. I said that the medical relief train arrived late. There were certain persons at Borgaon. There is a hospital there. I made inquiries about it. It is poorly equipped. They could not render any help. A few passengers who were hurt were taken to this hospital after some time. I do not say that nothing was done. What I say is that if there were more medical aid, more lives could have been saved. Those persons who lost their limbs were locked up under the debris, so to say, in those conditions for a length of time. I made a full inquiry from the guard, driver and others as to what happens on other railways and then I tabled this

all the shops. During the month ending 1st June, 1943, the total quantity of foodstuffs sold exceeded 4 lakh maunds as against a little over 2½ lakh maunds in the month ending 15th April. The prices of commodities were first stabilised at those at which they were being sold in February, 1943; it was subsequently decided to reduce these prices by an average of 20 per cent. and this reduction became effective during June, 1943. This has resulted in further substantial relief to employees in areas like the Eastern region where market prices are high. Continuous efforts are being made to wring every railway employee within the scope of these shops.

(b) The answer to the first part is in the affirmative. As regards the second part, I have seen no general complaints about the quality of the wheat. As regards the third part, no alteration of the price is at present contemplated.

(c) The reply to the first part is in the negative. As regards the last part, it is understood that there is in Sind at present no demand from the staff for rice and efforts are being concentrated on procuring and selling other articles for which there is a demand.

Since the answer to this question was drafted I have seen figures to show that at the end of June the total number of the staff who have received ration cards is 6,21,000, which represents 89 per cent. of the staff of the railways and the figure of the total quantity of foodstuffs sold to the staff has gone up from four lakhs to six lakhs of maunds.

Mr. Muhammad Nauman: What is the system of calculation on which they are given? If the rate at which they are supplied is Rs. 6 per maund at what price did the Railways buy them and are they supplied at 50 or 40 or 80 per cent. less than the cost price?

The Honourable Sir Edward Benthall: It varies throughout the country. My Honourable friend has mentioned wheat. I will instance the North Western Railway. There, I think I am correct in saying, wheat is being sold at Rs. 6. The price paid by the railways depends on the market price.

Pandit Lakshmi Kanta Maitra: Is it a fact that the railway administrations purchase these foodstuffs at considerably low prices and sell them to their employees at higher rates.

The Honourable Sir Edward Benthall: No, Sir.

Mr. Lalchand Navalrai: At what price is the railway purchasing the wheat?

The Honourable Sir Edward Benthall: The railways buy at the market price which varies from day to day.

Mr. Lalchand Navalrai: What was the price this month or last month?

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

Mr. Hooseinbhoj A. Lalljee: Why is standard cloth not being supplied?

The Honourable Sir Edward Benthall: We indented for one million yards of standard cloth for delivery between 15th May and 15th June, and we have received some small deliveries on one or two of the railways. I have just had a telegram to say that despatches have been made to all the other railways except two, but I am unable to give any precise figures.

Sir Muhammad Yamin Khan: What is the total amount which the railways will lose by supplying wheat at a cheaper rate than the cost price?

The Honourable Sir Edward Benthall: That figure is being calculated but I am unable to state now precisely what it is.

Mr. Lalchand Navalrai: The Honourable Member said there is no general complaint about the quality of the food supplied. But I have heard complaints myself and will the Honourable Member, therefore, send a copy of this question and the allegation to the General Manager so that instructions may be issued to see that food of good quality may be supplied?

The Honourable Sir Edward Benthall: It is the constant interest of the railway administration to see that the quality of the wheat that is supplied is good.

Mr. Lalchand Navalrai: Therefore, will they render further help in the matter by sending this question?

The Honourable Sir Edward Benthall: I do not think that that step will be particularly effective because, as I said before, the administration gives daily attention to this question.

ARRESTS OF ABDUL SAMAD KHAN AND OTHERS OF QUETTA UNDER DEFENCE OF INDIA RULES.

38. *Sardar Sant Singh: (a) Will the Honourable the Leader of the House please state if it is a fact that Abdul Samad Khan, Arbab Abdul Qadir, Baran Khan, Abdul Ghafoor, Malik Said Mohammad, Sardar Jit Singh Sahney and Seth Daulat Ram were arrested under the Defence of India Rules in Quetta (Baluchistan) on the 20th August, 1942? If so, on what charges? Have any of them been released? If so, what are their names?

(b) Have these released persons been permitted to enter Baluchistan? If not, why not?

(c) Has any representation been received from those who have not been permitted to return? If so, what has been the fate of the representation?

The Honourable Sir Sultan Ahmed: (a) The individuals in question were arrested and detained under sub-rule (1)(b) of Defence of India Rule 26, because it was considered necessary to take this action for the maintenance of public order. All have since been released.

(b) Daulat Ram of Dadu District, Sind and Jit Singh Sahney of Rawalpindi District, Punjab, have been ordered not to remain in Baluchistan as their presence there has been considered politically undesirable.

(c) A representation from Jit Singh Sahney was received on 18th May, 1943, by the Baluchistan Administration who do not propose to take any action on it for the present.

Sardar Sant Singh: May I know if there is communal discrimination in giving permission to the Muslims to go back to Baluchistan and refusing it to non-Muslims?

The Honourable Sir Sultan Ahmed: I do not think so.

Sardar Sant Singh: As there is an impression that there is communal discrimination in this matter will the Honourable Member kindly make inquiries from the administration?

The Honourable Sir Sultan Ahmed: I do not know about the impression but I am prepared to inquire.

Sardar Sant Singh: Is the Honourable Member aware that these two persons who have been refused permission to go back have got properties there which they have got to manage?

The Honourable Sir Sultan Ahmed: I have no information.

OPERATION OF THE AMERICAN EXCLUSION ACT ON INDIANS.

39. *Mr. Govind V. Deshmukh: Will the Honourable the Leader of the House please state: (a) how the American Exclusion Act of 1924 affects the Indians;

(b) if any attempts were made by the Government of India to remove the disabilities arising out of the Act itself or the rules thereunder; if so, what; if not, why not;

(c) if the Agent General of India took any steps in this regard during the last two years; and

(d) if any steps are being taken now to remove these disabilities; if so, what?

The Honourable Sir Sultan Ahmed: (a) The Honourable Member no doubt refers to the Immigration Act of the American Legislature of 1924. Information as to how the Act affects Indians is contained in paragraphs 3 to 6 of the Statement which was laid on the table in reply to question No. 2054 asked by Sardar Mangal Singh on the 12th December 1938.

(b) Negotiations were undertaken with a view to the conclusion of a Treaty of Commerce with the United States with the main object of bringing Indians within the definition of aliens entitled to enter the country to carry on trade and so exempting them from the definition of "Immigrant" as given in Section 3 of the Act. These negotiations were postponed as they raised commercial

issues of primary importance between the United States of America and India, which were not susceptible of treatment during the progress of the war.

(c) Yes. In connection with certain Bills before Congress to lighten restrictions against Chinese the Agent General has enquired whether Indians could receive parity of treatment with Chinese.

(d) The matter is under consideration.

Mr. Govind V. Deshmukh: Is it a fact that the position today is virtually the same as it was prior to 1938 in spite of the efforts made?

The Honourable Sir Sultan Ahmed: As I said in answer to part (d), the matter is under consideration.

Mr. Govind V. Deshmukh: My question is, is it correct to say that the position today is what it was prior to 1938?

The Honourable Sir Sultan Ahmed: Except this that the matter is being considered.

Mr. Govind V. Deshmukh: May I know what steps are being taken at present which will lead us to believe that the matter is under consideration?

The Honourable Sir Sultan Ahmed: The Honourable Member has to accept my statement for that.

POST-WAR EMPIRE AND INTERNATIONAL AVIATION POLICY.

40. ***Mr. K. C. Neogy:** (a) Will the Honourable Member representing the Posts and Air Department be pleased to state whether the Government of India have been consulted by His Majesty's Government in regard to (i) the formulation of a post-war Empire aviation policy; and (ii) schemes of international co-operation for air services? If so, what is the nature of the communications received and their replies to the same?

(b) Have Government consulted the Indian public and commercial bodies as well as the Indian Aircraft Companies in regard to these matters? If not, do they propose to do so?

(c) Have Government received any intimation from His Majesty's Government in regard to the convening of an Empire Air Conference, and have they been invited to participate in such a conference?

(d) What will be the composition of the delegation they propose to send to such a conference when convened, and will this delegation include representatives of the Indian commercial and industrial interests?

Sir Gurunath Bewoor: (a) Certain exchanges of views of a purely exploratory and provisional nature have taken place between the Government of India and His Majesty's Government on the subject of the post-war development of civil aviation. Government are not prepared to mention the nature of these communications in view of their very provisional character.

(b) The reply to the first part of the question is in the negative. Such consultations will take place at a suitable stage if Government consider it necessary to do so.

(c) and (d). As regards the first part of (c), the question of convening a conference is still under consideration and no decision has been arrived at as yet. The latter part of (c) and part (d) do not arise.

Mr. K. C. Neogy: Has the Honourable Member's attention been drawn to a press report dated 24th July, 1943, in which it is stated that India has received an invitation to participate in the Empire Aviation Conference? Is this a fact?

Sir Gurunath Bewoor: No, Sir. I have seen the report. It is incorrect.

Mr. K. C. Neogy: Do I take it that this question is not even under consideration?

Sir Gurunath Bewoor: It is under consideration as I have already stated.

Mr. K. C. Neogy: Has the Honourable Member seen any report of discussions that have gone on in the House of Commons of late regarding the question of an Empire Aviation Conference, and whether it is a fact that the British Government contemplate the calling of a conference after consulting the various members of the Empire as well as India, and have the Government of India been asked to express their view as to whether such a conference is desirable or not?

Sir Gurunath Bewoor: I have seen the debate in the House of Commons, and, as I have already stated, there has been an exchange of views: The question of convening a conference is under consideration but no decision has been arrived at as yet.

Mr. K. C. Neogy: I quite appreciate that. The point is, have the Government of India expressed a view in favour of calling such a conference?

Sir Gurunath Bewoor: Sir, I have stated that an exchange of views has taken place but I am not prepared to mention the nature of these communications.

LETTER BOXES REMOVED BY RIOTERS AND POSTAL AUTHORITIES DURING RECENT DISTURBANCES.

41. ***Mr. Nabi Baksh Illahi Baksh Bhutto:** (a) Will the Secretary of the Posts and Air Department be pleased to state the number of letter boxes removed by the rioters and postal authorities during the recent disturbances?

(b) How many of them have been replaced by the department so far?

Sir Gurunath Bewoor: (a) With the exception of the Provinces of Bihar and Orissa, for which figures are not yet available, the total number of letter boxes damaged or removed by rioters was 1,299 and the number withdrawn by the Postal authorities was 1,280.

(b) 708, so far.

Mr. Muhammad Nauman: May I know why Bihar and Orissa have not been able to give the figures as yet? It is more than 10 months now.

Sir Gurunath Bewoor: It is not a question of ten months. We asked for the figures, but they have not been able to collect them up-to-date and therefore they have not yet been supplied. I am prepared to give those figures when I receive them.

Mr. Muhammad Nauman: Have they sent any report so far, or not?

Sir Gurunath Bewoor: Yes, but you must remember that I had to ask for these figures to reply to this question, and, unfortunately, Bihar and Orissa has not yet been able to collect these figures.

DESIRABILITY OF CHANGING THE ROUTE OF AIR MAILS TO BRITAIN.

42. ***Mr. Nabi Baksh Illahi Baksh Bhutto:** Will the Secretary of the Posts and Air Department be pleased to state whether Government propose to change the route of the air mails to Britain in view of the improved situation in the Mediterranean?

Sir Gurunath Bewoor: The air services to the West of India are operated by the British Overseas Airways Corporation (which is under the control of His Majesty's Government) and not by the Government of India. The question of adopting a quicker, and if possible an all-air, route for air mails between India and the United Kingdom is already under the consideration of His Majesty's Government.

COMPLAINTS AGAINST TELEPHONE OPERATORS AT CALCUTTA EXCHANGES.

43. ***Sir Abdul Halim Ghuznavi:** (a) Will the Secretary of the Posts and Air Department be pleased to state if his attention has been drawn to the editorial comments in the Calcutta edition of the *Statesman* of the 29th June, 1943, and also to the *Dainik Basumati* (a vernacular Daily of Calcutta) of the 26th June, 1943, about the lack of attention and dereliction of duties on the part of the Telephone Operators at the Exchanges in Calcutta resulting in serious inconvenience to the subscribers? If so, has necessary action been taken to remedy this state of affairs?

(b) If the answer to the latter part of (a) be in the negative, do Government propose to make an enquiry, and to take prompt action?

Sir Gurunath Bewoor: (a) Government have already seen these comments and enquired into the matter. There has undoubtedly been some deterioration in the quality of the telephone service in the Calcutta area. This has been due mainly to the following causes:

(i) A very large increase in the number of subscribers.

(ii) Abnormally heavy traffic during the busy hours which is beyond the capacity for which the existing equipment was designed.

The Honourable Sir Edward Benthall: As I have already explained, Government does not consider it necessary to insist on absolute uniformity amongst all railways in this matter.

ARRANGEMENT FOR PAYMENT OF INSURANCE PREMIUMS FROM RAILWAY EMPLOYEES PROVIDENT FUND.

35. *Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways be pleased to state whether any arrangement exists to allow payment of insurance premiums of approved Insurance Companies from Railway Employees' Provident Fund? If not, is it proposed to make such a provision? If not, why not?

(b) Is it a fact that contributions made by an employee towards the Provident Fund cannot be forfeited for any liability to Government, as such forfeiture is only confined to Government's share of contribution and interest thereon? If so, will Government consider the grant of facilities to railway employees to pay insurance premiums from their Provident Fund savings which do not exceed their share of contribution?

The Honourable Sir Edward Benthall: (a) Railway employees are permitted to substitute, in whole or part, for subscription to the Railway Provident Fund, insurance premia for policies taken in the Government Post Office Insurance Fund and not for policies taken from any private Insurance Company. It is felt that subscribers to the State Railway Provident Fund need this protection in the matter of their holdings in the Fund which partly take the place of pension.

(b) Reply to the first part is in the affirmative. Reply to the latter part is covered by reply to (a) above.

Mr. Lalchand Navalrai: Why is it that discretion is being given only with respect to Postal Insurance Fund and not with reference to private insurance companies?

The Honourable Sir Edward Benthall: I have explained that in my answer to part (a).

Mr. Lalchand Navalrai: May I know why, when representations have been made by the employees that they have got facilities from private insurance companies, they have not been allowed to avail of such facilities?

The Honourable Sir Edward Benthall: That, Sir, is precisely what I answered in my reply to part (a).

Mr. Lalchand Navalrai: May I know whether any representations have been made by the employees and whether they have been given any reasons for refusal of the request?

The Honourable Sir Edward Benthall: I am not aware of any such representations.

SELECTION FOR RECRUITMENT TO POSTS OF ASSISTANT INSPECTORS OF WORKS ON NORTH WESTERN RAILWAY.

36. *Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways be pleased to state whether a selection for recruitment to posts of Assistant Inspectors of Works on the North Western Railway was held in May, 1942? How many candidates from different divisions were selected, and what was the quota allotted to each of them?

(b) Is it a fact that another selection for recruitment to the posts referred to in part (a) above, was held early this year, but as Muslim candidates were not available, members of other communities were taken against the minority communities' posts? If so, how many, and to what communities did the selected candidates belong?

(c) Is it a fact that persons recruited in the 1942 selection have not been confirmed on the plea that they were taken against posts reserved for other communities? If so, how is this policy proposed to be reconciled with the Government of India, Home Department Resolution No. 14/13/38-Esta. (5), dated Simla, the 15th July, 1938, to the effect that the balance of the posts reserved for the minority communities, if filled by other communities, will be carried over only for one year?

(d) If the confirmations have been stopped during the course of the War, do Government propose to assure the employees appointed against vacancies reserved for minority communities that they will not be discharged to make room for the members of minority communities, if and when they become available? If not, why not?

The Honourable Sir Edward Benthall: (a) A recruitment of Apprentice Assistant Inspectors of Works was made in May 1942. As regards the second part, the information is as follows:

Lahore	3	and	8	Quetta	Nil	and	4
Delhi	6	and	3	Rawalpindi	6	and	11
Multan	1	and	5	Karachi	1	and	4
Ferozepur	3	and	3				

(b) and (c) I have called for information and a further reply will be laid on the table of the House.

(d) The rules regarding the filling of vacancies reserved for members of minority communities will be observed, and there is no intention to depart from them.

Sir Muhammad Yamin Khan: Is it the rule that if any candidate of any particular community is not available in a particular year, that post is reserved for that community in the next year?

The Honourable Sir Edward Benthall: Yes, Sir. But this particular question refers to filling the vacancies after the war.

Sir Muhammad Yamin Khan: Even in this case, during the war, is the principle laid down by the Railway Board that if any particular community candidate is not available in a particular year, that vacancy will be reserved for that community in the next year.

The Honourable Sir Edward Benthall: Sir, the Honourable Member is raising rather a complicated question. I suggest that he puts down a question to which I will give a careful and full reply.

Maulana Zafar Ali Khan: May I know whether no Muslim candidate was available throughout India?

The Honourable Sir Edward Benthall: It is not a question of any Muslim candidate being available throughout India. This question refers only to the N. W. R.

Dr. Sir Zia Uddin Ahmad: May I just tell the Honourable Member that very recently for about 50 seats in Aligarh for admission in the Engineering College, I received 500 applications from Muslims who were B.Sc.'s and Intermediates in science?

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

Dr. Sir Zia Uddin Ahmad: There is no point in saying that Muslims are not available. I can give any number of applicants to fill these posts.

OPENING OF CHEAP SHOPS FOR RAILWAY EMPLOYEES.

37. *Mr. Lalchand Navalrai: (a) With reference to the Honourable the Railway Member's reply to my starred question No. 250, asked on the 5th March, 1943, regarding opening of cheap shops for railway employees, will he please make a brief statement on the progress made since then?

(b) Is it a fact that wheat is supplied to employees on the North Western Railway at Rs. 6 a maund? Is it of good quality? Will it continue to be supplied at this rate for the whole year?

(c) Is rice being supplied in Sind? If so, of what qualities, and at what rates? If not, why not?

The Honourable Sir Edward Benthall: (a) The number of staff on all State-owned Railways reported to be within the range of grain shops during June was 6,18,700, the number of employees to whom ration cards had been issued being 5,39,331. This represents 89.85 per cent. and 78.32 per cent. of the total staff on these Railways. The commodities covered by the scheme include in addition to the staple foodgrains, spices, sugar, gur, kerosene oil, standard cloth, tea, matches, etc., although all of them are not yet on sale in

(iii) Depletion in the number of trained and experienced operators due to a large number of resignations in 1942, on account of the abnormal conditions prevailing in Calcutta, and their replacement by new and inexperienced staff.

(iv) Abnormal rate of sickness this summer leading to heavy absenteeism.

(v) Inordinately long calls indulged in by some subscribers.

It has been decided to install additional equipment to meet the heavy calling rate and certain other remedial measures with a view to improving the service are under examination by the Posts and Telegraphs Department, but it will take some time before the full effect of these measures can be felt.

(b) Does not arise.

Sir Abdul Halim Ghuznavi: Is my Honourable friend aware that in five out of ten telephone calls one gets repeatedly wrong number, or on enquiry from the operator he is informed: 'the number is engaged'?

Sir Gurnath Bewoor: I am not aware whether that is correct, but I have admitted that the service is not as good as it should be and that is due to the inexperienced staff. As regards being told that the number is engaged, the Manager reports that many subscribers unfortunately refuse to believe the operator when he tells them that the number is engaged. In this connection it will be of interest to the Honourable Members that on watching certain numbers we discovered three instances in which one local call was 1½ hours in duration, another 1½ hours, and the third one 6½ hours.

Sir Abdul Halim Ghuznavi: Is my Honourable friend aware of the constant interconnections, which seldom took place before, and that these interconnections have created a horror in the mind of the public as they do not consider it safe to talk on their private affairs with reliance lest they be overheard?

Sir Gurnath Bewoor: I am aware of that complaint and we are taking action to remedy it.

Mr. T. T. Krishnamachari: May I ask the Honourable Member that besides the reasons which he enumerated for the inefficiency of the service one other is the transference of the telephone service in the Calcutta area from the hands of a private company to the Government?

Sir Gurnath Bewoor: No, Sir, because it is exactly the same staff and the same management which is now managing the telephones under the Government.

RESERVATION OF SECOND CLASS COMPARTMENTS IN THE TOOFAN EXPRESS FROM DELHI ON THE 1ST JULY, 1943.

44. ***Syed Ghulam Bhik Nairang:** (a) Will the Honourable the Railway Member be pleased to state whether any applications for the reservation of Second Class compartments as distinguished from "berths" in the Toofan Express which started from Delhi on the evening of the 1st July, 1943, had been received? If so, how many Second Class compartments had been reserved in that train?

(b) How many Second Class compartments in all, besides those marked for the Military personnel, were there in the said train, and for what total number of passengers was seating accommodation provided in those compartments?

(c) How many Second Class tickets were issued from the Delhi Station for the said train?

(d) How many Second Class tickets were, as a result of checking, found to be held by passengers changing from other trains to the said train?

(e) Is it, under the rules, necessary for reserving a compartment to pay the number of fares equal to the number of passengers for whom seating accommodation is provided in a compartment?

(f) If the answer to (e) be in the affirmative, had the full number of fares required by the rules been paid for the train and for the date, in question?

(g) Can a Second Class passenger who has not got a berth or a seat reserved for himself lawfully travel in a Second Class compartment if he accommodates himself on the floor or any other unoccupied part of the compartment without encroaching on the berths or seats reserved for other passengers in the compartment?

(h) If the answer to (g) be in the affirmative, has a Ticket Collector or any other Railway Official any authority to eject such a passenger from the compartment?

(i) If the answer to (g) be in the affirmative and the answer to (h) be in the negative, has the Station Superintendent, Delhi, received a complaint, dated the 3rd July, 1943, to the effect that a Ticket Collector unlawfully ejected an M.L.A. from a Second Class compartment in the Down Toofan Express on the 1st July, 1943, on the false plea that the compartment was reserved although the compartment was neither reserved in fact nor labelled as such (the 5 berths only being labelled as reserved)? If so, what action has been or is proposed to be taken in the matter?

The Honourable Sir Edward Benthall: (a) I am informed that one application for the reservation of a full 2nd class compartment was received, and one such compartment was reserved.

(b) Nine providing seating accommodation for 82.

(c) 32 tickets were issued during the period between 16 and 24 hours on the 1st July, 1943. This does not take into account tickets which may have been purchased earlier or from city booking offices or held by through passengers.

(d) I am unable to say as no record of passengers holding through tickets and changing from one train to another is kept at junction stations.

(e) No. A compartment can be reserved on payment of fares equal to the number of berths in the compartment.

(f) Does not arise. But all passengers occupying berths were in possession of tickets.

(g) and (h). The Honourable Member is referred to sections 109 and 63 of the Indian Railways Act No. IX of 1890, a copy of which is in the library of the House. The Honourable Member is also referred to sections 120 and 132 of the Indian Railways Act No. IX of 1890.

(i) I understand a complaint from the Honourable Member was received by the Station Superintendent, Delhi, who enquired into it and has sent a letter of explanation to the Honourable Member which I trust has satisfied him.

Sir Cowasjee Jehangir: May I ask the Honourable Member whether the M. L. A. travelling in the Toofan Mail, who has complained, was travelling at Government expense?

The Honourable Sir Edward Benthall: I have no information, Sir.

Sir Cowasjee Jehangir: Would he enquire whether the M. L. A. was travelling at Government expense, and, if so, whether he was drawing 1st class fare or 2nd class fare?

Syed Ghulam Bhik Nairang: With your permission, Sir, I would like to say that it was I, and I was travelling at my own expense.

EXCESSIVE FREIGHT RATES ON SUGARCANE CHARGED BY THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

45. ***Mr. T. T. Krishnamachari** (on behalf of **Qazi Muhammad Ahmad Kazmi**): (a) Will the Honourable Member for Railways please state if it is or is not a fact that the freight charged on the transport of cane on the Bombay, Baroda and Central India Railway (meter gauge in the United Provinces) is Re. 0-1-3 per maund for a distance of 50 miles whereas on the East Indian, Great Indian Peninsula, Bengal and North Western and Rohilkhand & Kumaon Railways, it works out at 5-8, 6-5, 8-4 and 11-1 pies, respectively?

(b) Is it or is it not a fact that the raw material as well as the manufactured material of the Sugar Cane factories being controlled by the various Provincial Governments, the margin of profit in the sugar factories is duly limited and the sugar factories located on the Bombay, Baroda and Central India Railway are very much handicapped by the high rates of freight on that Railway?

(c) Do Government propose to consider the advisability of bringing down the rates of freight on the Bombay, Baroda and Central India Railway, in conformity with rates of other Railways, and to remove this complaint of the sugar industry?

The Honourable Sir Edward Benthall: (a) The rates for sugarcane to the factories on the B., B. & C. I. Railway for a distance of 50 miles are about

11 pies per maund and not 15 pies. The other rates given by the Honourable Member are substantially correct.

(b) So far as I am aware it is only in the U. P. and Bihar provinces that the price of cane is controlled by the Provincial Governments. The price of sugar is controlled by the Central Government. I am not aware that the freight rates on the B., B. & C. I. Railway have handicapped the sugar factories located on that Railway.

(c) No.

EXCESSIVE CHARGES FOR SUGARCANE STACKING BY THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

46. *Mr. T. T. Krishnamachari (on behalf of Qazi Muhammad Ahmad Kazmi): (a) Will the Honourable the Railway Member please state if it is or it is not a fact that the Bombay, Baroda and Central India Railway charges Rs. 24 per annum for a small piece of land on which cane is stacked prior to being loaded on the railway wagons for transport, while the other railways do not charge more than Rs. 5 per annum?

(b) Is it or is it not a fact that the Bombay, Baroda and Central India Railway demand a sum of Rs. 75 as expenses for drafting an amendment for the inclusion or exclusion of a plot, in the agreement regarding places on which sugarcane is stacked while no such high charges are made by other Railways?

(c) Do Government propose to consider the desirability of reducing the charges to bring them in conformity with other Railways?

The Honourable Sir Edward Benthall: (a) to (c). The terms on which railway lands are leased to the public, and the conditions of agreement, vary with the conditions prevailing in individual localities. The Railway Board have no information of the details of these arrangements by individual railway administrations. Individual cases of hardship can be brought to the notice of the railway administration either direct or through the medium of the Local Advisory Committees.

NECESSITY OF INCREASING THE RATE OF DEARNESS ALLOWANCE FOR LOW-PAID STAFF OF SHAHDARA-SAHARANPUR LIGHT RAILWAY.

47. *Mr. T. T. Krishnamachari (on behalf of Qazi Muhammad Ahmad Kazmi): (a) Will the Honourable Member for Railways please state if it is or it is not a fact that the Dearness Allowance given to the low paid staff of the Loco department of the North Western Railway is Rs. 11 per month, and in addition six maunds of wheat at concessional rates?

(b) Is it or is it not a fact that the Loco staff on the Shahdara-Saharanpur Light Railway gets a Dearness Allowance of Rs. 7 per month only? If not, what are the facts?

(c) In view of the great disparity in the pay of the staff of the Shahdara-Saharanpur Light Railway and the North Western Railway, and the high prices of commodities, do Government propose to consider the advisability of pressing on the Shahdara-Saharanpur Light Railway the necessity of increasing the rate of Dearness Allowance for the low paid staff, and bringing it at least on a level with the North Western Railway?

The Honourable Sir Edward Benthall: (a) The Dearness Allowance to loco staff on the N. W. Railway is Rs. 11 in B areas for those on pay up to Rs. 125 per month. As regards the supply of wheat at concessional rates, this is limited at present to 15 seers per adult and 7.5 seers per child subject to a maximum of 60 seers per family.

(b) I have no specific information but believe that the Honourable Member is correct in his statement.

(c) The reply is in the negative.

NECESSITY OF RAISING THE PAY OF LOCO-WORKMEN ON SHAHDARA-SAHARANPUR LIGHT RAILWAY.

48. *Mr. T. T. Krishnamachari (on behalf of Qazi Muhammad Ahmad Kazmi): (a) Will the Honourable the Railway Member please state if it is or it is not a fact that the Loco-workmen on the North Western Railway get a

salary of Rs. 45—75, while the Loco-workmen on the Shahdara-Saharanpur Light Railway doing exactly the same work get Rs. 30—50 per mensem?

(b) Is it or is it not a fact that even the scale of Rs. 30 to 50 is only a nominal one, and in practice most of the workmen get only Rs. 30 per mensem?

(c) Do Government propose to consider the advisability of pressing upon the Shahdara-Saharanpur Light Railway authorities the necessity of raising the pay of the workmen to the level of the North-Western Railway workmen, and giving them proper increments in time? If not, why not?

The Honourable Sir Edward Benthall: (a) It is not clear what the Honourable Member means by loco-workmen but if he refers to fitters in loco sheds, their scales of pay on the N. W. R. vary from Rs. 1/2 to Rs. 2/4 per day. I have no information concerning the rates of pay of staff on the Shahdara-Saharanpur Light Railway.

(b) I have no information.

(c) No, because Government do not interfere in matters of detail as regards Company-managed Railways.

ANNUAL REPORT ON PILGRIMAGE TO IRAQ.

49. *Mr. H. M. Abdullah (on behalf of Khan Bahadur Shaikh Fazl-i-Haq Piracha): (a) Will the Honourable the Leader of the House please state whether an annual report on the pilgrimage to holy places in Iraq is received by the Government of India?

(b) If the answer to (a) be in the affirmative, are copies placed in the Library of the House?

(c) If the answer to (b) is in the negative, does he propose to place them in the Library, and also to supply them to Members of the Central Haj Committee?

The Honourable Sir Sultan Ahmed: (a) Government of India receive an annual report on the work of the Indian Section of the British Consulate, Baghdad which also contains information about the pilgrimage to Iraq. No separate annual report on the pilgrimage to holy places in Iraq is received.

(b) and (c). As a measure of war economy publication of this report has been suspended but typed copies of the latest report for the years 1940 and 1941 have been placed in the Library of the House and supplied to Secretary, Standing Haj Committee for circulation among members.

RESTRICTIONS IMPOSED BY IRAQ GOVERNMENT ON INDIANS.

50. *Mr. H. M. Abdullah (on behalf of Khan Bahadur Shaikh Fazl-i-Haq Piracha): (a) Will the Honourable the Leader of the House please state whether any restrictions are imposed by the Government of Iraq on Indians—pilgrims and others—for their stay and business? If so, what?

(b) Are similar restrictions imposed on Iraqi Nationals in India?

(c) What is the total number of Iraqi subjects who are residing in India for purposes of trade?

The Honourable Sir Sultan Ahmed: (a) No restrictions are imposed by the Government of Iraq on Indians for business in Iraq. As regards their stay in Iraq, the Iraqi Residence Law is applicable to all foreigners alike and does not discriminate against Indians in particular. A copy of press note dated the 10th January, 1940, in which the Iraqi Residence Law of 1938 has been explained is laid on the table. The fee for a residence book has since been increased to one dinar (= Rs. 13-6-0).

(b) Does not arise, there being no residence law applicable to foreigners in India similar to the Iraqi Residence Law.

(c) Government have no information.

Press Note.
No. F-25/30/39-Pub.
New Delhi, January, 10, 1940.
PILGRIMS TO IRAQ.

NEW RESIDENCE LAWS EXPLAINED
Haj pilgrims intending to visit Iraq will do well to get themselves acquainted with the provisions of the New Iraqi Residence Law, passed, in 1938. Under this law all foreigners

entering Iraq are required to report to the police within 15 days of arrival; if they desire to stay longer than three months, they must apply to the passport or police authorities for residence books within three months of arrival.

Recent experience at Baghdad and Basra tends to show that Indian pilgrims particularly those who are illiterate, are likely to encounter difficulties when they attempt to leave Iraq unless their pilgrim passes bear the appropriate endorsement by the local police authorities showing that they have complied with the formality of registration at a police station or, in the appropriate cases, of taking out residence books. Reporting to the police involves attendance at a police station and the passports should be stamped by a Passport Officer on arrival at Basra or other place of entry. In addition, foreigners should produce three passport photographs when reporting to the police or applying for residence books. As the cost of such photographs is probably lower in India than in Iraq, pilgrims may, in their own interest, provide themselves with the required number of photographs before leaving India. Women in purdah are exempted from the necessity of producing photographs.

A fee of 250 fils (Rs. 3-5-6) is charged for residence books issued to foreigners wishing to stay longer than three months in Iraq.

Foreigners intending to reside in Iraq for more than the period granted to him shall:

(1) Apply before the expiry of the prescribed period to the Residence Officer for the purpose of obtaining permission to reside for a period of one year. The Residence Officer shall not grant or reject the permission except with the approval of the Minister of Interior or any person authorised by him.

(2) Every foreigner, permitted to reside under paragraph (1) above, shall be provided with a residence book granting him the right of residence in Iraq for a period of one year, and; at least one month before its expiry, he should apply to the Residence Officer for its extension which may be renewed.

(3) In the event of losing a Residence book, a foreigner, shall apply immediately to the Residence Officer for the purpose of obtaining a duplicate copy of the book lost.

(4) A foreigner shall produce his residence book to the Police authorities whenever asked to do so.

(5) A foreigner holding a residence book shall, when changing his place of residence from one town to another, report to the Police headquarters of the district of his new place of residence, producing his residence book. The Police headquarters shall take the necessary particulars from the book and report the movement of the foreigner to the issuing Residence Officer.

External Affairs Department.

CONTEMPLATED ABOLITION OF THE LOWER GAZETTED SERVICE ON STATE RAILWAYS.

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

(a) whether the abolition of the Lower Gazetted Service on State Railways is still under consideration;

(b) what the reasons are for the step thus contemplated;

(c) if it is a fact that members of the Lower Gazetted Service are actually drawing higher salaries than officers in the junior scale of the superior service;

(d) if it is a fact that the proposal, if accepted, will entail an extra expenditure;

(e) how many Indians and Anglo-Indians or Europeans will be promoted to the superior service as a result of this proposal; and

(f) if it is proposed to give some years' seniority to the promoted members of the Lower Gazetted Service so as to supersede the junior members of the superior service?

The Honourable Sir Edward Benthall: (a) Yes.

(b) The Honourable Member is referred to the memorandum at pages 47 to 52 of the Proceedings of the Standing Finance Committee for Railways, Volume XIX—No. 1.

(c) The old scale of pay of the Lower Gazetted Service being Rs. 350 to 800, it is likely that many members of that service are drawing more pay than junior scale officers of short service or who are on the revised scale of pay.

(d) Yes.

(e) I am unable to say until the final form the proposal will take is known and the details have been settled.

(f) No, the intention is that the officers promoted *en bloc* to the superior service will be placed after confirmed junior scale officers for purposes of seniority.

Mr. Lalchand Navalrai: May I know at what stage the proceedings are with regard to the change from the lower to the higher grade?

The Honourable Sir Edward Benthall: It is before the Standing Finance Committee for Railways, who have met and discussed this question on several occasions. I understand, although I am not a member of that Committee, that there is to be another meeting on the 31st at which it is hoped that final conclusions will be reached. If no final conclusion is reached on that occasion we may have to consider taking action without further delay.

Mr. Lalchand Navalrai: Will the Honourable Member say what is the consensus of opinion up to now of the Committee?

The Honourable Sir Edward Benthall: A great many opinions have been expressed and it would take a long time to give a statement to the House.

Maulvi Muhammad Abdul Ghani: What is the view of the Department?

The Honourable Sir Edward Benthall: The view of the Department is as set forth.

MUSLIM PROTEST AGAINST WORDS USED BY MR. R. P. MATHUR OF SUPPLY DEPARTMENT.

52. *Dr. Sir Zia Uddin Ahmad: (a) Has the Honourable Member representing the Supply Department seen the article published on page 5 of the *Dawn*, dated July 10, 1943, under the heading 'Supply Department, Mussalmans Protest'?

(b) Did Government make any enquiries about the words used by one Mr. R. P. Mathur, C.P.I.?

(c) What action, if any, did Government take in this matter? If none, why?

(d) Were there other complaints of a similar nature against the officer mentioned in (b)?

Mr. J. A. Mackeown: (a) Yes.

(b) The Chief Controller of Purchase (Supply), head of the Purchase Branch, Directorate General of Supply, personally investigated the incident and was satisfied that no expression derogatory to the Muslim community was used by Mr. Mathur, who had occasion to warn two Mohammadan clerks of two different sections—one for late attendance and the other for not starting his work at 10-30 A.M.

(c) Does not arise.

(d) No.

Dr. Sir Zia Uddin Ahmad: Is it not a fact that some Muslim employees in the Supply Department resigned on account of this act?

Mr. J. A. Mackeown: One Muslim employee resigned.

Dr. Sir Zia Uddin Ahmad: If the case was so serious that he had to resign his post as a protest you cannot call it a trifling matter.

Mr. J. A. Mackeown: I did not say it was a trifling matter but the investigation showed that no expression had been used to which the Muslim community need take any objection.

Sardar Sant Singh: May I ask the Honourable Member if it is a fact that the enquiry was made by Muslim high officials?

Mr. J. A. Mackeown: The enquiry was made by the Chief Controller of Purchase (Supply), Mr. K. G. Morshed.

Sardar Sant Singh: May I know if it is a fact that the resignation which was referred to by Dr. Sir Zia Uddin was made six times by this man and six times withdrawn?

Mr. J. A. Mackeown: I have not heard that before.

Sardar Sant Singh: Will you make enquiries if it is a fact or not that in the first five resignations no kind of allegation was made which was made on the sixth resignation.

Dr. Sir Zia Uddin Ahmad: Is it not a fact that the same gentleman used similar remarks to a contractor from Jullundur and when a protest was made those remarks were withdrawn?

Mr. J. A. Mackeown: I have no information to that effect, but I will make enquiries about this particular incident.

(Interruptions.)

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

SUPPLY DEPARTMENT ORDERS FOR ARTICLES FROM UNITED PROVINCES SMALL SCALE INDUSTRIES.

53. *Syed Ghulam Bhik Nairang: Will the Honourable Member representing the Supply Department please state:—

(a) the value of the articles prepared by the small scale industries ordered by the Supply Department from the United Provinces since the beginning of the war;

(b) how many of such orders were complied with; and

(c) the value of the orders (excluding locks) placed with Muslim firms?

Mr. J. A. Mackeown: (a) and (b). The value of orders placed with small scale industries in the United Provinces since the beginning of the war is Rs. 3,36,93,000, of which orders valued at Rs. 2,37,60,000 have been executed.

(c) It is not possible to give the value of orders placed with Muslim firms owing to the difficulty of distinguishing between Muslim firms and other firms.

Dr. Sir Zia Uddin Ahmad: Will the Honourable Member please state what is the reason for not executing the orders amounting to more than one crore according to his own statement?

Mr. J. A. Mackeown: Well, Sir, out of orders totalling Rs. 3,36,00,000 already Rs. 2,37,00,000 worth of orders have been executed. I presume the other one crore is in the course of execution.

REALIZATION OF THE COST OF THE INDIAN ARMY IN IRAN FROM THE IRANIAN GOVERNMENT.

53A. *Mr. Abdur Rasheed Choudhury: (a) Will the Honourable the Leader of the House please state whether Government are realising in any form from the Iranian Government the cost of the Indian Army in Iran?

(b) If the reply to (a) be in the affirmative, what is the amount that is being realised, and in what form?

The Honourable Sir Sultan Ahmed: (a) and (b). It is contrary to the public interest to give any information on this matter.

UNSTARRED QUESTIONS AND ANSWERS.

HOLIDAYS GRANTED IN RAILWAY OFFICES.

1. Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that employees in the Railway administrative, Divisional and allied offices are entitled to holidays declared under the Negotiable Instruments Act, and such other local or sectional holidays which the head of the department may in his discretion grant?

(b) If the reply to part (a) above be in the affirmative, were any holidays cancelled on the State-managed Railways? If so, which, and was any compensatory leave granted to the employees affected by such cancellation? If not, why not?

The Honourable Sir Edward Benthall: (a) While staff in administrative divisional and allied offices are generally permitted to avail themselves of declared public holidays, it is within the discretion of the administration to require staff to work on such days if the public interest so demands.

(b) Government have no information whether any Railway Administration decided not to observe any particular public holiday. Government have also no information if under such circumstances staff were granted compensatory leave, but staff do not have the right to such compensatory leave the grant of which is within the discretion of the administration.

BLOCK IN PROMOTION OF CERTAIN CLASSES OF RAILWAY EMPLOYEES FROM GRADE I TO II.

2. Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that 503 grade II posts were sanctioned to relieve block in promotion of certain classes of employees, from grade I to II, in September, 1941?

(b) Is it a fact that it was ruled that promotion to these appointments were to be made in strict order of seniority subject to fitness with the personal approval of the Divisional Superintendent in all cases?

(c) Is it a fact that several employees have been deprived of relief of promotion given in the Railway Board's scheme, without the approval of their Divisional Superintendents? If so, why? Is it proposed to review the position? If not, why not?

(d) What steps are proposed to be taken in future to ensure that orders issued by a competent authority are faithfully carried out? If none, why?

The Honourable Sir Edward Benthall: (a) Yes, by the reduction of a corresponding number of Grade I posts.

(b) Government understand that the Railway issued instructions in this sense.

(c) Government understand that on the Delhi Division, with the approval of the Administration, the actual upgrading of the particular posts was done with the approval of the Divisional Superintendent, but the promotions to these posts were ordered by Divisional officers who were competent to do so. Government also understand that a few senior employees were not promoted as they were considered unfit. Government see no reason for ordering a review.

(d) Government are satisfied that the competent authority has sufficient means of enforcing its orders.

RAILWAY DEARNESS ALLOWANCE RATES IN CAWNPORE AND OTHER AREAS.

3. Mr. Lalchand Navalrai: Will the Honourable Member for Railways be pleased to state:

(a) whether it is a fact that the rate of Dearness Allowance admissible to railway employees in the Cawnpore area with effect from the 15th March is Rs. 16 or so much as is admissible in Bombay and Calcutta; if so, why;

(b) whether the different rates of the Dearness Allowance admissible in different areas have been based on population; if so, what is the population of Cawnpore and of other cities (excepting Bombay and Calcutta) having a larger population than Cawnpore, where lower rates are admissible; and

(c) why the rate of the Dearness Allowance is lower in other cities having a larger population than Cawnpore?

The Honourable Sir Edward Benthall: (a) The reply to the first part is in the affirmative. As regards the second part, Government consider that conditions in the three places are so similar that the same rate of Dearness Allowance is justified.

(b) Areas A, B and C are based on population, Area X is not; the second part does not arise as the classification of Cawnpore is not based on its population.

(c) The reason for the higher classification of Cawnpore is given in the reply to part (a).

DEARNESS ALLOWANCE OF RAILWAY EMPLOYEE OCCUPYING A RENT-FREE QUARTER.

4. Mr. Lalchand Navalrai: Will the Honourable Member for Railways be pleased to state:

(a) whether it is a fact that 10 per cent. of pay is added to an employee's wages if he is in occupation of a free railway quarter to determine his wages for the purpose of admissibility of the Dearness Allowance;

(b) the amount added to an employee's wages if he is occupying a quarter, the assessed rental value of which is less than ten per cent. of his pay; and

(c) when an employee is actually given the privilege of a free quarter of lower rental value than 10 per cent. of his pay, why this much percentage is added to his pay for the admissibility of dearness allowance?

The Honourable Sir Edward Benthall: (a) In areas where staff would be given an allowance of 10 per cent. of their pay in lieu of free quarters if they were eligible for such an allowance, the value of free quarters to be added to an employee's wages would be 10 per cent.

(b) The value would be calculated at the prescribed percentage.

(c) The question of taking into account assessed rent is under consideration.

INSUFFICIENT WAITING ROOMS ACCOMMODATION AT THE NORTH WESTERN RAILWAY HOSPITALS.

5. **Mr. Lalchand Navalrai:** (a) Will the Honourable Member for Railways be pleased to state the average number of candidates and employees attending the Divisional and other railway hospitals on the North Western Railway for medical examinations?

(b) What is the average duration of time for which they are detained on the examination day?

(c) Do any waiting rooms exist in such hospitals for these men? If so, of what kind, and of what capacity?

(d) If the waiting rooms are insufficient to accommodate all examinees, is it proposed to increase the existing accommodation in such waiting rooms? If not, why not?

The Honourable Sir Edward Benthall: (a) The average number of persons attending the places where such examinations are conducted on the prescribed days is 17 to 18.

(b) About three hours at a large centre.

(c) No, such waiting rooms as exist are intended primarily for sick persons.

(d) No; Government do not consider it necessary.

RELATIVE SENIORITY OF PROMOTED GRADE II GUARDS ON NORTH WESTERN RAILWAY

6. **Mr. Lalchand Navalrai:** (a) With reference to the Honourable the Railway Member's replies to parts (b) and (c) of my starred question No. 248, asked on the 5th March 1943, will he be pleased to state the date from which the different rules regarding the reckoning of seniority of Train Clerks, Ticket Collectors, etc., who were taken as Guards, come into force?

(b) Are these rules in conformity with the Notification No. 148 which appeared in the North Western Railway Gazette No. 39, dated the 27th September 1926? If not, when was this Notification superseded?

(c) Is it a fact that some Guards employed in the Karachi Division have sent a representation in April last protesting against the wrong fitting in the Guards' Branch of employees imported from other posts in 1929 and after? If so, why are the rules referred to by the Honourable Member not being observed, and how was the Guards' representation disposed of?

The Honourable Sir Edward Benthall: (a) The orders that in the case of Guards Grade I, Ticket Collectors, Train Clerks, etc., promoted as Guards Grade II, the order of merit of their passing out from the school will determine their seniority were issued on 7th July 1936. The orders regarding confirmation alternately from two separate lists were issued in April 1938, and the confirmation of guards who were then officiating was made in accordance with these orders.

(b) The answer to the first part is in the negative. As regards the second part, the orders were superseded in 1927 and again amended in 1936 to their present form.

(c) Government understand that the Railway has under examination a representation received from the Guards on the Karachi Division.

SUPPLY OF WAGONS TO BENGAL AND BIHAR COALFIELDS FOR LOADING COAL.

7. **Mr. K. O. Neogy:** Will the Honourable Member for War Transport be pleased to state:

(a) the number, separately, of coal mines now working in the Bengal and Bihar coalfields with daily bases of (i) 6 to 10 wagons; and (ii) 5 wagons and under during the quarters ending the 31st March, 1943, and the 30th June, 1943;

(b) the total number, separately, of rakes and half rakes supplied in the Bengal and Bihar coalfields for loading coal during the months of March, April and May 1943 and the number allotted to collieries with daily bases (i) 6 to 10 wagons; and (ii) 5 wagons and under during the said periods;

(c) the total number of wagons allotted for loading coal in each of the above months in the Bengal and Bihar coalfields, and the total number allotted to collieries with daily bases of (i) 6 to 10 wagons; and (ii) 5 wagons and under during the said months;

(d) the total number, separately, of special allotment of wagons in the Bengal and Bihar coalfields for loading coal during the months of March, April, and May 1943, and the number allotted to collieries with daily bases of (i) 6 to 10 wagons; and (ii) 5 wagons and under during the said months; and

(e) the total number of wagons allotted to the Bengal and Bihar coalfields under the Provincial Quota system during each of the months of March, April and May, 1943, for each province, with separate total monthly quotas?

The Honourable Sir Edward Benthall: (a) to (d). A statement together with an appendix to the statement is laid on the table.

(e) The information asked for in part (e) is not readily available for the month of March, 1943. Its collection would involve an amount of time and labour which would not be justifiable in war time.

STATEMENT.

Number of mines working in the Bengal and Bihar coalfields.

	Quarter ending 31st March 1943.			Quarter ending 30th June 1943.		
	March 1943.	April 1943.	May 1943.	March 1943.	April 1943.	May 1943.
Mines with daily bases of 6 to 10 wagons	101			94		
Mines with daily bases of 5 wagons and under	315			334		
Total number allotted for loading coal in the Bengal and Bihar coalfields.						
	March 1943.	April 1943.	May 1943.	March 1943.	April 1943.	May 1943.
(b) Full rakes	84	48	23	Rakes and half rakes are not allotted individually to collieries with daily bases of 5 to 10 wagons or 5 wagons and under but to groups of collieries which include those with bases of 5 wagons and under, 6 to 10 wagons as well as others. Details of these group allotments during the months March to May 1943 are given in the Appendix to this Statement.		
Half rakes	137	205	241			
(c) Wagons	85,440	80,825	81,823	11,409	8,970	9,745
(d) Wagons under special allotment.	2,529	1,783	2,743	260	113	220
Punjab including Bombay, Madras, N.-W.F.P., Delhi.						
(e) Number of wagons allotted to the Bengal and Bihar coalfields under the Provincial Quota System during—	Sind.	Orissa.	Bengal.	U. P.	Bihar.	
(i) April 1943	1	10	1,082	179	207	240
(ii) May 1943	7	15	1,739	393	273	533
(iii) Monthly quota fixed for each province.	50	50	3,000	900	1,050	1,100
						750
						162
						352
						3
						160
						20
						3
						50

APPENDIX.

Statements showing the number of rakes and half-rakes allotted to collieries in the Bengal, Bihar coalfields during the months March, April and May 1943.

Details of collieries who participated in the allotment.

Months.	No. of half rakes allotted.	With bases 6 to 10.	With bases 5 & under.	With bases over 10.	No. of full rakes allotted.	With bases 5 & 6—10.	With bases 5 & under.	With bases over 10.
March	1	...	3	...	...	...	...	...
April	1	1	...	...	1	2	4	...
May	1	...	1	1	1	...	...	...
June	1	...	3	...	...	...	...	...
July	1	1	...	1	...	...	...	...
August	1	...	3	...	...	...	...	...
September	1	...	3	...	...	...	...	...
October	1	...	3	...	...	...	...	...
November	1	...	3	...	...	...	...	...
December	1	...	3	...	...	...	...	...
TOTAL	9	...	...	...	2	...	...	...
April	1	...	4	...	1	1	...	1
May	1	1	...	...	1	2	...	1
June	1	...	1	...	1	3	...	1
July	1	...	4	1	1	1	4	...
August	1	...	...	...	1	...	...	...
September	1	...	4	...	1	2	2	1
October	1	1	1	...	...	...	...	...
November	1	...	4	...	...	...	...	...
December	1	2	...	...	...	...	...	...
TOTAL	10	...	...	...	7	...	...	...

The Honourable Sir Edward Benthall: (a) The Railway Units (D. of I.) I.E. have been organized on the B. & A., S. I., E. I., B. N. and M. & S. M. Railways.

(b) These Units have been organized with a view to secure the effective maintenance of railway services at the present time. Officers and railway servants enrolled in these Units are required to undergo elementary military training but Government do not propose to give full military training to these personnel as such training is not considered necessary; nor is it possible to do so as the personnel are heavily engaged in their normal duties.

(c) European, Anglo-Indian and Domiciled European Railway servants enrolled as combatants in these Units draw ration allowance at Re. 1-1-0 *per diem* while Indian Railway servants similarly enrolled draw Re. 0-8-0 *per diem*.

(d) The reply to the first part is in the affirmative. As regards the second part, such difference is due to the provisions contained in Army Regulations.

RAILWAY EMPLOYEES CONTINUING AS MEMBERS, ETC., OF THE ANGLO-INDIAN AND DOMICILED EUROPEAN ASSOCIATION.

13. Mr. Ananga Mohan Dam: (a) Will the Honourable the Railway Member please state if it is a fact that in spite of definite orders, responsible Railway employees are still members and office bearers of the Anglo-Indian and Domiciled European Association?

(b) Do Government propose to take disciplinary action against those officers who take an active part in such political bodies, contrary to Government instructions?

(c) Is it also proposed to call for records of the Anglo-Indian and Domiciled European Association?

(d) Is it a fact that Anglo-Indians get a number of privileges in Railway services, especially in the matter of Education Allowance and initial pay which is Rs. 35 *per mensem*?

(e) What is the policy underlying these undue advantages to this particular community?

The Honourable Sir Edward Benthall: (a) Government have no information whether Railway employees are members and office-bearers of the Anglo-Indian and Domiciled European Association but there is no ban on their becoming members, provided that their activities as such do not offend against the provisions of the Railway Servants' Conduct Rules.

(b) In the event of a breach of the Railway Servants' Conduct Rules coming to the notice of Government they will take whatever action they consider that the circumstances warrant.

(c) No.

(d) Under State Railway rules Anglo-Indians get no special privileges in respect of educational assistance. Anglo-Indians recruited to categories in which the community has a special reservation in recruitment are guaranteed a minimum wage of Rs. 55 *per mensem*.

(e) The policy underlying the minimum wage has been explained in the Honourable the Home Member's reply to Dr. Sir Zia Uddin Ahmad's starred question No. 123 asked on 22nd February, 1941.

APPOINTMENT OF A SPECIAL MUSLIM OFFICER FOR LOOKING AFTER THE INTERESTS OF MUSLIM EMPLOYEES IN RAILWAYS.

14. Mr. Ananga Mohan Dam: (a) Will the Honourable the Railway Member please state if it is a fact that Government have appointed a special Muslim officer to look after the interests of Muslim employees in Railways?

(b) Do Government propose to appoint a similar Hindu officer to look after the interests of the Hindu employees of Railways whose prospects are in danger? If not, why not?

The Honourable Sir Edward Benthall: (a) No.

(b) Does not arise.

TERMS OF SERVICE OF WORKERS ON MUNITIONS PRODUCTION IN ORDNANCE FACTORIES AND RAILWAY WORKSHOPS.

15. Mr. Ananga Mohan Dam: (a) Will the Honourable the Supply Member be pleased to state the terms of service of workers including the supervisory staff employed on munitions production in the Ordnance Factories and Railway Workshops?

(b) Is it a fact that Chargemen engaged for munitions work in the Railway get only seven days' casual leave, whereas those employed in the Ordnance Factories get one month's privilege leave in addition to casual leave and a bonus of one month's pay per year?

(c) Do Government propose to take steps to grant equal establishment privileges to all staff engaged for munitions production work either on Railways or on Ordnance works?

Mr. J. A. Mackeown: (a) Two statements (I & II) showing the terms and conditions of service of:

(i) Workmen and Non-gazetted Supervisory staff in Ordnance Factories; and

(ii) Workmen in Railway Workshops engaged on munitions production, are appended herewith.

(b) Chargemen engaged for munitions work in Railway Workshops are governed by the Railway Rules under which no leave other than casual leave is admissible if the employee has put in less than 3 years' service. If the employee has put in 3 years' service or more, but less than 10 years' service, he is allowed 10 days' leave each year with pay. Casual leave is allowed according to Railway practice and does not exceed 15 days in a year except at Kancharapara Workshops where under a local Railway order only 7 days' leave is given in a year. The temporary Chargemen in Ordnance Factories are, however, entitled to earned leave at 1/22nd of the period of duty and can accumulate such leave up to a maximum of 30 days and in addition are eligible for a bonus equal to one month's pay for each year of approved service.

(c) No. Staff employed on munitions work at (i) Railway Workshops and (ii) Ordnance Factories are governed by separate rules applicable to their respective services under the Railway and Ordnance Factories. No distinction can be made between men doing the same class of work in the same workshop; for example, two chargemen, one supervising a number of machinists making locomotive parts and the other the same number of machinists on munitions work, cannot be regarded as performing different duties which might entitle those employed on munitions work to be brought under Ordnance Factory leave and pay rules.

STATEMENT I.

Terms and conditions of Service of Workmen and Non-Gazetted Supervisory Staff Employed on Munitions Production in Ordnance Factories.

(a) *Workmen in Ordnance Factories—*

(i) *Wages.*—Workmen (skilled semi-skilled and unskilled) normally employed on daily rates up to Rs. 5 *per diem*, according to trade and skill.

(ii) *Accommodation.*—Not entitled to rent free quarters. If housed in factory Workmen's lines are required to pay rent at concession rates.

(iii) *Provident Fund.*—Workmen with more than 3 years' service are eligible for membership of Indian Ordnance Factories Workmen's Provident Fund. Subscription payable is at uniform monthly rate of 1/12th of emoluments. Government contribution is 75 per cent, of the amount so paid.

(iv) *Medical attendance.*—Free medical attendance for self and family and factory hospital and at quarters in workmen's lines.

(v) *Leave.*—No leave if total continuous service is less than three years. After three years, 10 days leave on full pay each year up to ten years service. Thereafter fifteen days each year on full pay up to twenty years service. Twenty days each year after twenty years service. Accumulation of earned leave is allowed up to thirty days in all.

Leave on medical certificate on half pay in addition to the above is allowed only to workmen with service of twenty years and over up to 30 days in a year and not more than 120 days in all. Extraordinary leave without pay is allowed in addition.

Enforced casual leave on full pay on production of medical certificate for a period not exceeding one month at a time when suffering from infectious diseases or receiving anti-rabic treatment.

(b) *War Supervisory Staff (Non-Gazetted) Recruited in India.*—(i) *Employment.*—For the duration of the war with three months' probation. Service may be terminated at any time on grounds of inefficiency or ill-health. Three months' notice of termination at the end of the war.

(ii) *Pay*—

Principal Foremen	Rs. 475—15—535.
Foremen	„ 400—15—475 E.B. at 25/5—500.
Storeholders	„ 400—15—475 E.B. at 445.
Assistant Foremen	„ 300—12—360 E.B. at 15/2—390.
Assistant Storeholder	„ 300—10—350 E.B. at 320.
Chargemen	„ 170—10—250 E.B. at 40/4—290.

(iii) *Leave.*—In accordance with A.I.(I) 116 to 1936.

(iv) *Bonus.*—One month's salary for each year's approved service. Proportionate bonus for part of a year. Not eligible for either pension or the benefits of Indian Ordnance Department Provident Fund.

(v) *Overtime pay.*—Time rate for principal Foremen, Foremen and Storeholders and time and quarter rate for all others for systematic overtime worked under the orders of competent authority.

(vi) *Quarters.*—Free quarters, or compensation in lieu thereof according to rules.

(vii) *Medical attendance.*—Free medical attendance and medicines to the extent authorised in the rules (Medical Regulations) for the Army in India.

STATEMENT II.

Terms and conditions of workers employed on Munitions Production in Railway Workshops.

(1) *Pay.*—As for Railway employees of corresponding rank.

(2) *Travelling Allowance.*—Travelling Allowance not usually given on joining first appointment but free passes are granted to cover journeys over the home line on which a worker is appointed. T.A. is paid under the Railway Rules. Free passes and tickets at concession rates for other journeys not connected with duty under the Railway Rules.

(3) *Leave.*—No leave for service less than three years. Between 3 and 10 years ten days' leave with pay each year. In addition casual leave in accordance with Railway practice and exigencies of service permitting.

(4) *Quarters.*—No free quarters are provided but where residential accommodation is available, rent under Railway Rules limited to 10 per cent, of their pay is recovered.

(5) *Medical Attendance.*—Workers and families receive free medical attendance as out-door patients at Railway Hospitals and dispensaries and free medical aid for themselves at residence when too ill to attend hospital.

(6) *Overtime and Working Hours.*—At one and a quarter time ordinary rate between 56 and 60 hours a week and beyond 60 hours at one and a half times.

(7) *Bonus.*—Temporary non-gazetted workers (whether wholly or partly employed on munitions works) who have completed one year's continuous approved service before the date of cessation of hostilities will be eligible for bonus equivalent to one day's pay for each completed month of continuous employment during the war.

OFFENSIVE REMARKS BEFORE A DEPUTATION OF THE SIKH STAFF BY THE SUPERINTENDENT, TRAFFIC ACCOUNTS BRANCH, LAHORE.

16. **Sardar Sant Singh:** (a) Is the Honourable the Railway Member aware:

(i) that a deputation of the Sikh staff and other non-smokers of the Compilation Branch of the Traffic Accounts Branch, North Western Railway, Lahore, represented to their Superintendent their difficulties about water arrangements as they could not take it from the room where the smoking pipes were placed in large numbers;

(ii) that they also requested for a separate room for seating themselves during the recess period; and

(iii) that the Superintendent instead of sympathising with them said that he had seen Akalis smoking in trains and that Sikhs should go to river Ravi to take water, and to bask in the sun during the recess period, etc.?

(b) Is it a fact that the Sikh Rights Protection Society, Lahore, protested against these uncalled for and humiliating remarks made by the Superintendent?

(c) Is it a fact that the Superintendent totally denied having received such a deputation, and that the same reply was passed on to the Sikh Rights Protection Society?

(d) Were any enquiries held before passing on the reply?

(e) Does he propose to hold an enquiry in this case now and what steps does he propose to take against this official?

The Honourable Sir Edward Benthall: (a) (i). Government understand that no such deputation waited on the Superintendent.

(ii) and (iii). Do not arise.

(b) Yes, a complaint making the allegations was received.

(c) and (d). Yes.

(e) Does not arise.

• STATEMENTS LAID ON THE TABLE.

Information promised in reply to unstarred question No. 15 and parts (a) and (b) of unstarred question No. 16 asked by Mr. K. C. Neogy on the 11th February, 1943.

JUTE ACREAGE IN BENGAL.

15. (a) and (b). In October, 1941, before the outbreak of war with Japan, it appeared to the Government of India, on the basis of information available with them, that, in order to meet the demand from consuming countries overseas, including the United States of America, and domestic requirements, it would be necessary for Bengal to grow a 10 anna crop during 1942-43. The Government of Bengal were accordingly apprised of this view, which they accepted. Subsequently, however, as a result of the developments in the war situation in the Pacific, the Government of Bengal approached the Government of India suggesting reduction of the 1942-43, crop to an 8-anna level, to which the Government of India agreed. A copy of the Bengal Government's Press Communique, dated 24th March, 1942, which sets out the position clearly, is attached.

(c) Exports to the United States of America of jute and jute goods fell short of the anticipated off-take by that country, chiefly owing to unforeseen shipping difficulties following the extension of hostilities to the Pacific. The Government of India had given no promise of any kind to the Government of the United States of America as suggested by the Honourable Member, but had merely ascertained, for the purpose of facilitating the regulation of the jute crop in 1942-43, what the requirements of consuming countries overseas, including the United States of America were likely to be during that year.

As regards the last part of the question, the Government of India agreed to view sympathetically any request from the Government of Bengal for accommodation necessary to finance reasonable measures taken by them with a view to preventing jute prices from falling.

BENGAL GOVERNMENT PRESS COMMUNIQUE, DATED 24TH MARCH, 1942.

On 1st December, 1941, Government issued a notification under the Bengal Jute Regulation Act fixing the acreage to be sown with jute in 1942, at ten-sixteenths of the recorded acreage in 1940. Licenses have been issued in accordance with that order.

The decision to fix the acreage in Bengal at ten annas of the 1940 acreage was taken by Government after careful consideration of the supply position and the probable world demand during 1942-43, as far as it could be calculated at that time from the estimated demands for jute manufactures from all the principal consuming countries. The Government of India were also consulted and this decision was approved by them.

The entry of Japan into the war and the deterioration of the position in the Pacific have however introduced new factors which could not previously be foreseen. Government have therefore again considered the situation and with the approval of the Government of India, have now decided that a full 10 annas crop in 1942, in present circumstances likely to prove excessive. It is however the considered opinion of both Governments that the acreage under jute in 1942, should not fall below 8 annas of that of 1940, if all probable requirements for urgent and important war purposes in the allied countries are to be met.

Government therefore announce that although the licenses issued to growers entitle them to grow jute on ten annas of the recorded 1940 acreage, they very strongly advise all growers to plant jute on 8 annas (one half) of the 1940 acreage. In other words, the licenses which they hold should be regarded by growers as licenses for 8 annas and not for 10 annas of the area recorded in their names in 1940. On all the remaining lands growers should plant food crops, especially paddy, in order to prevent any possible shortage in Bengal of the principal food of the people.

Government confidently appeal to all growers of jute to accept this advice and act accordingly.

JUTE ACREAGE IN BENGAL.

16. (a) No. The Official Report of the Bengal Legislative Council Debates of the 25th September, 1942, does not contain any such statement.

(b) The Honourable Member's attention is invited to the answer to Parts (a) and (b) of Question 15.

MOTIONS FOR ADJOURNMENT.

DEATHS BY STARVATION IN ORISSA.

Mr. President (The Honourable Sir Abdur Rahim): This is an adjournment motion by Mr. Abdur Rasheed Choudhury. I am not sure whether he gave any notice to me. Did the Honourable Member send me a notice of it?

Mr. Abdur Rasheed Choudhury (Assam: Muhammadan): I sent in a notice to the Secretary.

(Secretary explained to the President that the notice was sent to him.)

Mr. President (The Honourable Sir Abdur Rahim): This is an adjournment motion "to discuss a matter of urgent public importance, namely, failure of Government to prevent death of many a person for want of food in the Province of Orissa as stated by Mr. Pyari Sankar Roy, Parliamentary Secretary of Orissa Government in the Orissa Legislative Assembly, on 3rd July, 1943, vide statement in the *Amrita Bazar Patrika* of 5th July, 1943".

That can be dealt with on the day when this food question is discussed.

Mr. Abdur Rasheed Choudhury: But this raises a specific question relating to Orissa.

Mr. President (The Honourable Sir Abdur Rahim): The shortage of food affects lots of persons and the matter that the Honourable Member wishes to discuss can be discussed on that day.

REFUSAL TO ALLOT A DAY FOR DISCUSSING GOVERNMENT'S MONETARY POLICY.

Mr. President (The Honourable Sir Abdur Rahim): The next adjournment motion is in the name of Dr. Sir Zia Uddin Ahmad. He wishes to discuss "the refusal of the Government of India to allot a day for discussing the monetary policy of the Government of India, which is the root cause of the present economic troubles of the people of India".

This monetary policy has been in existence for some time. I am not sure that any Member is entitled to ask for a day to discuss it by an adjournment motion.

Dr. Sir Zia Uddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): The monetary policy, no doubt, is always there, but I wanted to draw attention to the refusal of the Government to discuss war time policy.

Mr. President (The Honourable Sir Abdur Rahim): That is not a good ground for adjourning the business of the Assembly. I hold the motion as being out of order.

POLICY OF THE RAILWAY BOARD IN GIVING DEARNESS ALLOWANCE NOT BY INCREASING SALARIES.

Mr. President (The Honourable Sir Abdur Rahim): The next notice is by the same Honourable Member. He wishes to discuss "the policy of the Railway Board in giving dearness allowance not by increasing salaries, but by purchasing large stock of wheat at high prices and exporting it to places by back door methods for the use of their own employees which resulted in raising the price level of wheat on one hand and introducing corruption due to mal-administration on the other hand".

That, again, is a question which can be discussed when the motion regarding the food situation is taken up.

Dr. Sir Zia Uddin Ahmad: This is a somewhat different question. There are three points which are involved.....

Mr. President (The Honourable Sir Abdur Rahim): I have read them out. But all those three points can be very well covered in that discussion.

FORFEITURE OF SECURITY OF *The Hindustan*.

Mr. President (The Honourable Sir Abdur Rahim): The next notice is in the name of Sardar Sant Singh. He wishes to discuss "a definite matter of urgent public importance, namely, the forfeiture of security of *The Hindustan*, a Hindi daily newspaper of Delhi, for writing an editorial 'Britain and the British Empire' in its issue of 3rd July, 1943".

I understand that the Editor or the Manager has a right of appeal to the High Court.

The Honourable Sir Reginald Maxwell (Home Member): Yes, that is a fact.

Mr. President (The Honourable Sir Abdur Rahim): If that is so, the matter will have to take the ordinary course of law. I am sure the Honourable Member can himself argue the case before the Court as well as here.

FAILURE TO CONSULT NON-OFFICIAL OPINION ON THE INTERNATIONAL CLEARING UNION SCHEME.

Mr. President (The Honourable Sir Abdur Rahim): The next notice is in the name of Mr. Jamnadas M. Mehta. He wishes to discuss "the failure of the Government of India to take non-official opinion in the Assembly into confidence in face of the serious menace to the economic and financial interests of this country involved in the provisions of paragraphs 23, 24 and 25 of the proposed scheme of an 'International Clearing Union' published under the authority of His Majesty's Government which is calculated in the name of international co-operation to perpetuate the subordination of India to Great Britain in so vital a matter as Currency and Exchange".

Did this International Clearing Union come into existence after the last Session?.....

Mr. Jamnadas M. Mehta (Bombay Central Division. Non-Muhammadan Rural): Yes, Sir, The report was published on the 1st July.

Mr. President (The Honourable Sir Abdur Rahim): All right.

The Honourable Sir Jeremy Raisman (Finance Member): The position is, Sir, that there are now three proposals which have no official sanction, which have been put out for discussion in all countries regarding a possible international monetary system.

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member mean that there is no official sanction for these proposals?

The Honourable Sir Jeremy Raisman: No. At this stage no Government has accepted responsibility for them. There are plans which have been worked out by experts and which have been put, so to speak, on the international table for anybody to discuss or modify or make any counter suggestions.

Mr. President (The Honourable Sir Abdur Rahim): No scheme has been put forward by the British Government?

The Honourable Sir Jeremy Raisman: No. It has not got the authority of the British Government. It is a scheme the authorship of which belongs to Lord Keynes, but no responsibility for it has been accepted by His Majesty's Government. They have merely taken the step of allowing it to be put forward without any commitment whatsoever.

Mr. President (The Honourable Sir Abdur Rahim): Has any communication been received by the Government of India with regard to that?

The Honourable Sir Jeremy Raisman: The Government of India have merely received copies of these schemes, and the Government of India have, as soon as they received these copies and were able to print them, sent them to all Members of this House and to various other bodies which might be interested to formulate their proposals. I also stated in the course of the last Session that I hoped to be in a position to give an opportunity to this House to discuss these schemes on a suitable occasion. I submit, therefore, that no question arises of any failure to consult non-official opinion regarding any particular feature of one of these schemes.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Will you give an opportunity for discussion?

Mr. Jamnadas M. Mehta: May I submit that the statement of facts is not correctly set out. The publication "International Clearing Union" was issued under the full authority of His Majesty's Government. The Government of India were consulted long before this pamphlet was issued. In England it is a Government which is responsible to public opinion, but here it is a Government which has not got that honour. Therefore, the Government of India has the greater obligation that they should take the public into confidence.

Mr. President (The Honourable Sir Abdur Rahim): As a matter of fact, copies have been sent to all Members of this House, and, I suppose, to other interested bodies?

Mr. Jamnadas M. Mehta: May I say that there are three very dangerous proposals in this publication?

Mr. President (The Honourable Sir Abdur Rahim): But the Honourable the Finance Member has said that the House will be given an opportunity to discuss it.

Mr. Jamnadas M. Mehta: When? Already the scheme is being implemented.

The Honourable Sir Jeremy Raisman: That is a gross misstatement of fact.

Mr. Jamnadas M. Mehta: It is an absolute correct statement of fact. It is being implemented in Canada. Either the Honourable Member pretends not to know or he wants to cover his ignorance.

The Honourable Sir Jeremy Raisman: I repeat it is entirely wrong.

Mr. President (The Honourable Sir Abdur Rahim): I accept the statement of fact as given by the Honourable the Finance Member.

Mr. Jamnadas M. Mehta: If you accept that, I am very sorry, but it is not a correct statement. Let me say in particular that his denial about Canada is not correct.

Mr. President (The Honourable Sir Abdur Rahim): This is a question whether there has been any official statement of policy on the part of the British Government or any official commitment on the part of the British Government which would in any way affect the Government of India; and having regard to the statement made by the Honourable the Finance Member, I must hold that there has been no such commitment.

Mr. Jamnadas M. Mehta: What is the statement?

Mr. President (The Honourable Sir Abdur Rahim): I rule the motion as being out of order.

The Honourable Sir Jeremy Raisman: To settle the matter, may I read.

Mr. Jamnadas M. Mehta: When will he give an opportunity to the House, after everything has been implemented?

The Honourable Sir Jeremy Raisman: May I read one sentence from the introduction to the official copy of these proposals?

"The Government (that is, His Majesty's Government) is not committed to the principles or details of the scheme. Any proposals for a satisfactory international monetary mechanism after the war can only be framed after full consideration of all aspects of the very difficult problem. It is hoped that these proposals will afford a basis for discussion, criticism and constructive amendment together with similar plans having similar objectives which may be prepared by experts of other Governments."

Mr. Jamnadas M. Mehta: When will this opportunity be given to experts of other Governments? There is no knowing. That is the main point of my motion.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable the Finance Member says that opportunity will be given.

Mr. Jamnadas M. Mehta: When will it be given?

Dr. P. N. Banerjee: During this Session?

The Honourable Sir Jeremy Raisman: I do not think a useful debate can take place during this Session. These proposals have only been before the country for two or three weeks. There are matters which require considerable study. I hope that interests concerned, Chambers of Commerce, the Federation of Indian Chambers and other similar bodies, would remit them to a competent Sub-Committee to study them, formulate their considered opinions on them and in due course forward them to the Government, and when the country has had time to formulate its views this House might then have a useful debate.

Dr. P. N. Banerjee: Next Session?

Mr. Hooseinbhoj A. Lalljee (Bombay Central Division: Muhammadan Rural): May we know within what period you will call a meeting to consider? Can you give some idea?

The Honourable Sir Jeremy Raisman: I think it is quite possible that by the next Session a useful debate might be held.

Mr. Jamnadas M. Mehta: Why are commercial interests only invited? Have the rest of the people no interest in the matter?

JUDICIAL CONDEMNATION OF THE BOMBAY GOVERNMENT'S METHOD OF DEALING WITH THE SABOTAGE MOVEMENT AT NANDURBAR.

Mr. President (The Honourable Sir Abdur Rahim): The next motion is also in the name of Mr. Jamnadas Mehta. He wishes to discuss "a definite matter of urgent public importance, namely, the judicial condemnation by the law courts in the province of Bombay of the methods of dealing with the sabotage movement by the Government of Bombay at Nandurbar, where boys and girls who were returning from school were indiscriminately shot last year resulting in the deaths of some of them and in serious injury to a much larger number".

This surely can be discussed in the Legislative Assembly of Bombay. You cannot discuss it here.

Mr. Jamnadas M. Mehta: There is no Legislature in Bombay.

Mr. President (The Honourable Sir Abdur Rahim): The High Court has passed an order in this case and it is for the public to take up the matter. The motion is ruled out of order.

EXCESSIVE INFLATION OF THE PAPER CURRENCY.

Mr. President (The Honourable Sir Abdur Rahim): There is another motion of which notice has been given by Mr. Jamnadas Mehta. He wishes to discuss "a definite matter of urgent public importance, namely, the unparalleled figure of nearly 750 crores of rupees to which the Government of India have inflated the volume of paper currency in this country regardless of the fact that it has destroyed the security of livelihood of nearly 400 millions of its people and introduced the economic chaos which now threatens to engulf India as a result thereof".

The Honourable Sir Jeremy Raisman: The point at issue is the monetary policy of the Government which, I believe, is to come under discussion on a Resolution in this Session but in any case the underlying matter is one which was discussed at considerable length during the last Session. The situation is in no way different from what it was then. I clearly indicated then in the course of my Budget speech and in subsequent discussion what were the points at issue and I submit that there is no difference in essence between the matter which my Honourable friend has brought forward and the position which was discussed during the last Session.

Mr. President (The Honourable Sir Abdur Rahim): A definite figure of 750 crores is mentioned here.

The Honourable Sir Jeremy Raisman: In the course of the Budget speech, I referred not only to the situation as it existed at that moment but the situation as it would exist thereafter. It was quite clear that further expansion of currency might occur and indeed has occurred, although in other respects the situation has greatly improved since that time. It never was any part of the Government's case that the volume of the currency would remain static for all time.

Mr. Jamnadas M. Mehta: There is no substance in the opposition of the Government. The figure at which the currency now stands is so unparalleled. It is 50 per cent in excess of what the figure was when the discussion took place and every single rupee of currency that is now added in the paper currency is a danger.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable the Finance Member says that there is a Resolution dealing with this matter, which will come up for discussion.

The Honourable Sir Jeremy Raisman: I understand that the Resolution referred to has secured a place in the ballot. It may come on today or failing that on the 6th August.

Mr. President (The Honourable Sir Abdur Rahim): What is that Resolution?

Mr. Jamnadas M. Mehta: That Resolution is not at all relevant. It is Resolution No. 3 in the name of Mr. Umar Aly Shah. It is substantially different from my motion. I am not concerned with the rate of interest or anything of the kind.

The Honourable Sir Jeremy Raisman: The question of monetary policy is one organic thing.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can discuss this very question in connection with that Resolution.

Mr. Jamnadas M. Mehta: Where is the guarantee that it will be reached?

Mr. President (The Honourable Sir Abdur Rahim): In all likelihood, it will be reached. This is enough as has been repeatedly laid down. On the ground that there is a Resolution which is likely to be reached this Session, standing in the name of Mr. Umar Aly Shah, raising a question which would cover the very point sought to be discussed in this adjournment motion, I rule it out of order.

NOMINATION OF THE PANEL OF CHAIRMEN.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the House that under sub-rule (1) of rule 3 of the Indian Legislative Rules, I nominate Syed Ghulam Bhik Nairang, Mr. K. C. Neogy, Mr. Hooseinbhooy A. Lalljee and Sir Henry Richardson on the Panel of Chairmen for the current Session.

RESOLUTION RE TREATMENT OF POLITICAL PRISONERS AND DETENUS—*contd.*

Mr. President (The Honourable Sir Abdur Rahim): The House will now proceed with the further discussion of the Resolution moved by Mr. T. T. Krishnamachari on the 25th March, 1943.

Sardar Mangal Singh (East Punjab: Sikh): Before I deal with the points raised by the Honourable the Home Member in his speech when he spoke on this Resolution last time, I wish to make a short personal statement before the House, which incidentally concerns every elected member of this House. I mention this personal matter because I think it is connected with the fundamental rights and privileges of the Members of this House. When I was released in November last year on medical grounds, I was given a notice by the Punjab Government under which I was required not to join in a meeting or assembly of five or more than five persons. I will read only a few lines from the notice which are relevant to the issue. This was the order:

"Whereas the Governor of the Punjab is satisfied with respect to the person known as Mangal Singh, M.L.A. . . . with a view to preventing him from acting in any manner prejudicial to the defence of British India, the public safety, the maintenance of public order or the efficient prosecution of the war it is necessary to make an order . . ."

This is the order:

Now, therefore, in exercise of the powers conferred by Rule 26 of the Defence of India Rules, the Governor of the Punjab is pleased to direct that the said Mangal Singh shall not, (i) without the permission previously obtained in writing from the District Magistrate, Ludhiana, join or take part in any procession or meeting of five or more persons other than a purely religious procession or meeting. . . .

Mr. President (The Honourable Sir Abdur Rahim): Why does the Honourable Member think that it applies to this Assembly?

Sardar Mangal Singh: I am coming to that point shortly. Now, whenever I wanted to attend any meeting of the Board of Directors of a business concern, I always took the permission of the Deputy Commissioner. But when I wanted to come here to attend this House, I thought that it was not necessary to take the permission of the Deputy Commissioner. But I referred the matter to him just to know his reactions.

Mr. President (The Honourable Sir Abdur Rahim): I do not know why the Honourable Member should have referred the matter to anybody at all.

The Honourable Member is a Member of this House and he has every right to speak here.

Sardar Mangal Singh: In reply to my letter the District Magistrate said that I could not attend this House unless I took previous permission from him in writing. I crave the indulgence of the Chair as well as of the House to read this short letter which is quite germane to the issue. He said:

"I am in receipt of your letter dated the 21st January, 1943, wherein you have raised the question whether in view of the gagging order No. 17575-B.D.S.B., dated the 18th November, 1942, served on you by the Punjab Government under Rule 26 of the Defence of India Rules you can attend the meetings of the Central Assembly or those of the Committees at Delhi, without the permission of the District Magistrate, Ludhiana. I answer that question in the negative in so far as the order enjoins in clause (i) that you 'shall not without the permission previously obtained in writing from the District Magistrate, Ludhiana, join or take part in any procession or meeting of five or more persons other than a purely religious procession or meeting'. The Central Assembly comprises of more than five members and probably the same remark holds true in respect of most of its Committees also. Rule 26 of the Defence of India Rules was framed under the Defence of India Act No. XXXV of 1939, which lays down in section 1(2) (a) that the Act extends to the whole of British India and it applies also to British subjects and servants of the Crown in any part of India. So the gagging order in your case holds good not only in the Punjab province but in the whole of India including Delhi and other Provinces and native States."

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has read out a very interesting opinion, but the Honourable Member knows himself quite well that anyone who is a Member of this House and who wishes to speak and catches the eye of the Chair is entitled to speak. The Honourable Member can now go on to deal with the Resolution.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): But, Sir, there is one point for the Chair to decide. If the Honourable Member had come to this House without obtaining the permission of the District Magistrate what protection would the Chair afford to him?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member surely knows very well that once he is in this Assembly and he catches the eye of the President, he is entitled to speak. That is sufficient protection for him and he had no business to consult anybody regarding that.

Sardar Mangal Singh: But I submit, Sir, that I am likely to be prosecuted by the Punjab Government when I go there. But I have come to this House today to assert my rights as an elected Member of this House. I think that except yourself, Sir, nobody can suspend me. . . .

Mr. President (The Honourable Sir Abdur Rahim): Certainly. The Honourable Member has every right to speak at the meetings of this House.

Sardar Mangal Singh: This, in a way, gives some idea as to how the Defence of India Rules are being worked out and this was the point which I wanted to submit to the Honourable the Home Member.

The Honourable Sir Reginald Maxwell (Home Member): On a point of order, Sir. The object of this Resolution is not to discuss the general working of Rule 26 but to discuss the conditions of detention of prisoners.

Mr. Hooseinbhooy A. Lalljee (Bombay Central Division: Muhammadan Rural): On a point of order, Sir. I submit that a Member who attends here to speak on a certain Resolution has a right to make it clear under what circumstances he is attending and as to what his position is in the House.

Mr. President (The Honourable Sir Abdur Rahim): He must speak to the terms of the Resolution.

Sardar Mangal Singh: Certainly. Why I decided to come here today, Sir, is due to the fact that when I read the speech of the Honourable the Home Member, I found there were certain inaccuracies in it. Probably he was not correctly informed.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member refers to the treatment of prisoners?

Sardar Mangal Singh: He was not correctly informed particularly about the detenues confined in my province. I have not gone to the Library to prepare my speech. But I am speaking from my personal knowledge. I have gone through this Mill and I have been in the police lock-up and in the jails before the 9th August and after the 9th August. On this point I wish to submit to

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the Honourable the Home Member whether he is prepared to go back to the position which was laid down by himself after the Deoli hunger-strike? It is clear from his speech that he is conscious of the weakness of his case. Sometimes he says that it is the responsibility of the responsible Ministries in the provinces. By this time, the country knows what is the hoax of this provincial responsibility and how the responsible Ministers and Ministries are functioning in the provinces. Sometimes he takes cover behind some of the Centrally Administered Areas. I will ask the Honourable the Home Member how he is treating the political prisoners from Delhi itself? When they were in the jail of Delhi they were given a different treatment and since the time they have been sent to the Punjab jails, all those privileges have been taken away and they are being treated like other prisoners in that province.

In his speech the Home Member says that these detenus are not ordinary detenus; they are rebels and they are the enemies of the Government. I make a present to the Honourable the Home Member and ask how he is treating his own enemies? How are the Germans and Italians being treated in the Camps in this country? If you want to treat those detenus as your enemies, by all means treat them as such and give them the same treatment as you are giving to Germans and Italians in this country. If you want to treat them as friends, then treat them as friends and give them the same treatment as you were giving to other detenus before the 9th August. On the 9th August when we went into jail, new rules were circulated to all the jails and a new class of prisoners was created called the civil disobedience prisoners, 1942, and we knew what that meant. Before the 9th August every detenu, irrespective of his social position and status, was given 12 annas in the jail; he was given Rs. 17/8 as clothing allowance; he was allowed to supplement his food up to Rs. 10 per mensem and he was allowed interviews. He was given papers and books and was also given *charpais*. He was provided with other facilities, including games.

Now, what happened after the 9th August. A new class of prisoners was created—the civil disobedience prisoners, 1942, a new brand, a new model of 1942, was created. How were they treated? No newspapers or books were allowed to them. Although the Honourable the Home Member said that books were allowed, yet speaking from personal knowledge and speaking with responsibility, I can say that books are not allowed even today in the Punjab jails. Is the Honourable the Home Member prepared to contradict that statement, that no interviews have been allowed today in the Punjab jails with the relations, even if the prisoner is ill or his relations are dying. On this point the Honourable the Home Member says that while they allowed interviews in certain Provinces, there were cases of sabotage and all that. I say that is entirely incorrect. The first Province which permitted interviews was Sind. I do not think there has been any case of sabotage in Sind. In the only Province where the Congress leaders were not arrested some of them are still outside, I mean N.-W. F. P.; there is not a single case of sabotage, because the Congress leaders exercise their influence. It is only in those Provinces where the Congress leaders were suddenly removed and when there was no one to guide them in this matter that these cases occurred. So that, the statement that these cases occurred because interviews were granted is entirely wrong. How were these people treated? We were given six annas a day. Before the 9th August, a prisoner was given twelve annas a day, and Rs. 17-8-0 and you can supplement your food upto Rs. 10 a month, you can accept some eatables from your friends at the time of interview. All these were stopped. We were only given six annas a day, no *charpais* were allowed. All prominent Congress Workers were thrown in Shahpur jail where there was no structural accommodation, only *chholdaris* were pitched and the place was wet. There was not even sufficient provision even according to the rules, there were no medical arrangements, the people suffered from malaria for a long time even without getting proper medical attention. I submit that the Government of India should not hesitate to accept this Resolution as amended by my Honourable friend, Mr. Joshi. His amendment is very important. I appeal to the Honourable the Mover to accept

this amendment and I submit the amended Resolution should be accepted by the House and the Government also should have no hesitation in accepting it. It only asks the Government to revise their policy in respect of the treatment of prisoners. It does not go any further. Does the Honourable the Home Member require another hunger-strike to effect a revision of the Government policy? I hope the House will accept the Resolution as amended and I hope the Government also will implement it. Sir, I support.

Mr. N. M. Joshi (Nominated: Non-Official): Sir, my Honourable friend Sardar Mangal Singh, by narrating his personal experiences, has made my work somewhat very easy. The Resolution is intended to secure humane treatment, a treatment consistent with human freedom, for the security and other political prisoners at present detained in jails in India. Sir, I have moved an amendment to that Resolution. My amendment is not in opposition to the Resolution at all. It is only intended to clarify the issues and put the question also in some greater detail. I am suggesting by my amendment that the Government of India, in consultation with the Provincial Governments and in consultation with the Committee of this Legislature, should revise the policy underlying the treatment of political prisoners in this country. I have suggested that the conditions at present prevailing in Indian jails should be revised so as to be consistent with the principles of humanity and as I said, consistent with the principles of human freedom.

Sir, the Honourable the Home Member in the speech which he made during the last Session said, in the first place that it is difficult for the Government of India to lay down the policy in this matter, as the policy is in the hands of the Provincial Governments. In this matter, Sir, I would like to point out to the Honourable the Home Member that in the case of a large number of political prisoners who are detained in Indian jails, the policy was laid down by the Government of India, they were detained in accordance with the policy formulated by the Government of India. Therefore, if they were detained in accordance with the policy formulated by the Government of India, the Government of India should take upon themselves the responsibility of laying down the principles according to which these people should be detained in the jails in all the Provinces. Then, Sir, the Honourable the Home Member in his speech pointed out the difficulties which he feels in securing improvements in the conditions at present meted out in Indian jails. I would first state the last point mentioned in my amendment. I have suggested there that in India when people are detained without trial, there should be at least some method of reviewing the cases. For instance, in Great Britain, when people are detained in the jails without trial, the Government have provided for an Advisory Committee. Any person detained without trial can approach that Advisory Committee. He is told what the charges are against him. He is also given an opportunity to disprove the charges against him. Sir, in India, the Government of India have made no such provision, neither have the Provincial Governments made any provision. I therefore suggest by my amendment that the Government should take immediate steps to appoint an Advisory Committee or appoint Advisory Committees in all the Provinces which will review the cases in the same manner in which these cases are reviewed or considered or examined in Great Britain. The Honourable the Home Member in his speech made last Session had agreed that in the case of some political prisoners, some kind of review was desirable, that is, those prisoners who were detained for their own activities. But, Sir, the method of reviewing followed by the Government of India and by the Provincial Governments was thoroughly unsatisfactory. The detenus were not told what exactly were the charges against them, and they had not full opportunities of disproving the charges against them. The Honourable the Home Member then says that in the case of those people who are detained on account of Congress movement, that kind of review was not practicable or desirable, I do not exactly remember now what he said. But even in the case of those people who are detained on account of the Congress movement, in the first place there may be a number

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of people, who were detained not because they had done anything, but because they belonged to the Congress. It is true that in the case of those people who are detained only for belonging to the Congress, the review is not likely to be of much use, but will be of much use or some use at least as affecting the policy of the Government of India. In his speech, the Honourable the Home Member has said that the Congress movement, when he made that speech, was going on actively in the Provinces. I do not know whether the statement made by him at that time was correct or not. But today it is not correct. Today the Congress movement has practically died out, at least that part of the movement which included violence and sabotage. Therefore it is time now for the Government of India as well as the Provincial Governments to review their policy, not the cases of individuals, but review their whole policy and release all the political prisoners either detained after trial or without trial. I therefore feel that the time has come for reviewing not the individual cases of political prisoners but reviewing the policy of detaining these people without trial or even after trial. I hope, Sir, that the Government of India and the Provincial Governments will review this policy and release the political prisoners in all provinces as the movement on account of which they were detained does not now exist in a form of violence and sabotage.

Then, Sir, I would like to bring before the Legislature the cases of persons who are transferred from one province to another. A large number of security prisoners have been transferred from Madras to Amraoti, and in order that the Provincial Government should be able to square the account I am told that an equal number of political prisoners from the C. P. have been transferred to Madras. Sir, I have heard a large number of complaints about the prisoners at present detained in Amraoti. These people come from Madras and they are accustomed to a certain climate and food and certain other conditions; and in the Amraoti jail they are not only very uncomfortable on account of the extreme heat but a large number of them suffered in health. My friend, Mr. Giri, who was a Member of this Assembly has suffered in health; he now gets rheumatic and other pains in his leg. The case of Mr. Satyamurti is well known. Another gentleman, Mr. C. N. Muthuranga Mudaliar, was recently released on account of illness. But there are other persons in Amraoti jail who are not keeping good health either on account of the climate of the place or on account of the conditions in that jail. I suggest to the Government of India to recommend to the Madras and also the C. P. Government to transfer these detenus to their original provinces.

Then, Sir as regards conditions in jails I do not wish to speak in detail on this occasion, but I should like to point out to the Government of India that in certain jails people have suffered on account of bad conditions. For instance, in Bombay in a prison at Belgaum people suffered on account of an epidemic disease like cholera. I do not suggest that Government took no steps after the epidemic arose; they did take steps to prevent the evil of that epidemic. But I should like the Government of India and the Provincial Governments to maintain such conditions in these jails that people will not suffer. Not only were conditions bad in Belgaum when the people suffered but the curious thing is that it was found afterwards that the epidemic was due to bad *bajree* supplied in that jail. Some of the detenus wanted food to be ordered from outside but they were told not to do so although the real disease was due to bad food supplied in the jail itself.

Moreover, I would like to say a word about the facilities given to the detenus as regards communications with outside, specially as regards interviews allowed to them with their friends and relatives. The Honourable the Home Member in his speech made last Session said that it was not desirable to allow the detenus to have contact with their relatives or friends. In this connection I will draw attention to the fact that all interviews take place in the presence of the jail authorities and there is hardly any opportunity for either the detenu or his relatives to maintain secret communication with each other.

He has mentioned some case where a detenu tried to smuggle some information through his relative. But he knows that the fact was made known. Therefore there is no possibility of the detenus and their relatives maintaining secret contact with each other if the facility for interviews is given to these detenus. I, therefore, feel that the Government of India should accept the suggestion which I have made. In the first place they should appoint a committee of this House to consider the whole question regarding the treatment given to the detenus in all provinces. I agree that improvement in the treatment of the detenus cannot be secured without the co-operation of the Provincial Governments. I have, therefore, suggested in my amendment that the Government of India should secure the co-operation of the Provincial Governments in this matter. If a committee of this House is appointed I have no doubt that the Government of India will place before this Committee the views and proposals of the Provincial Governments. These Governments can then appoint their representatives to co-operate with the committee of this Legislature. But I feel that the policy governing the treatment of the detenus in this country should be co-ordinated by the Government of India, whether the administration of the policy be left to the Provincial Governments or not. The Provincial Governments certainly may have a certain freedom but the policy underlying the treatment should be a policy formulated and approved by the Government of India and this Legislature in co-operation with the Provincial Governments. There must be co-ordination between the various provinces in this matter.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Mr. N. M. Joshi: I shall not proceed very much further but say this that in putting people in jail Government of India formulated the policy themselves, may be in consultation with the Provincial Governments. Therefore they should also take the responsibility of forming a co-ordinated policy in fixing the principles underlying the treatment given to the detenus and political prisoners in Indian jails.

Pandit Nilakantha Das (Orissa Division: Non-Muhammadan): Sir, at the outset I am reminded today of one name which was mentioned more than any other on the last occasion during the debate on this Resolution. It was the name of the late Mr. Satyamurti. He was my friend and colleague and we worked together as Secretary of the Congress Party for several years. But he is now no more; the hand of death has intervened between him and us and his case has practically lost all importance so far as these mundane affairs are concerned.

Coming to my amendment, I must express my thankfulness to the Honourable the Home Member for taking the earliest opportunity to reply to the Resolution as well as the amendments. I have, therefore, got the advantage of the reaction of Government to the Resolution as well as to my amendment; but I must say I am disappointed. I expected a statesmanlike reply with some imagination of an administrator, especially in these bad times. But I am sorry to say that I find a trace of the same superannuated woodenness in his reply. What does he say? He puts forward the same plea that the Central Government or, for the matter of that, the Central Legislature can have nothing to do with provincial matters, be the province under the autocratic rule of a Governor or under a popular ministry. I was not prepared to hear such a reply. It is always said in this House that the Central Government can have nothing to do with matters concerning the provinces and this legal opinion of the Government of India I might have taken as true—for I am myself a layman—had it not been for the fact that very recently some of the legal decisions of the Government of India have been reversed by various Courts in the country. I think when the British Parliament was enacting the Government of India Act, 1935, specially Section 102, it had before it the report of the committee on Australian Constitution, which said that during the last war on account of judicial decisions the Federal Government of Australia had become practically a unitary Government, and under this provision, after the promulgation by the Governor General of a state of emergency in the

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country, I take it that this Government has turned into practically a unitary Government and, therefore, the Central Government and this House can control all the affairs in the country, either in the provinces or at the Centre. I am a layman and I do not know; there might still be some technical difficulties and legal obstacles, but I am sure it will not be difficult for the Government of India, especially the Legislative Department, to overcome such difficulties. I take this opportunity to extend my cordial welcome to my Honourable friend, Sir Asoka Kumar Roy, to this House as the Law Member. He is now the head of the Law Department and if there is any defect in the organization of the Department or if he wants any more assistance he will doubtless re-organize it, secure all the necessary assistance he requires, and I am sure he will repeat his legal victories in the provincial sphere at the Centre, and we shall never hear in future—especially in these bad times when the administration is under proclamation of emergency—that the Central Government and the Central Legislature are not competent to interfere in provincial matters, or even to advise them effectively.

The Honourable the Home Member has told us that Members of the Central Legislature have no status to advise the Provincial Governments. I know that perfectly well. Whoever ever claimed that status, I did not claim it in my amendment. What I demand is that some members of the Legislature or public men in the country should, by arrangement of the Central Government, interview the detenus and political prisoners in the provinces in order to ascertain whether they have changed their views and are prepared to co-operate in the war measures, and if they are satisfied they should recommend their release. There is no question of status or anything of the sort. The Government of India ought to be able to select some of their non-official friends to help and co-operate with them in this matter in the way in which such co-operation should be offered and accepted.

Again, the Honourable Member asks what guarantee is there that those prisoners should be taken to have changed their views. I am simply sorry that he has uttered this counsel of despair. What is the policy behind this detention and imprisonment? I think the Government should always try with determination to rally round all opinions in the country for co-operation, and I am glad he has plainly said that these are precautionary measures and not measures of revenge, and I wish that he would look for all sorts of ways and means to see that those prisoners are released and are utilized in the improvement of the present situation.

I may here refer to the demand of the Mover of the Resolution as well as the other amendments. Before doing that I may tell my Honourable friend the Home Member—though the matter is very delicate—that, as far as I know, the circumstances in my province are such that if I go and interview the prisoners in jails I can ascertain their views and can recommend their release if they have changed their mind. I am quite sure that there will be many other Members in the House, as well as members of the public outside this House in this vast land of India to do the same thing as effectively or even more than effectively. Besides, the war situation has now changed and the policy of the Government should change accordingly. Mussolini has abdicated. He is now under arrest, and the Allies are at the gates of the Italian mainland. Germany on the Russian front is also in a tight corner. In the Far East Japan is shaky. I am appealing for those patriots who are in jail. I know many of them, and I know that probably 99 per cent. of them will be useful to you in present circumstances. They will help us; they will help the Government; they will help in the affairs of the war and in the business of the nation.

So now let me say one word to my friends, the Mover of the Resolution and the movers of the other amendments. They want release of these prisoners in a covert way: I want it openly. I prescribe and propose a practical method for their release. I never believe that my friends will be satisfied with these crumbs of concessions, as they have put it—a candle here, a letter there, or eight annas more a day to supplement food and things of this kind.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Pandit Nilakantha Das: What they say in a covert way, I say openly that methods and means should be devised to release them and that these patriots should be used for the betterment of the present situation in the country.

Mr. R. R. Gupta (Cities of the United Provinces: Non-Muhammadan Urban): I stand to support the amendments which were moved by my friend, Mr. Neogy, and myself. Sir, I come from the Province which is characterised as the most notorious province in the matter of dealing with the political prisoners, a province which has in no small measure contributed towards the political suffering in the country. I will be failing in my duty if I do not let the Government know what is going on in the United Provinces behind the prison bars under the name of law and order.

Sir, there are several concentration camps in several Central jails, but I will confine my observations only with regard to one or two of these jails. There is a Fatehgarh Central Jail in the United Provinces, in which political detenus are confined. From 9th August all the privileges and rights were withdrawn from that jail also as from other jails. Neither letters, nor interviews nor even petitions to Government were allowed to the prisoners. Then, Sir, one more class of prisoners was added, namely, that class which was ordered to be kept aloof from all other prisoners who were concentrated there. Sir, that class was meant for such prisoners who were bad characters or goondas. In spite of the understanding of the Central Government with those detenus who were transferred back from Deoli, after the Deoli hunger-strike, as a result of the efforts of Sardar Mangal Singh, that there will be no differential classification of detenus, the classification system was again introduced after 9th August, even against those detenus. Then, Sir, the United Provinces Government itself framed rules for the prisoners who were in detention that they will not be punished by handcuffs and bar fetters, but that punishment has been awarded to the prisoners, among whom are included M. L. As. of the United Provinces.

As regards the health of the prisoners, one man from Cawnpore, who is perhaps still there, weighs only 91 lbs. The same person, Sir, I have come to know from an unimpeachable authority, was given the work in the mill inside the jail. While he was doing that work one day he fainted and after that he was produced before the jailor. The jailor awarded him the punishment of beating. He was beaten. During that punishment he vomited blood and he was transferred to hospital. When he returned back from hospital, again he was awarded the same labour. Again he could not do that work. Again he was produced before the jailor. Again he was awarded the punishment of beating and again he vomited blood, and now he is in hospital again.

To give you another story. Two men were awarded the punishment of beating. In protest they went on hunger-strike. They fasted for 40 days. Afterwards they were tried before a Magistrate for breach of jail discipline. During the course of their examination they narrated the story of their beating and they also pointed out that they vomited blood. That blood has been sent to the Lucknow Hospital for examination.

Then there is the third case of one Mr. Chandra Bhal Johri, who was a Member of this Honourable House. He was arrested in Benares while he was on his sick bed. He was kept in Benares jail for a long time, in spite of his protests and his requests that this jail did not suit his health. After a long time he was transferred to the Lucknow Jail. Previously also when he had been interned his health was not good and he was kept in hospital. He was not removed from that jail to hospital till he was so bad that the authorities could not keep him any longer inside the jail. Then he was sent to Balrampur Hospital. There he was lying ill. No intimation was given to his family members, nor were they allowed any interview with him. One day when he was in an unconscious condition his wife was intimated by telephone, "Now you can come and see your husband". She went there and found him unconscious. Immediately she ran up to the Secretary of Home Department of the United Provinces. Of course, it was a little late.

[Mr. R. R. Gupta:]

an interview with her. But when she explained the position of her husband, she was told, "All right. I will verify from the doctors, and if they will say that the condition of the man is such that he cannot survive, then I will order his release." On this condition he telephoned the jail authorities and when he was assured that the man would not survive, his release was ordered. The gentleman was brought out of the hospital, he was lying unconscious for 4, 5 or 6 days and then he died. The other story is a story relating to the Bareilly Central Jail. In that jail many of those Congress members who were responsible for running the much heralded Congress Government of the United Provinces are imprisoned. The position in that jail is still worse. Very recently, perhaps on the 23rd July a statement was published in a local paper here, which shows that people are taken out in batches and beaten in the same batch by ex-convicts. Some of them vomited blood during the process of that beating and many of them were men who were highly placed in society in this country. Reports go to show that neither non-official nor official visitors have visited the jail for a long time with the result that prisoners are left at the mercy of the same over-zealous jail authorities who are always trying to gain notoriety because they think that it is by that notoriety that they will gain promotion and better appreciation from the Government. I wrote a letter to the Adviser of His Excellency pointing out these misbehaviours and requested "If you permit me to visit the jail, I will give an assurance and my word of honour that not a word will be revealed, I will report the same in private to you, I will not publish it to the press". But that opportunity also has been denied to me. It was only after my public appeal in the month of April that one letter in one month has been allowed to political prisoners in the United Provinces. Even that letter has to pass through so many censors that it seldom takes two or three months before it reaches its destination. I assure you, Sir, I am a friend of your Government, but I feel that in your name a great mistake is committed by these over-zealous officers, and I have, therefore, thought it my duty to bring all these facts to your notice. After all, these prisoners who are confined in jails will come out one day. I do not suppose you think that every one of them will be killed inside, some of them will survive and they will come out. When they come out they will have to narrate these stories to the civilised world. When these stories are heard by other countries, what will they say? They will say that a Government which is supposedly fighting for democracy and humanity is practising the same methods inside jails which the Germans are practising in the concentration camps. I am sure that is not going to help in your war effort. Therefore, I appeal to your generosity—please consider these questions, not on any other ground, but purely on political as well as humanitarian grounds.

There is one more consideration. Many persons who have been arrested during that time were arrested purely on the report of the local police. They had never taken part in the movement and they could not expect that they were going to be arrested. They might have had several matters of importance, however small these might be in other peoples' eyes, but for them they will be very important. They could not make any arrangements for attending to them. Now they have been sent to jail and have been cut off entirely from the outside world. They are not allowed any sort of communication from their nearest and dearest. Many of them might have got civil suits, income-tax cases, etc. Neither could they attend to them nor could they advise anybody else on their behalf. You can understand what an irrational agony they must be passing through and that you can avoid by granting them a few interviews and better facilities for communication. I do not think the Government are going to lose anything by granting these facilities. After all, so far as the sabotage movement is concerned, that has been crushed and finished. You are gaining victories after victories every day. If at all, I am sure the contact of these prisoners with the outside world will go to create a feeling of security and peace and reduce the anxiety of the people. Secondly,

if at all it will result in reducing the brutality of those persons who are charged with the authority of managing the jail administration and who are behaving in that manner, perhaps not according to your instructions, but of their own over-zealousness. Therefore, I hope my appeal will not go in vain.

Mr. Abdur Rasheed Choudhury (Assam: Muhammadan): This Resolution has got two parts. One is a recommendation that there should be drastic changes in the policy of the Government in regard to the treatment of political prisoners and detenues, and the other recommendation is that Members of the Central Legislature should be allowed to visit the jails in which these detenues are imprisoned and bring to the notice of proper authorities the inconveniences, if any, that the detenues are suffering from

An Honourable Member: Kindly speak up.

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadan): The Honourable Member is ill. Can he come a little nearer?

Mr. President (The Honourable Sir Abdur Rahim): Yes.

(The Honourable Member then came nearer and occupied a seat in the second row.)

Mr. Abdur Rasheed Choudhury: The speakers who have preceded me have given examples of personal tortures, personal sufferings and personal inconveniences that were the lot of detenues and political prisoners. Any civilised Government would take note of these things. For political differences one should not be tortured bodily and physically. I think that is the rule in the entire civilised world. After all, political differences are only temporary. I understand that the number of detenues is very large and that it is not possible to give equal treatment to all the detenues. But if the officers who are entrusted with these detenues do their duty, nobody has got anything to say. There are officers who are very dutiful. Nobody has got any complaint about them, but there are zealous officers and over-zealous officers from whom the danger of ill-treatment comes in and the worst of it is that if any complaint is made against these over-zealous officers, the higher authorities do not pay any heed. It cannot be said that the eleven thousand and odd detenues are all enemies of the Government. Far from it. Political differences are only temporary. Today one may be holding extremist views. Tomorrow he may be holding a moderate view. Today one may be a dear friend of the Government. Tomorrow he may not be so and *vice versa*. We have seen politicians changing their political views so often and even today one of them holding very radical views is now adorning the Treasury Bench. What I mean to say is that on account of political views, tortures should not be given to any political detenue. The man whom you consider to be your enemy today may be your friend tomorrow. George Washington was an enemy of England and who thought that the Americans would be friends of Britain. Today you see America is something like a guiding angel to Britain and with their help Britain is winning this war. Who knows that the people who today hold independent views will come to the help of Britain in the same way in future.

Now, Sir, instances of ill-treatment of detenues have been given by my predecessors. I need not multiply them. Only I have got to speak about a particular case. I am speaking of a gentleman who was in prison before. As soon as he was released, he was again arrested and taken as a security prisoner. About him one weekly paper, *Medina*, brought out certain insinuations and this is the case I should like to bring to the notice of the authorities. For the information of the House, I shall read out only one or two lines from the issue of the 17th June 1943:

"*Khoosun jab se ap Moradabad se Naini Jail men muntaqil kiye gae hain "A" class ke bajae "B" class men rakhe gae hain aur is men bhi nehayat sakht taklifon men apko muhtala kar deya gaya mastan rat ko ek aisi jagah men band kiya jata hai jahan is shadeed garmi ke zamane men intakahi saaabut ka samna karna parta hai.*"

You see the gentleman holds a very high position in society. He is a man of vast learning and education, a born leader and any country would have been proud of such a man. If he had been born in England, who knows he would

[Mr. Abdur Rasheed Choudhury.]
not be a rival of the Right Honourable Winston Churchill. If he had been born in Russia, he would have been a rival of Stalin. If he had been born in the United States he would have been a rival of President Roosevelt. He is such a man. As a speaker, he is second to none in this country and other countries too. Such a man has been ill-treated. He has been changed from A class prisoner into B class prisoner and at night he is confined in a room which is not only unhealthy but ill-ventilated and in this hot weather one can easily understand what physical suffering he has got to undergo every night when he is confined in his room. When this was published in the paper, some of my friends came to me with the paper and asked me to preside over a meeting of theirs in this connection. I dissuaded them and told them that this is not the time for agitation as it is war time but I promised them that I would bring the matter to the notice of the authorities so that, if true, the gentleman might get some relief. I wrote a letter to the gentleman in charge (Home Member) here describing the suffering and requesting him personally that he should intervene if the complaints are true. I have been in this Assembly for the last seven years. I am a pretty senior man in this Assembly and I thought that as a matter of common courtesy a reply could come but unfortunately our executive authorities have not the honour of belonging to a responsible Government. They have not the honour of belonging even to a responsive Government. They are therefore not only irresponsible but also irresponsible to all complaints. I then put a number of questions in this House, after waiting for 15 days, because I did not get a reply. So, I thought of heaving a sigh of relief by bringing the matter to the notice of the House and getting a reply from the authoritative quarters. That is the reason why I have been compelled to speak on this Resolution. Otherwise, I had no intention of speaking. This is what is happening to a man of such eminence. Silence in these matters is a very dangerous thing. Many interpretations can be given to this sort of silence. It may be interpreted that the gentleman in question is not living. All sorts of conjectures are being made as no reply was given to me. Then again if the allegations published in the paper are not true, then it is doing a great harm to the jail authorities and the authorities who are in charge. So, it would have been right if a reply were forthcoming to my letter. It is not the correct way to deal with things in this fashion and the time has come, as the Resolution puts it, when drastic changes in the policy of the Government should be made to revise the treatment meted out to the political detenus and security prisoners. From this single example the House may come to the conclusion that everything is not going well with the detenus and even a most eminent man like the gentleman I have referred to, Maulana Husain Ahmad Madani, is not free from ill-treatment. So, the time has come when the Government should change their policy and make a drastic change in the treatment of their detenus. Sir, I support the Resolution.

Mr. Kailash Bihari Lall (Bhagalpur, Purnea and the Sonthal Parganas: Non-Muhammadan): Sir, I thank you for giving me an opportunity to speak on this Resolution today. Like my friend, Sardar Mangal Singh, I have also had some personal experience because I am also fresh from the jail from the province of Bihar. Before I narrate what the treatment of prisoners there is, which is the subject-matter of this Resolution, I wish to begin with some personal story which is surely in connection with the point raised by the Home Member himself. While going through his speech I found that he said that the smallness of the number shows that persons were selected for detention with due discrimination and there was no policy of indiscriminate arrests. It is with regard to this statement that I respectfully beg to point out how indiscriminate arrests were also made. In my own case, it is a matter of public knowledge that I had left the Congress because of my differences with them on several matters and it was long before the last movement was even started. I had attended even the Budget Session of 1942 and apparently the disturbance began in August of that year. So, there cannot be any reason for my arrest

and I have repeatedly asked the Government of my province and the district officials if they have got anything to show against me and whether they had any apprehension so far as I was concerned. They turned a deaf ear to all my requests. Having committed one wrong, they wanted to save their face by continuing the wrong by keeping me under detention. And whenever the question was raised with the Central Government, the usual plea was that provincial autonomy is a subject that cannot now be touched by the Central Government.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Provincial autonomy under section 93.

Mr. Kailash Bihari Lall: It was left to the Provincial Governments. However, I must be thankful to His Excellency the Governor of Bihar for his intervention. When he visited the jail, I narrated my story to him. He took my case into consideration and I was then released. But the question of saving the prestige of the Government again came up and I was asked to sign the so-called undertaking. Though His Excellency had intervened, the District Magistrate brought one day a typed draft of that undertaking to me which purported to have said that I have dissociated from the Congress subversive movement and that I solemnly undertake not to hold any communication with my brother Rash Behari Lall and other absconders.

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. Kailash Bihari Lall: Sir, I was saying before lunch that the draft of the undertaking purported to have said that I have dissociated from the Congress subversive movement and that I solemnly undertook not to hold any communication with my brother Rash Behari Lall and other absconders. Both these proposals were so absurd on the very face of them that I pointed out to the District Magistrate, who was very courteous and kind, and he made a note of it and he said that he would inform the Government. I pointed out to him that there was no proof that I associated myself with subversive movements and, therefore, there was no ground for me to say that I have dissociated now. As regards holding communication with my brother, he was living with me in the same jail, in the same room for the last three months. I pointed out the absurdity of asking me to say that my brother is absconding and that I will not hold any communication with him. He made note of this discrepancy and said he would inform the Government. But the beauty of the thing was that I read in the newspaper of 23rd April morning in the jail that His Excellency the Governor of Bihar has been pleased to release Babu Kailash Bihari Lall as he gave an undertaking that he dissociated himself from the Congress subversive movement and that he would not hold communication with his brother and other absconders. In the evening I was released. So such absurd things are done. I do not know with what object.

Now, Sir, with this background, I will give you a picture of how I was huddled in the jail. On 9th September when I was just preparing to start for attending the Assembly, early morning two Sub-Inspectors came in a sedan car to escort me to jail. I thought it was a mistake on the part of the police officers. Under that impression, I at once wrote out a petition to the Divisional Commissioner and sent a telegram to His Excellency the Viceroy and the Honourable Mr. Aney that when I was proceeding to attend the Assembly, I was detained and requesting them to be kind to intervene. So far as my information goes, these telegrams were suppressed. Subsequently my letter to the Honourable Mr. Aney and to Dr. Sachidananda Sinha were also suppressed. They were not forwarded. In December, I was offered a release. Seeing that those letters of mine had no effect, I thought that after all the police was the final authority

[Mr. Kailash Bihari Lall]

to decide the course of action. I was under the misapprehension that the District Magistrate had a hand in it, but later on I found that the District Magistrate had no hand in it, but the police officers were playing all this havoc. When the Government found that I was unnecessarily detained, they told me that I would be released provided I gave an undertaking. I protested and pleaded that I have told the authorities that I had nothing to do with any subversive movement, that I was not in the Congress organisation, but that still if the Government insisted on my giving an undertaking, it can only be with a view to humiliate me in the eyes of the public, as an undertaking sounds so much heinous and it seems they demand such an undertaking for that reason. The Superintendent of the Jail told me that if I was not prepared to give such an undertaking, he would make a report to that effect. Then it was I remained rotting in jail till the Governor came and then I was released on 23rd April. There was no justification for my arrest. The Government simply to save their face got the undertaking from me that I would not join the Congress subversive movement and that I would not hold communication with my brother and other absconders, while as a matter of fact my brother was in the same room in the same jail with me. Even under the guise of saving their face, there was no justification to ask such absurd things.

So far as the treatment in the jail was concerned, I may say that I happen to be a non-official visitor for the Central Jail also. I find in the speech of the Honourable the Home Member when he was asked "what would happen when non-official visitors are themselves put in jail", he replied "Then, they are there all the time". I was a non-official visitor of the Bhagalpur Central jail and I was there all the time. This being my position, I can very well make a suggestion according to the wording of the Resolution which says: "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 the prisoners with a view to the elimination of such restrictions".

So, Sir, under this very Resolution, perhaps my Honourable friend did not know that there were already two Members of the Central Legislature all the time in the jail and who therefore could make a report about the conditions prevailing in jails. Thus those two Members would fulfil the conditions laid down in the Resolution. Even from that point of view, I fulfil the condition.

Now, Sir, what is the position in jails? I will only mention one or two points. The trouble in the jail was with regard to the quality of food, the quantity of cloth, interviews, letters, accommodation, lock-up, and so on. Over all these points my Honourable friend has already said. At the rate of six annas per meal, twelve annas are being given. It can be easily imagined, how in these days, the prisoners in jail would fare with such low rations and no wonder there is such a hue and cry over that. Then with regard to the quantity of cloth the upper class prisoners can get clothing from home but third division prisoners were in difficulty and they were living practically in a naked condition. The state of things about letters has been described by previous speakers and conditions remain the same. In my own case for two months I was not allowed any interview or a letter, and no District Magistrate or any other official visitor ever visited the jail during four months of my stay there. My mental condition can easily be imagined and it was a torture to me not to have an interview with anyone. Then about lock-up, in the case of third division prisoners I heard even recently when I came out of jail that there was some beating of the prisoners, although it was not a lathi charge. I once had occasion to see a lathi charge. Some political prisoners were caned in the centre of the jail and other political prisoners cried "Bande Mataram", and for this offence an indiscriminate lathi charge was made and hundreds of prisoners were injured. Such things really happen but they can be avoided by sympathetic handling. The worst part of it is that whatever happens in jail, attempts are always made not to allow information to leak out.

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

Mr. Kailash Bihari Lall: Then there are pin-pricks and even ex-Parliamentary Secretaries get such treatment from ordinary warders that they feel humiliated. Such things too can surely be avoided.

Then as regards allowances, in my province I read somewhere in the papers that even men of the position of a High Court Advocate were given Rs. 30 a month whereas people of lesser social standing were given Rs. 50 a month. I do not mean to object to the payment of Rs. 50 but some principle should be followed in giving these allowances and the status of a man should be taken into consideration without the element of punishment being introduced into it. In the matter of classification also, it should not be on the ground of punishment.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member should bring his remarks to a close now.

Mr. Kailash Bihari Lall: Sir, I support the Resolution.

Mr. Govind V. Deshmukh: Sir, before I speak on the Resolution and the amendments I propose to move an amendment of which I have given notice.

Mr. Deputy President (Mr. Akhil Chandra Datta): When was the notice given and to whom?

Mr. Govind V. Deshmukh: I gave notice at about 2 o'clock today but it makes no difference.

Mr. Deputy President (Mr. Akhil Chandra Datta): At this late stage I should not be justified in admitting any amendment without the consent of the House, but let us know what the amendment is.

Mr. Govind V. Deshmukh: My amendment is that in lines 2 and 3 the following words be deleted: "in general and those convicted for political offences since August 1942, in particular".

Mr. Deputy President (Mr. Akhil Chandra Datta): Is there any objection to this amendment being moved?

The Honourable Sir Reginald Maxwell: Sir, it does not seem to be a very material amendment and I have no objection.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member may move it.

Mr. Govind V. Deshmukh: Sir, I move:

"That in lines 2 and 3 of the Resolution the following be deleted: 'in general and those convicted for political offences since August 1942, in particular'."

The question about political prisoners and detenues has two aspects. One is the statesmanlike aspect which you will find has been taken in a meeting of the Liberals in London which demanded the release of political prisoners in India. These Liberals were looking at this question from a broader aspect of bringing about a fresh outlook on the present political situation in the country. They never had the fears raised here by the Home Member who has been referred by the Mover of the Resolution not as a die-hard but as an honest die-hard. These bogeys were not before them. But here we urge the humanitarian point of view with regard to these detenues and political prisoners; and the Resolution asks that the present rules may be revised so that they may be given humane treatment, the sort of treatment which existed and which should have been improved upon before the movement of 1942 started. I have read and those who have listened to the speech of the Honourable the Home Member would be surprised to find that there is nothing which has been said against the amendment of Mr. Joshi which stood on a sounder basis, and there again nothing has been said against that particular amendment except reviewing the cases. We were told, Sir, that the Members of the Central Legislature have got no powers. We knew it, of course, otherwise we would not have come before this House; we would have exercised our rights. The very fact that we come here and ask that there should be consultations between the Members of this Legislature, the Provincial Governments and the prisoners shows that we have got no powers; we desire that such consultations should take place which would be a very desirable thing for those who wish to bring about a better state of affairs in so far as the treatment of political prisoners is concerned.

[Mr. Govind V. Deshmukh.]

I would like to refer to one or two remarks made by the Honourable the Home Member in his speech. In regard to the question of destitution of the families of some of the detenus, he said that no instance had come to his notice either from the persons who were detained under the orders of the Central Government or from those who were detained under the orders of the Provincial Governments. I can cite a very pathetic case which was reported in some of the newspapers, and I hope the Honourable the Home Member will do something in this case if nothing has been done up till now. It is a case from Lahore: One Abenash Chandar, a boy of 11, has made an appeal to the public. His brother is a detenu. His other brother, who was earning about Rs. 21 and was maintaining his mother and was looking after the education of this boy, is affected by tuberculosis. His mother is ill. This lad has appealed to the public in general. Why? Because it is a case of destitution. The boy does not know how to maintain the members of his family, to keep their bodies and souls together. Sir, it will be observed from other instances which have been narrated in this House from the personal experience of speakers regarding the sort of treatment about their food, their clothing and allowance, that these are pathetic instances. I do not want to add to that list, but I should like to mention certain cases from my province: There are two ladies in Jubbulpur Central Jail. None of them was an active member of the Congress, none of them had done any propaganda work, or anything of the kind. One of them happens to be the daughter-in-law of a person who was very much associated with the Congress—the late Jamnalal Bajaj. The crime of this lady appears to be that she is the daughter-in-law of this gentleman; because so far as my knowledge goes she never associated herself with any Congress Propaganda or had taken any active part in this organization. She is ill. That such ladies, who have taken no part in the Congress movement and whose antecedents can be gathered, should be put in the jail simply because they happen to be related to some persons who took part in the Congress movement seems to be a queer logic and a queer justification for Government's action. Another lady, Prabhavati Jakatdar, who is detained, was a nominal President of the Provincial Congress Committee. She did not take any prominent part in the movement; she was a president just for a short time. It can be verified by the Provincial Government or anybody else that this lady did not take prominent part and she did not commit such acts to which the Government could have any objection. The fact that she was the President of the Provincial Congress Committee for a short time by itself is no justification, from my point of view, to condemn this lady to jail. She is suffering from several ailments. When one comes across such cases in which there cannot be the slightest justification for punishment, one is really thunderstruck at the policy which the Government is following.

Now I come to the question about interviews. One of the grounds put before this House was that the relatives of detenus cannot be allowed to have interviews with them because the Members are reminded of what was going to happen in the case of Jai Prakash Narain whose wife was allowed to have an interview with him. He said that it was good for the country that the Government stepped in and prevented the mischief. To put forward one solitary instance as a ground for preventing interviews of other persons with these detenus, persons who are closely related to them, can be hardly justified. And if things were to proceed on these lines that one instance justifies a particular line of action, then I wish the Railway Member would learn a lesson from the Honourable the Home Member. What I mean is that if there is one major accident on one section of the Railways he should conclude that there would be a major accident with every train and he should take all necessary precautions. There is a kind of bird called swallow which migrates about the summer time from England.

Mr. Deputy President (Mr. Akhil Chandra Datta): Your time is up.

Mr. Govind V. Deshmukh: Just a few words more. If this swallow runs away from England it does not mean that the summer has come. One swallow does not make a summer. Therefore to put forward this one particular instance

about Jai Parkash Narain's wife is a very lame excuse to prevent interviews in future between the detenus and their wives. Sir, I support the Resolution with this present amendment and my amendment.

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

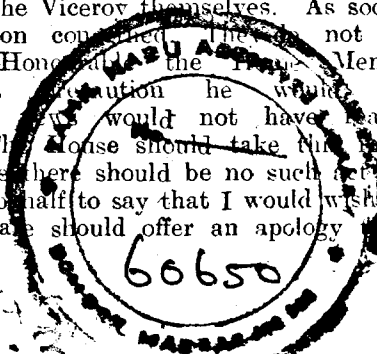
"That in lines 2 and 3 of the Resolution the following be deleted: 'in general and those convicted for political offences since August 1942, in particular'."

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): The Resolution will appear to the whole House to be very reasonable and a very humane one.

3 P.M. It asks that better treatment should be given to the detenus and the political prisoners. When we know who these prisoners are, we cannot, but say that it is very necessary that better and more humane treatment should be given to them. From time to time since 1942, and even before that, there have been complaints that instead of the treatment getting better it has become worse. Today this House has been informed of actual instances to show how that treatment is being meted out to them, and I am very glad that each Province has given some instances. When I have put questions on this matter, the Honourable the Home Member has always said: 'Give us individual cases and I will enquire into them'. Well, Sir, here today we are giving you individual cases of a nature in which your interference is very necessary.

Now the Resolution itself asked that better treatment should be given to these prisoners, or that they should be released. In the second part the methods by which the better treatment may be given to them is that the Members of the Legislature should be allowed to visit these prisoners and find out their condition and then do something. But I feel that there is some defect in the Resolution dealing with the method that is called for. Whenever we come before this House and say that we personally know that the treatment is not good, the other side either contradicts it or puts us to proof. Now, if we go and visit the jails, find out those difficulties and present them to the House, on the other side the Home Member will get up and say that he has received reports from his own officers to the contrary. Therefore, I submit that the method asked for in the Resolution is not adequate. I would prefer the Resolution of Mr. Joshi, which has also been supported by my friend, Mr. Deshmukh. It asks that a Committee of the Legislature should be appointed in co-operation with the Local Government to find out their condition and to meet with their requirements, and I submit that I would like to support that amendment.

Before I put up the case of prisoners in my own Province with respect to the treatment they are receiving and the amenities they are not getting, I cannot but say that the information that we have got today from the Honourable Sardar Mangal Singh has simply startled us. Sardar Mangal Singh has told us that a District Magistrate called upon him and asked him not to attend the Assembly, because the order was that he should not go from such and such a place. Now I say that this conduct of the Magistrate appears to me to be most impertinent and disgraceful. Under whose orders was Sardar Mangal Singh attending the Assembly? He was attending under a summons from the Viceroy. And is this Magistrate over and above him? This Magistrate takes upon himself to override the directions of the Viceroy. A question was put by the Chair asking why he indulged in such writing with the Magistrate and so forth. What can he do? I have always thought that the policeman and the Magistrate on the spot have more powers than the King and the Viceroy themselves. As soon as something is done they arrest the person concerned and then they wait for the orders of the Viceroy or the Home Member. Therefore, if he had not taken this precaution he would have been arrested there and then and this would not have reached us here. This is not a simple matter. The House should take the matter up and get it vindicated, and that in future there should be no such act done by any Magistrate. I will go, Sir, on your behalf to say that I would wish that the Government on behalf of that Magistrate should offer an apology to the Honourable Member of this House.



[Mr. Lalchand Navalrai.]

Then I come to the Resolution itself. I will tell you what are the indignities and difficulties with regard to the prisoners, detenus as well as political prisoners, in Sind. The first and foremost thing that I would bring to the notice of the House is this; our Government in Sind is not working under Section 93 and yet we find difficulties for these prisoners with regard to their transfer from one jail to another. That is a great difficulty in Sind. Those who know the climate of Sind, especially of Upper Sind, would themselves feel that it is inhuman that people living in Karachi should be locked up in Upper Sind where there is so much excessive heat in these days, instead of being transferred to a Karachi jail where the climate and the place would agree with them. There was some agitation on this point but there was very slow response on the part of the Cabinet.

Now as instances, I will say that there are very respectable men who have been members of the Sind Assembly. They are Sri Jairamdas Daulatram, Professor H. H. Malkani and Professor Gunshan. They are still in Sukkur Jail, even though there have been so many representations on their behalf.

I would therefore submit that in these days they should be transferred to Karachi where the climate is better. Situated as they are in jail in Upper Sind they have not any amenities to face the heat over here, since they cannot come out in open nor can they live like in their own houses. They are locked up in those cells and they have hardly any open space to sleep. What I would submit is that so far as the Upper Sind prisoners are concerned they should be transferred to Karachi. But if they could not be so transferred, then I would suggest that electric fans should be provided for them in the jail. I am not making this request without precedent.

Dr. P. N. Banerjee: European prisoners are always supplied.

Mr. Lalchand Navalrai: In the Punjab when people were imprisoned under the civil disobedience movement, electric fans were given to them, and I do not know—it may be that even now some do get fans. If so, why should not the same be done in Sind? At least those in Upper Sind must have fans. I would submit that those prisoners who now remain in jail for over a year should be released. The movement is not so very severe, or stern now, and therefore these gentlemen should be released. There is one thing which I want specifically to bring to the notice of the Honourable the Home Member with regard to release. Most of the names I have given are those of the members of the Sind Assembly. It is not in the interests of the Sind Government to let them out. As soon as they are out, there will be a tussle again about the ministry. The Sind Government will, therefore, never agree to release them. It is the Central Government that should take the necessary steps to let these gentlemen out.

Another point I wish to refer to is about the difficulty of these prisoners with regard to business transactions. These men were put in jail when they had done certain businesses. They were half done, certain cheques had to be issued, certain other things had to be done. But they are not allowed to do all this from jail. They are refused permission to sign papers and send them out. The third thing I would point out is with regard to the allowances to the detenus. There are some detenus whose families are not being allowed any maintenance. I have brought one case to the notice of the Honourable the Home Member. He was kind enough to communicate with the Sind Government and that related to Professor Alum Gidwani's wife. She applied for maintenance and I had spoken to the Home Member about it last time. Up till the time I was there nothing had been done, but subsequently I am told that some allowance has been sanctioned. I understand there is some difficulty there also. I hope the Honourable the Home Member will make an enquiry into it.

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

Mr. Lalchand Navalrai: Is no time today running very fast, especially this afternoon. I want only a few minutes more and I shall finish. Therefore I submit that that case should be enquired into, and if she has got no allowance

she must be given one. She has got no other provision, I can assure the Honourable the Home Member about it. I am told that she is being given allowance from today, and not from the day from which her husband is in jail.

Let me come to ailing detenus. There are so many respectable prisoners in jail who are suffering from some illness or other and they are not being released, nor is any sufficient help given. One is Miss Sarala Jagumal, a Cambridge University Graduate, another is Miss Jethi Sipahimalani, Deputy Speaker of Sind Assembly, again Mr. Vishindas J. Shrivdasani, who is a Doctor of Literature. There is also Mr. H. D. Morriwala who is reported to be suffering from fever. Only one word more. I will refer to the case of one . . .

Mr. Jamnadas M. Mehta (Bombay Central Division: Non-Muhammadan Rural): Why not put the clock back for the Honourable Member's sake?

Mr. Lalchand Navalrai: Why don't you do it? If the House so wishes, it will be done. One minute more.

Mr. Deputy President (Mr. Akhil Chandra Datta): Your one minute seems to be too long.

Mr. Lalchand Navalrai: Mr. M. S. Sharma is reported to be suffering from goitre which is a serious malady. Its cure lies in an operation of thyroid gland. He has not been released, though the Civil Surgeon gave a certificate. (Interruption.) If he has been released I shall be very glad, but if not, I hope the Honourable the Home Member will look into that case also. Regarding the classification of prisoners, something should be done because there is a difficulty with regard to it. Releases on parole are very slow. In one word I may say that the Provincial Government is not generous in this respect; it is not giving the prisoners what they reasonably require. As my time is over I will sit down; otherwise I have much to say.

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): There are certain obvious disadvantages in having to resume a debate after a lapse of four months; unless one is endowed with a stupendous memory, one is apt to make mistakes as to what was exactly said on the previous occasion. And it seems to me that the Honourable the Home Member, in spite of all the extraordinary qualities he is endowed with, has not got a very dependable memory. When he was getting rather restive because of the reference made by my Honourable friend, Sardar Mangal Singh, to the operation of the Defence of India Rule 26, I looked up the Debates and found that a reference to this particular point was entirely relevant because of the reference which the Honourable the Home Member had made at page 1474 of the Debates on the last occasion. What do I find there? He mentioned this Rule by its specific number and went on to defend the policy on the ground that the Government had been very considerate, that they were not indiscriminate and so on and so forth. He gave statistics to show that the Government had been very discriminating in using the powers under that Rule.

The Honourable Sir Reginald Maxwell: On a point of order, Sir. What the Honourable Member is now saying is a reflection on the ruling given by the President this morning. The President ruled a certain discussion as being out of order and it is not for the Honourable Member to comment subsequently on the decision so given.

Mr. K. C. Neogy: I make no reflection at all. If the Honourable President had been told that a reference was made specifically by the Honourable the Home Member himself to this particular point, the ruling might have been otherwise.

The Honourable Sir Reginald Maxwell: The Honourable Member is still arguing against the President's ruling.

Mr. K. C. Neogy: That apart, reference was allowed to be made to this particular point when my Honourable friend, Mr. Kailash Behari Lall, was speaking; as far as I could gather, a large portion of his speech dealt with this particular point.

Mr. Deputy President (Mr. Akhil Chandra Datta): A general reference to the operation of Rule 26 is probably not in order, especially in view of the ruling of the Honourable the President but I should think that the Honourable

[Mr. Deputy President.]

Member has a right to criticise the speech of the Honourable the Home Member on this Resolution.

Mr. K. C. Neogy: Apart from that, I should like to point out that the amendment moved by my Honourable friend, Mr. Joshi, asks for a review of these cases. What does that mean? It asks this House to agree to a recommendation that the merits of each case should be gone into, and that indirectly leads to the question of the administration of the Defence of India Rule 26.

Now, Sir, I should not like to dwell any longer on this point; and I should like to come to the other points made by the Honourable the Home Member. Lest I do him any injustice, I should like to follow the reported speech. In one part of his speech, the Honourable Member said that, so far as detenus who had been detained without trial before August 1942, were concerned, their treatment, since their release from Deoli, as prescribed in the revised rules of the Government of India, was humane and liberal; and then he went on to say that security prisoners detained in connection with the movement of August 1942, are governed by the same rules but there are certain modifications which have been based on the reasons and objects of the detention and these modifications must be regarded not as penal but as precautionary. Now, Sir, if, according to him, the previous set of detenus are treated in a humane and liberal manner, and if there has been any departure from those rules in the case of those detenus who have been detained for their alleged participation in the movement of August 1942, it can be argued that their treatment is not humane and liberal. The Honourable Member's opinion that the modifications must be regarded not as penal but as precautionary will not pass muster, although my Honourable friend, Pandit Nilakantha Das, seems to be quite satisfied with this assurance. (Interruption by Pandit Nilakantha Das.) He accepted the assurance that the treatment was not penal but precautionary and he was glad to be assured on that point.

Now, Sir, in what respects do the new rules constitute a departure from the old ones. The Honourable the Home Member says that the modification, in the first instance, is that they are treated as belonging to a class intermediate between class 1 and class 2 of the previous set of rules, and that their scales of diet are also intermediate between these two classes. Then, again, certain privileges in regard to interviews, writing letters, etc. are also much more restricted. Take the question of food. Does the Honourable Member consider that the reduction in the standard, if not the quantity of food, which he has brought about by this modified instruction, is of a precautionary nature and not penal? Does the Honourable Member hope that this House will be convinced by this sort of argument? And how was this instruction interpreted in the Provinces? I shall have occasion to go into the case of the Punjab very shortly. In the Punjab, men like leaders of the Opposition in the legislature of the Punjab, and other prominent men, were put on a diet costing six annas a day, not six annas per meal, but six annas a day. That was the prescribed cost of the diet for the Leader of the Opposition and other members of the Punjab Legislature, not to mention other prominent non-officials who had been detained. My Honourable friend says it is precautionary and not penal! That six annas was intended to cover not merely food but also fuel, and everything else. They were not permitted to supplement this magnificent sum with any contribution from any of their friends, and this was definitely a precautionary measure, not penal! He says that these people are even more dangerous than those who have been convicted on definite counts for participation in the movement of August 1942. I have an impression, it is for the Honourable Member to verify what I am stating, that of late, due to the right of appeal having been granted in cases that were tried under the Special Courts Ordinance, a number of people have filed appeals. I am not going to the Provinces. I am taking up the cases that are happening here in Delhi. In the case of a number of people who were actually convicted, it has been judicially found that there was no iota of evidence against them and they are being released by the Judge of Delhi. Will the

Honourable Member make an inquiry into this matter. It is very convenient for him to assume that those who have not been put on their trial are rebels, and that they do not deserve any considerate treatment.

Now, Sir, time is running. I had very many points to deal with. Instances after instances of cruel and barbarous treatment meted out to the detenus in the different provinces have been brought to notice. I have a long list of such cases compiled out of newspaper files. Moreover, I had occasion to look up the proceedings of the Punjab Legislative Assembly—those that are available in the Library—and tried to summarise the grievances which were put forward in the course of debates and questions on several occasions in October and November last; and these grievances, as summarised by me, run to 8 typed foolscap pages. They constitute most sickening reading. All kinds of allegations were made, and not a single one has been refuted. A parrot sort of reply was given in every case. "I will just read out one for the information of the House. It was said that it is not in the public interest to give a reply to these questions on the floor of the House but if the Honourable Member so desires, a reply could be sent for his private information. (An Honourable Member: "Who gave the reply?") I think the Parliamentary Secretary. The questions insinuated all sorts of atrocities, ill-treatment of prominent men, members of the Legislature being confined in prisons reserved for tuberculosis patients, prisons which had been condemned and recommended for abolition; women being beaten; and when we come to references about the Lahore Fort, we have a statement made by the late lamented Sir Sikander Hyat Khan. He said that some detenus were transferred to the Lahore Fort by the Government of India and they did not stay there for more than 20 days. Naturally, he did not want to take any responsibility for this particular type of persons. Will the Honourable Member explain the partiality of the Home Department for these old Mughal Forts and their subterranean vaults? I had occasion to write to him as early as January about certain reports that reached my ears as to the use to which certain subterranean vaults in the Red Fort at Delhi were being put. I had no intention of raising this issue on the floor of the House as I had addressed him on this point. Since then a question was asked by an Honourable Member.

The Honourable Sir Reginald Maxwell: Will the Honourable Member quote my reply?

Mr. K. C. Neogy: I am sorry I have not got the reply with me; but the Honourable Member said that he was satisfied that the allegations were untrue. But the fact remains that in a very recent article a prominent daily newspaper has given details of the allegations. Reference was also made to this particular fact by my Honourable friend the Mover; and here in this newspaper we have a reference to this underground prison in the Red Fort at Delhi where prisoners are detained without trial. Names are given and also the period spent by each. The information, they say, is received from communications from released persons who have sojourned in it. Here are certain very serious allegations; though I have not myself had the opportunity of verifying the truth or otherwise of these allegations. The Honourable Member says that Members of this Legislature have no particular status with reference to the Provincial Governments, but certainly they may have something to do with the areas directly under the control of the Government of India. Delhi is one of those areas. I make a sporting suggestion to the Honourable Member. Will he make an informal inquiry into this matter, not by constituting a formal Committee? Will he allow my Honourable friends Syed Ghulam Bhik Nairang, Maulana Zafar Ali Khan, Dr. Banerjee, Sir Henry Richardson (whom I find fast asleep), Sir Cowasjee Jehangir, Pandit Nilakantha Das, Sardar Sant Singh, Sir Abdul Halim Ghuznavi and Mr. Joshi to get down to the underground cells referred to in this article and in the debates of this House, and let them satisfy themselves as to their fitness for detention of persons of this type, and let them also talk to those people who have any experience to relate of their brief sojourn either there or in the Lahore Fort? Will the Honourable Member accept the suggestion? I do not suggest any formal inquiry. Let these gentlemen, or any of them

[Mr. K. C. Neogy.]

who might like to be associated with this inquiry, be taken down to the Delhi Fort in the first instance, just to have a view of the place; and if they felt like summoning those detenus who were there for some time, only then they might ask them to be produced, not otherwise. This is an offer which the Honourable Member should accept, if he really cares for his reputation.

Sardar Sant Singh (West Punjab: Sikh): Sir, I will not take much time of the House. I intervene in this debate only because I want to say a few words in regard to what I have been saying about the Defence of India Rules and the way in which they have been working and the reasons why statesmen take a different view of those who are detained under those Rules and the treatment that is being meted out to the detenus. The House will remember that on the day when the Defence of India Rules were under discussion in this House I cried hoarse and said that, having the experience of the old Defence of India Realm Act, I knew that they were likely to be abused. I pressed the Government to hold out an assurance to this House as was held out in the House of Commons that the Rules will be worked with humanity and with consideration taking into account the fact that the detention is not after trial and conviction but it is an act of the Executive Government. There were some gentlemen who did not see eye to eye with me on this question, but a strange thing happened to one of them. An Honourable Member of the Council of State on a certain occasion learnt that his own relation was arrested under the Defence of India Rules. He rushed up to Gujranwala and there met the Superintendent of Police and told him that he was one of those who had supported that Act. He said that he was not Sant Singh who opposed it but then he found that he was wrong and I was right. So, after a good deal of trouble the man was released. This is an attitude of mind which shows that even those who were the supporters of the Government at the time when the Defence of India Rules were under discussion in this House and the Upper House have come to realise that it is a weapon of tyranny and not a weapon intended for the purpose of the defence of the country.

The second point which I want to make out is this. In section 2 of the Act it is given that for three purposes the Defence of India Rules will be used. Firstly, to stop all those activities which go to hamper the war effort, secondly to maintain public tranquillity and, thirdly, to maintain law and order. Now, we were assured on the floor of the House that beyond that the Defence of India Rules will not be used. But today, looking at the number of the Ordinances and the Rules that have been issued during the last three years, we find that all the legislative powers of the Legislatures have been overruled and the Defence of India Rules have been brought into action to provide for those contingencies which were never contemplated when the Defence of India Act was promulgated. I appreciate the position, I am not ignoring the position that in the extraordinary times through which the country is passing on account of the war there is a justification for arming the Executive with some power. But what I demand is that that power should be used in a manner which should substantially be a procedure of the court of law, if not actually the procedure of the court of law. Here what I find is this that when a man is first arrested under Rule 29 he is kept in the police lock-up for a couple of months, which this rule permits. They say that he is kept for a couple of months in the police lock-up for the purpose of interrogation. I do not find in the Criminal Procedure Code any provision by which an accused person can be interrogated. However, leave this question aside. He is interrogated and interrogated for such a long period as two months. If the interrogations of a person are placed before this House, we will be able to understand what those interrogations are that go on for such a long period as two months. When these two months are over, the Government passes an order under Rule 26 in order to detain him. Then, further on, there are cases in which the person detained under Rule 26 is being prosecuted in a court of law. If the Government detained a person to prosecute him on the allegations on which he is being detained, the detention order is not justified. The detention order is meant where the charge cannot be brought publicly

and the man is not to be tried in an open court. But if the Executive Government decides to prosecute him, then it clearly means that the Executive is prepared to lay a charge openly in public and justify their action in a court of law. These two things cannot go on simultaneously. In one case which I am defending myself, these two things are going on. Somebody asked me why in this case I should not ask for the discharge of the accused, because there was no evidence against him. I told him that I did not want to do so, that I did not want to ask for the discharge because the accused got better treatment when he came to court than he would if he were in jail. We go on prolonging the case now because the accused will get better treatment outside the jail. Things are happening like that.

There are many illustrations which I can give, there are so many cases which I can before the Honourable the Home Member. I am not asking that he should kindly look into those cases, if I want, I shall certainly write to him about any particular case which requires such scrutiny. Here on the floor of the House, I want to discuss the question of the policy, and what sort of treatment should be accorded to such prisoners. May I ask the Honourable the Home Member whether it is fair to look at every case from the policeman's point of view. The policeman's point of view has been described by eminent jurists as regarding a man as guilty until he has proved his innocence in a court of law. Are the Home Department and those who are in charge of administering the Defence of India Rules going to say in this manner that every Indian is guilty, that every Indian is against war effort unless he proves his innocence? Then, Sir, such a state of affairs is awfully bad. You have to rely from the very nature of the thing on the report of certain officers who are in the police. Human institutions are such that we ought to depend upon them, but there should be some scrutiny. If Great Britain and the Parliament can appoint an Advisory Committee to scrutinise such actions of the police where the police is reported to be more honest and more straightforward, surely in India it requires that some such Advisory Committee should be constituted to look into the reports that come and see whether they are justified or not. The other day, I brought to the notice of the Home Department the case of Sardar Dewan Singh of *Riyasat* who is crying hoarse behind prison bars. He informed the authorities that he has never been associated with any political activity, he has never been a member of any political party, he had the misfortune to have a big fight with the local police officials. Then when he was convicted of having forged notes, or something like that, he went on appeal to the High Court. There he pressed his case that that was all due to the enmity with police officials. The High Court exonerated him, no doubt for the purpose of that case. As soon as he was acquitted, the very police whom he maligned in his arguments before the High Court reported against him and he is now detained. He has sent representations. I had the benefit of reading that representation, he is crying hoarse over it, that he had nothing to do with any subversive movement. Similar is the case with Sardar Sardul Singh Caveeshar who was detained in Lahore Fort for a very long time. I do not remember exactly the period, probably six months. He was detained.

Mr. K. O. Neogy: Under the orders of the Government of India as pointed out by the late Sir Sikandar Hayat Khan.

Sardar Sant Singh: In the Punjab Assembly, it was said that no person was detained for more than 15 days. When it was ventilated in the Punjab Assembly, the reply was that it was not in the public interest to discuss about it. Surely this state of affairs cannot be gratifying to anybody in India. The Government of India can take shelter behind the fact that it is an act of the Provincial Government. But I submit the Government of India are morally responsible. They are not merely legally responsible, but also morally. When an Act is passed by the Legislature, it is the legal responsibility of the Government of India to see that the Act is administered in a humane manner.

There are so many other instances which I do not want to touch upon. One thing which I noticed by reading the newspapers from time to time is

[Sardar Sant Singh.]

that persons are released on account of ill-health and they soon die when they come out. There are so many instances. Will not the Honourable the Home Member take proper precaution to see that people are released at the proper time at any rate when they can be given proper medical treatment and when there is still a chance of recovery? This is a state of affairs which no man can look with satisfaction in this country. Now, especially when the war situation has improved, when the country is more tranquil than at this time last year, may I ask him that he should appoint some Members of the Legislature and give them an opportunity to look into the treatment that is actually being meted out to the detenus in the various jails? He should see that some amenities are provided for them. After all they are not members of the criminal tribes, they are not revolutionaries, they are not guilty of any violent crime. It is a precautionary detention brought about by circumstances over which we have no control. If it is a precautionary detention, they may be treated like men and not like brutes. Therefore, I submit that some action is urgently called for by the Government of India. I ask them that in their own interest, in the name of good administration of the country, they should accept the principle underlying the amendment of Mr. Joshi. He has moderately put the whole position and wants some moderate action to be taken, or in the alternative the Government by their own action should appoint an Advisory Committee to look into the case of several persons so that they may not entirely rely on the police reports, but that the police should feel that there is somebody to look into those reports and find out whether there are indiscriminate arrests and unnecessary hardships caused. Therefore I support the Resolution with the amendment of Mr. Joshi.

Nawabzada Muhammad Liaquat Ali Khan (Rohilkund and Kumaon Divisions: Muhammadan Rural): Mr. Deputy President, the Resolution before the House has been under discussion since the last Session of the Assembly. My excuse in taking part in the discussion at this late stage is that we wanted to know and be in possession of all the facts and arguments that could be advanced either in support or against this Resolution before the Muslim League Party as such could express its views on it. Sir, I have very carefully studied the speeches of the Honourable the Mover of this Resolution and the Honourable the Home Member. I have listened to all the speeches that have been made today on the floor of the House with great attention. Let me at the very outset say that as far as the demand for better treatment, for humane treatment, for decent treatment to detenus and political prisoners is concerned, you have our fullest sympathy and we will give our fullest support. It is a well-admitted fact that a man who is detained without trial is regarded as innocent in the eyes of the law and in the eyes of all honest and decent people. But there are occasions when a Government may in the larger interests of a country take some action which in its judgment is necessary to preserve peace. But that is no reason why such persons should not be treated as decent human beings but like criminals who have been proved guilty of heinous offences. The Resolution demands better treatment for two classes of prisoners, i.e., those who are detenus and political prisoners, and others who have been convicted since August, 1942. I am rather surprised that the Honourable the Mover of the Resolution, as was pointed out by the Honourable the Home Member, did not say anything regarding those who were convicted after August, 1942; and I cannot help feeling, and I hope my Honourable friend will forgive me,—that the inclusion of that class of prisoners was only meant as a pat on the back for those who were guilty of having created a very serious situation in the country.

Mr. T. T. Krishnamachari (Tanjore cum Trichinopoly: Non-Muhammadian Rural): Sir, on a point of information I should like to correct my Honourable friend. I did specifically mention those people who have been convicted under the Defence of India Act and Rules and special Ordinances. If the Honourable the Home Member made a mistake I am not responsible. It is there in the proceedings.

Nawabzada Muhammad Liaquat Ali Khan: I have studied the speech; however I will not enter into that argument. But since then an amendment has been moved by my Honourable friend, Mr. Deshmukh, wherein he desires to delete the cases of those who were convicted for offences committed after August, 1942; and as far as we are concerned, we will support this amendment because we cannot possibly by any action, implicit or explicit, give our support to the movement which has been responsible for great loss of life and property and for creating a situation in the country the like of which is not to be found since 1857. Therefore, as I said, we have the fullest sympathy and we will give our fullest support to this Resolution, so far as it concerns the demand for better and humane treatment of all these detenus and security prisoners who are detained by Government without being put on trial before a court of law.

The Honourable the Home Member in his speech while opposing the Resolution tried to justify the action that Government have taken so far in this respect. We have today heard speeches and cases have been stated not on hearsay evidence but on the testimony of those who have themselves suffered under the orders of detention passed by this Government. The Home Member may say that the allegations are not true. I am not prepared to doubt statements made so vehemently by Honourable Members of this House who have had personal experience of these matters. There could not have been this feeling if there had not been something wrong somewhere. There must be something rotten in the state of Denmark. Otherwise I do not think these Honourable Members would have come forward and occupied the time of this House by narrating their own experiences without any justification. And after all what is it that the Resolution demands? And before I deal with that I should like to make another point clear. We have studied all the amendments and we have come to the decision that we will support the amendment which was moved by Mr. Joshi. With regard to Mr. Deshmukh's amendment I have already stated our position. Let us examine the position if this amendment of Mr. Joshi were passed. It only wants that the policy in regard to the treatment of detenus and political prisoners should be revised in cooperation with Provincial Governments and in consultation with a committee of this House so as to provide for better living conditions in jails, better communication with outside, adequate provision for their families and an impartial review of their cases at an early date. To my mind there is nothing in it to which any Member of this House, at least an elected Member, can take exception. It does not ignore the Provincial Governments; they are to be consulted as also a committee of this House. I shall deal in a few minutes with the question of whether a committee of this House is to be consulted or not in such matters. But there is nothing in it that we need object to. Do we not want that these people who are as innocent in the eyes of the law as we are here should be given a treatment which every decent human being deserves? Is it not incumbent upon Government who are responsible for detaining these people and for depriving a family of its breadwinner to provide for the maintenance of these people? If they have any evidence in their possession and conclusive proof that these people are guilty of some heinous offences, the only right course open to them is to go before a court of law and get its decision. But as long as they do not take that step it is surely the duty of any decent Government to treat these people as decent human beings.

The Honourable the Home Member objected to taking into confidence and to consulting a committee of this House. I have got his speech before me. He stated while objecting to the amendment of Mr. Joshi:

"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."

I am afraid, Mr. Deputy President, I do not see the logic of it. If you want to carry the goodwill of the people with you, you have got to take the representatives of the people into confidence and consultation, and let me say that

[Nawabzada Muhammad Liaquat Ali Khan.] specially in the case of a Government like the present one, whose policy and whose control is foreign though the composition may be *swadeshi*, it is necessary for a Government of this type not to ignore and not to treat with contempt the opinion and the feelings of the people of this country. Had it been a Government of the people then the Honourable the Home Member might have had some justification for bringing forward such an argument, and I can assure him that if it had been a Government of the people he would have never made such a statement on the floor of this House. Therefore, Sir, in the interest of the Government themselves, in the cause of satisfying the people of the country that the treatment of the Government is that of any civilized Government, they should have no objection to accepting this proposal.

Sir, my Honourable friend, Sardar Mangal Singh, paid a compliment to the Governments of Sind and North-West Frontier Province and said that because of their policy there the sabotage movement did not exist, because of the policy that the Congress were treated in a different manner there the sabotage movement did not get root in those provinces. With due deference to his opinion, I submit that the sabotage movement could not and did not succeed in those provinces because these are the provinces where the Mussalmans are in an overwhelming majority; these are the provinces where the Mussalmans, as a community, had kept completely aloof from this movement. That is the reason, Mr. Deputy President, and not the reason which is stated by Sardar Mangal Singh. But, Sir, I again request the Honourable the Home Member to consider the proposal that is being placed before him and that has been placed before the House. As I have stated, my Party has decided to support the Resolution and the amendments of Mr. Deshmukh and Mr. Joshi. Before I sit down, Mr. Deputy President—and I feel from your attitude that my time is probably up—I would only say that I do appeal not only to all the non-official Members of this Honourable House, but to Government themselves that they should accept this Resolution as amended by these amendments which I have supported, and they should not sit satisfied that everything is all right but they should make an effort to find out and improve the lot of those who have been deprived of their liberty and freedom by your executive action.

Dr. P. N. Banerjee: The Resolution is a very modest one and its scope is extremely limited. If I had been the framer of the Resolution, I would certainly have given it a wider scope. But something is better than nothing, and it is on this principle that I support the Resolution as amended by the amendments of Mr. Joshi and Mr. Deshmukh.

Now, Sir, what is the demand made in the Resolution and in the two amendments? The demand is for an enquiry, and after enquiry for giving humane treatment to detenus and political prisoners. Is that an unreasonable demand? It may be said, and it has been said by the Honourable the Home Member, that humane treatment has already been meted out to the detenus and political prisoners. I say that that is a wrong statement.

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

I have received numerous complaints from different parts of the country and I have personal knowledge of cases where detenus and political prisoners have been very badly treated. And if we read the files of newspapers, what do we find? We find cases of the most inhumane treatment being meted out. We all know certain instances. Two members of this House—the late Mr. Satyamurti and the late Mr. Bhalchandra Johri—lost their physical health during detention in jails and they were let out of the jails only when it became known that they were about to die. Now, can this be called humane treatment? Two other Members of this House related this morning their own personal experiences as they pointed out to this House how inconsiderate is the attitude of the Provincial Governments. They pointed out that without a shred of evidence against them they were detained. My Honourable friend Mr. Kailash Bihari Lal—I have pointed out to this House several times before,—was not

a member of the Congress organization; he was a member and an office-bearer of the Nationalist Party. He had not joined the sabotage movement at all and still he was detained in jail. And, further on,—look at the fun of the whole thing,—he was asked to give an undertaking to the effect that he would not help his brother who was described as an absconder—but who really was living in the same jail with him. This is a funny story that he has related and I know personally that the facts related by him are absolutely correct. My Honourable friend, Sardar Mangal Singh, said that the Provincial Government of the Punjab wanted to have jurisdiction over the Central Assembly and gave a gagging order so that he might not attend this Assembly and take part in its proceedings. Would the Home Member justify such action? Whenever we put cases before him, he says it is for the Provincial Government to decide, but are such acts on the part of the Provincial Governments to be justified? In the case of the Punjab you may say that it is a province which enjoys an autonomous Government, but what about Bihar? Bihar is governed under Section 93 of the Government of India Act and the Central Government has full control over the administration of that province. But in that province things have occurred which are disgrace to the administration of India.

Now, Sir, our friends have narrated all the stories that have come to their knowledge. I personally know of many other things. But I am not going to detain this House with a narration of them. What I want is to draw the prominent attention of the Honourable the Home Member to what is demanded in the course of the Resolution and the two amendments. What is demanded is an enquiry. Is not that a reasonable thing to demand? He may say that this enquiry is to be made by Members of the Legislature. But that is not exactly what is wanted. The enquiry is to be made by the Government, but with the Government should be associated Members of the Legislature,—not members belonging to one particular party. Would such a body do anything which would be harmful to the interests of the country? Would such a body do a thing which would prove harmful to the maintenance of law and order in India? I fail to understand why the Honourable the Home Member should object to such an enquiry being made.

Then, again, what is wanted after the enquiry? It is that humane treatment should be given. That is to say, adequate food, adequate clothing, and adequate family allowances should be given; they should be allowed to communicate with their friends, and those who require medical treatment should be afforded such treatment, and detenus and prisoners should be accommodated in places where the conditions are sanitary. These are all the things that are wanted. No Member of this House has demanded anything else. Mr. Joshi has further demanded that a review of these cases should be made and that if it is found that these persons are not guilty or have suffered in health or are about to die, they should be released. Is that an unreasonable demand?

I appeal to the Honourable the Home Member to take these facts into consideration and not to be guided by a policy of false prestige but to do the right thing at least once on this present occasion.

I support the original Resolution, together with the amendments of Mr. Joshi and Mr. Deshmukh, and I hope that this amended Resolution will be accepted, not only by the elected Members of this House but also by the Government.

Sir Muhammad Yamin Khan: 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. T. Krishnamachari: I thought the Government was going to say something about the Resolution at this stage, because the Honourable the Home Member promised on the last occasion that he would make another speech.

The Honourable Sir Reginald Maxwell: I think, I can speak after the Mover.

Mr. President (The Honourable Sir Abdur Rahim): I will allow the Home Member.

Mr. T.T. Krishnamachari: May I speak after the Home Member?

Mr. President (The Honourable Sir Abdur Rahim): Will, the Honourable Member go on with his reply?

Mr. T. T. Krishnamachari: I am very grateful, Sir, to the elected Members of this House and to the Honourable Mr. N. M. Joshi for the support they gave to my Resolution. I would like to state at this stage that I am willing to accept the amendment moved by my friend, Mr. Deshmukh, viz., the elimination of one sentence in my Resolution, and also the amendment moved by my friend, Mr. Joshi. I hope, Sir, that the other amendment moved by my friend, Mr. Neogy, will not be pressed as the Resolution as amended by Mr. Joshi will be quite complete in itself. I am unable to accept the amendment of my Honourable friend, Pandit Nilakantha Das. As I stated at the outset, it is not my object to ask for the release of these people who are in prison. The purpose of my Resolution was definite. It was to ask for better treatment of political prisoners and detenus, and I do not wish to accept any amendment that takes it out of the modest scope of my original intention. Sir, I would like to correct a mistake made by my Honourable friend, the Home Member, which unfortunately was repeated by the Honourable the Deputy Leader of the Muslim League Party. I did, Sir, specifically state at the outset that I contemplated three classes of prisoners to come within the scope of my Resolution. One happens to be those detained for a temporary period under rule 129 of the Defence of India Rules; secondly, those detained under rule 26; and thirdly those classes of prisoners convicted and sentenced to a term of imprisonment under the Defence of India Rules. So I maintain that my Resolution covers the whole lot of people who have been convicted for political offences or dealt with in any other manner for political reasons under Rule 26 or are detained temporarily at the pleasure of the police and the magistrate. Sir, I hope my Honourable friend, the Deputy Leader of the Muslim League Party has not been misled in this matter. But I do say that I have no objection at all to eliminating any specific reference to any particular class of prisoners. The greater comprises the less. Political prisoners and detenus comprise all people whether convicted after August, 1942, or before, and I am quite content to accept the unqualified support to the amended Resolution, the resolution as amended by Mr. Deshmukh and Mr. Joshi that has been given by the Honourable the Deputy Leader of the Muslim League Party.

I would like to touch on one or two matters mentioned by the Honourable the Home Member on the last occasion. There is no justification, I maintain, for the creation of a new class of detenus. It is not penal, he said. I agree. It was not, however, necessary for precautionary purposes to harass people in detention. The second point of which much was made by the Honourable the Home Member was this. He reiterated that the Central Government, placed as it is today, cannot interfere in matters that are purely provincial. Leave alone the constitutional aspect, which has been shown times without number as being merely a sort of smoke-screen, as the Central Government has interfered in provincial matters times out of number, let me take the constitutional aspect out of this argument altogether, let me put it to Government, you create a weapon and put it into the hands of the Provincial Governments, are you not morally bound to see that that weapon is properly used? If the Provincial Governments rebel and you have no statutory powers to bring them to heel, withdraw the powers that you have delegated to them. Sir, let me ask, can the Members of this House really feel that Sir George Boag is the autonomous Madras Government, or that Sir Tennant Sloan is the autonomous United Provinces Government, or Mr. X the autonomous Bombay Government, or Mr. Y the autonomous Bihar Government, or Mr. Z the autonomous Central Provinces Government? They are just part of the bureaucracy which carries on government. Are you not bound to see that those laws which you have asked them to handle are properly and humanely carried out? Sir, one can put it on other grounds as well. Was there not a Congo Commission? Was not an international Commission set up to enquire into the atrocities in Belgian Congo?

Why don't you do the same? I want you to create such a commission; if not, at least accept the amendment which Mr. Joshi has moved and which the Honourable the Deputy Leader of the Muslim League Party has supported. Create a committee of the Legislature. Let them with your help and through you bring moral pressure to bear on the Provincial Governments. That is all I ask; I do not ask for anything more.

The second fact that I wanted to draw the attention of the House to is this. The Honourable the Home Member mentioned that 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 Governments and he has heard of a considerable number of such cases? True; if the Provincial Governments do not release him, he gets released completely from the purview of your Acts and Rules. He goes to where he belongs ultimately, and that is the very reason why we in this House are asking for better treatment for those detained in prisons. Take the number of deaths that have occurred in my own province. Recently there have been four deaths in prison—deaths from typhoid, from cholera, and so on. Who is responsible? Can you not see that your prison food arrangement is responsible for bringing on cholera? Can you not see that your prison sanitation is responsible for bringing on typhoid? Do you really mean to say that you will only release people who have come to such a physical condition as my late lamented friend, Mr. Satyamurti, was in, so that, there after it might not be possible for them to do any mischief? Is that your idea? If that is your idea, let me tell you here and now that from the interviews I have had with those persons who have been released, I learn that 30 to 40 per cent of people who are now in prison today will be in the condition of absolute physical wrecks when they come out in a year or thereafter. If that is the idea of the Government, why all this pretence of being sympathetic, why all this pretence of being afraid of interfering with constitutional proprieties? In the case of the detenus you won't bring them to trial, and they must suffer silently because you will keep quiet. In the case of those convicted under the Defence of India Rules there is provincial autonomy functioning and the Central Government cannot do anything. I would like to draw the attention of the House to another fact. Why do we want this Resolution? It is because the Government's conscience must be roused, and people must know what is happening. Here in this House Mr. Kailash Bihari Lal said "I had my brother who was supposed to be absconding and whom I was supposed to be aiding in the same cell for three months but I could not tell people that I have not committed any offence." There is a black out on what is happening in prisons because no interviews are permitted. If it happens that something leaks out, if it happens that those people who come out speak of it, what they say cannot be given publicity. If newspapers publish it—and only one newspaper the *Hindustan Times* had the guts to publish these reports. What is it characterised as? I have heard it said that a Government official in Delhi is terribly annoyed about it all. "There is one newspaper which has got the gumption to publish reports of these atrocities. It is characterised as atrocity-mongering". A new addition to the bureaucratic vocabulary: If you tell the truth, you are atrocity-mongering! You ought not to tell the truth so publicly that people die in jails. Perhaps you will be permitted to tell it privately in the ears of Sir Reginald Maxwell and he will then ask that they be let out to die outside the jail instead of dying inside. You are crying aloud all the time that you are fighting, you are shedding the blood of your youngsters in thousands and you who are sending them in bombers to die and never to return, all for humanity's sake, I am not asking you to release these people who are in prison. You might review those cases if you like, but first and foremost, let me be assured that those who are in prison, who are convicted or detained, are treated as human beings, treated as you treat the Italian or the Japanese prisoner whom, as the Honourable the Defence Member very correctly pointed out the other day, you cannot really ill-treat because of the hundreds and thousands of our own people in Japanese hands. If newspapers tell us this, is that atrocity-mongering? I would like to refer to one instance where the Central Government has got to take action.

[Mr. T. T. Krishnamachari].

That is the case of Mr. Rameshchandra Arya, a Hindi journalist who died in Aligarh. The Provincial Government had issued a communiqué that he committed suicide. It appears, he felt dizzy, and wanted to join other prisoners but was not allowed to do so and so he fell into a well and died. Let me ask the Honourable the Home Member if at least for information's sake he had asked the Provincial Government if they had conducted a *postmortem* examination. The magistrate held an enquiry and was satisfied. But was any *post-mortem* examination conducted? Did the doctor find that there were contusions on his body. If that is the humanity for the sake of which this country has been revolutionised into a war economy under which every one has got to suffer, how can you expect us to really sympathise with you and throw ourselves heart and soul into the struggle?

I would mention one other fact and it is this. The other day I spoke, about Pandit Jawaharlal Nehru's daughter. Let me now refer to the case of his brother-in-law, Mr. R. S. Pandit. He has had a heart attack, he has been ill for a long time. He was taken to Balrampur Hospital from Bareilly Hospital I presume. But how was he taken? He was taken in a crowded third class compartment. Is that human treatment? Is that being very humane? What do we ask? Why transfer people from one place to another in such a manner, if you cannot do it properly, why don't you release the men if you cannot give them proper medical treatment? One of the persons belonging to my province who is now being kept in Amraoti prison is one Mr. Kuppasami Mudaliar has developed pus somewhere in the region of the sinus. It was being tapped every week and pus was taken out by the civil surgeon of Nagpur. But the civil surgeon who is capable of making the operation has left and nobody else is able to do this difficult operation in this region, and the man smells horribly. His fellow prisoners say, please remove him at least for the sake of sanitation in the jail. But he has not been released. I do not think it is possible for me to rouse the conscience of Sir George Boag in my own province, nor will the Central Government interfere. Mr. Deshmukh mentioned about women prisoners in the C. P.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Mr. T. T. Krishnamachari: Half a minute, Sir, and I will finish. The case of women prisoners everywhere is bad. I was told that in Ambala prison there have been instances of women having been locked-up for 24 hours at a stretch. Feeling sure as I do of the support of the majority of the elected Members—I request the Government to accept this modest Resolution, not only accept it but carry out its modest demands in the name of humanity. You do not know how much it is going to help to make the lives of those people who are in prison easier, the hope that there is going to be some better treatment for them. This is a modest Resolution which I think ought to be accepted and I appeal to the Government to accept it. If they would not, well, humanity will judge them.

The Honourable Sir Reginald Maxwell: I should much have liked to be able to meet the wishes of at least some section of this House in dealing with this Resolution and I could almost have accepted the Resolution as proposed to be amended by Mr. Joshi and Mr. Deshmukh, but the words I could not accept on behalf of the Government are these, "in consultation with a Committee of the Legislature specially appointed for the purpose". These are the words over which I find difficulty. Apart from that, Government could, to all intents and purposes, accept the principle of the Resolution so amended.

Dr. P. N. Banerjee: What would be the harm?

The Honourable Sir Reginald Maxwell: That is the whole difficulty. I am afraid Honourable Members do not quite understand where this Central Legislature stands in relation to such a matter. The whole of the discussion on this Resolution has, to a large extent, been on entirely nebulous ground. We cannot, for a moment, attempt to convert the Central Legislature into a sort of

Provincial Legislature or, more especially, to give it power to supersede the Provincial Legislatures of provinces where popular Ministries are functioning. One of the principal instances quoted by my Honourable friend, Mr. Neogy, was a series of complaints made in the Punjab. There is a province in which a popular Legislature has been functioning ever since the beginning of the present Constitution. It has a Ministry which is in office by the will of the electors and the Punjab Legislature is the proper place in which complaints should be made. If those complaints are not listened to and if there is a general body of opinion among the elected members of the Legislature who put that Ministry in power which does not approve of the action of the Ministry, they can turn it out and put in another Ministry which is prepared to carry out their will, but that situation cannot transform the Central Legislature into a body which can take the matter out of the hands of the Provincial Legislatures. (An Honourable Member: "What about the U. P. and Bihar?") The fact that ministries do not exist in some provinces does not give the Central Legislature any additional status in those provinces, no additional status whatsoever. We may not like the present Constitution but that is neither here nor there. We have to abide by it and I cannot have the Central Government put into a false position, as it would be if it accepted the Resolution as it is proposed to be amended by Mr. Joshi.

Now, I want to explain to the House what the correct procedure is. We have actually been following it. The Central Government cannot step in and supersede the Provincial Governments on matters within the Provincial field but we can do and have been doing a great deal by way of suggestion, advice, inquiry and so forth, to see that the Provincial Governments generally in dealing with this matter conform to certain standards which we regard as necessary and that there is a reasonable degree of uniformity among them. We have not been idle since the last debate in this House. The first thing we did after the last debate was to raise certain questions with provinces as regards their plans for reducing the number of security prisoners. We also took up the point which emerged from the judgment of the Federal Court in regard to the delegation of powers under Rule 26 to officers subordinate to the Provincial Governments. As a result of that consultation, Provincial Governments have been reviewing the cases of persons detained and since this question was last debated in this House, I am informed that a total number of 4,623 persons detained have been released by the Provincial Governments themselves. But apart from that, in the light of the last debate, we wrote a letter to the Provincial Governments enclosing a copy of the debate which, of course, then included only the Honourable the Mover's initial speech. We drew the attention of the provinces to a number of matters in which we thought this House was interested. We asked for further information about them and expressed certain views. In particular, we asked for their opinion on the subject of non-official visitors and for more information as regards the principles on which non-official visitors were appointed.

Now, if there was time, I could give the House a good deal of details of interest regarding the facts so elicited. We have found in the course of this correspondence that there was certain divergence of practice in the provinces and in matters which we regarded as essential we are trying now to level up the standards generally. We have, after scrutinising their replies, addressed a further letter to the provinces, only a short time ago, in which we expressed our general views on a number of matters, such as the classification of Congress security prisoners, the scale of diet, correspondence, interviews, the supply of newspapers and books, funds from outside, family allowances and non-official visitors. On all these matters we have been in correspondence with the provinces. One thing which this correspondence does reveal is that security prisoners, whether the old style security prisoners or those detained in connection with the recent movement, do obtain in all provinces substantially better treatment than convicted persons and that is my answer to one remark that fell from my Honourable friend, Nawab Liaquat Ali Khan, when he said that these

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persons ought not to be treated as criminals. The rules prescribing the conditions of detention in all cases give them a very considerable advantage over convicted criminals. For instance, the allowance of correspondence is much more. The classification for purposes of diet allowance is again equal to the A class of convicted persons in provinces where the classification is still retained and in provinces where there is only one class, the diet is superior to the lower class, that is to say, no security prisoner may have a diet which is as low as that of a C class convicted prisoner.

In regard to non-official visitors, which is a matter in which the House expressed considerable interest before, non-official visitors are permitted to see security prisoners of all kinds, including Congress security prisoners in all provinces, and provinces generally did not think that it would be useful to appoint members of the Central Legislature as such to be non-official visitors. But some of them have expressed no objection to considering them for such appointment and in several provinces members of the Provincial Legislatures are already being appointed as visitors, either by nomination or *ex-officio*. We must, I think, apply the proper perspective in any survey of jail conditions in India. It must be remembered that in ministerial provinces, they represent what the popular Governments of those provinces consider suitable for all classes of prisoners. If conditions in jails are really so unsuitable to the standards of life in this country, why are not complaints made in the legislatures of those provinces which are responsible for them? And in non-ministerial provinces the conditions existing now are substantially those which resulted from a long period of office of the Congress ministries. It is strange that Congress men should now say that these conditions are unsuitable for human beings. Security prisoners even now get better treatment than the corresponding class of convicted persons and they are allowed many luxuries and privileges, and we could not do much more without upsetting the whole standard of jail administration. I was rather intrigued lately to read an article re-printed in the *Hindustan Times* from the *Spectator* of England dealing with the treatment of security prisoners in the United Kingdom. I had on the basis of that article, although I cannot vouch for all the information it gave, a comparative statement drawn up showing the differences in the various regulations applying to such prisoners in the United Kingdom compared with those in force in this country. I find that the comparison is by no means unfavourable to us. In the matter of interviews, they have interviews once a week. Under the Central Government Security Prisoners Order interviews are allowed once a fortnight. There is not very much difference there. In regard to letters, in the United Kingdom in practice they appear to receive two letters a week. Under the Central Government Security Prisoners Order they are allowed 4 outward and 8 inward letters. They can write 4 and receive 8 letters.

Sir Cowasjee Jehangir (Bombay City Non-Muhammadan Urban): In what period of time?

The Honourable Sir Reginald Maxwell: In a week. Then, again, take exercise. I find that only one hour's exercise a day is prescribed for security prisoners in the United Kingdom. I think that prisoners here have considerably more liberty. Again, I find from the same article that certain tasks are assigned to such persons as are detained in England. They are required to do four hours associated labour per day and those who refuse to work remain in their cells locked up. I would like to know what would happen if we tried to give Congress security prisoners labour for four hours a day in this country. As regards recreation and association, no facilities are provided in England, but persons detained are allowed to use their own apparatus, if any, for indoor games. In most jails in this country, as the House knows, such facilities are freely provided even to the extent of playing grounds. Finally, as regards the lock-up. The persons in the United Kingdom are locked in their cells from 4-30 P.M. until 7 A.M. every day. I should like to know what sort of a howl there

will be if we attempted to lock up our Congress security prisoners from 4-30 P.M. in this country.

Nawabzada Muhammad Liaquat Ali Khan: With a temperature of 118.

The Honourable Sir Reginald Maxwell: Now, there is one point which was mentioned several times and that concerns the inter-provincial exchanges of prisoners which have taken place between Madras and the Central Provinces. We have again been in correspondence with both these provinces on the subject although we recognise that they are free to take their own line for their own prisoners. They both wrote that these exchanges had been necessary in the interests of discipline and prevention of unauthorised communication. But we have drawn their attention to the fact that if any province sends its prisoners to another province where the climate or the diet are liable to be unfamiliar, both provinces incur a very special responsibility for looking after the health of their prisoners so transferred and seeing that their health does not suffer from unfamiliar conditions. That principle we have enunciated for guidance and I am sure they will follow it because they have themselves recognised that prisoners whose health is bad should be returned to their own provinces.

Some reference has also been made to the case of our late lamented friend, Mr. Satyamurti. On that question, I took great care to get all the information I could from both the Central Provinces and the Madras Governments. The Government of the Central Provinces has been good enough to supply me with copies of all the reports, applications and communications which took place and with full particulars of the whole case. From a careful study of these documents I have come to the clear conclusion that the Central Provinces Government and their officers had no reason to suppose that Mr. Satyamurti's condition was in any way precarious so long as he was in their care. He was looked after by the Civil Surgeon, Amraoti, Major Scott, who visited him almost daily and there was also a very careful examination and report by Dr. Abraham, the Medical Staff Officer to the Inspector General of Civil Hospitals, who said that his condition as a whole was far from alarming.

Dr. P. N. Banerjee: Was his health good?

The Honourable Sir Reginald Maxwell: No. He was under treatment the whole time, as I have said. Finally, I have here a copy of a letter from Mr. Satyamurti himself. This was dated 9th November, that is to say, two months after he had gone to the Central Provinces. In this letter he stated that he had no desire now to be transferred to Madras partly because he was too weak to travel and partly because he felt that the treatment in the hospital, that is, the Irwin Hospital, Amraoti, was doing him good. I have a copy of his actual letter here. His words are: "I, therefore, request that you will be so good as to sanction my stay in this hospital for treatment as long as the Civil Surgeon finds it necessary for the restoration of my complete health and strength." I may remind the House that it was not until nearly three months after his re-transfer to Madras that he unfortunately died and he had been released by the Madras Government nearly two months before that event occurred. He died as a free man.

Well, Sir I have little more that I could say about this Resolution now without going into many matters of detail for which the House would not at present have time. I will only remind them once again that on the principle—what I regard as the substantial principle—of the Resolution as amended by Mr. Joshi, the Central Government are taking a great deal of interest in the conditions of detention of security prisoners and are having a great deal of correspondence with the provinces with a view to securing uniformity of standards in matters which we regard as important and which this House regards as important, and I anticipate that as a result of that correspondence there will be considerable improvement in certain provinces in matters of freedom of correspondence and possibly in the matter of interviews. But I might make one remark in conclusion and that is that whenever a Congress movement has proved a failure, we always meet with these harrowing stories of jail treatment and accounts of the pitiable state or nearn of the prisoners. These are the almost

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invariable sequel to a failed Congress movement. I regard this as the preliminary bombardment designed to soften the position, in modern parlance. The next demand will be for the release of all these prisoners on the ground that they are repentant and will not resume the movement if they are released. I will not now go on to discuss that point because the Honourable the Mover himself has said that the object of the Resolution is not to press for the release of these prisoners. But I could say a good deal more on that subject.

In conclusion, I would only ask the House to take an entirely realistic view of what the Members of the Central Legislature can do or undertake in a matter of this kind which is almost wholly within the provincial field and I can only assure them that the Central Government is itself on their behalf taking all the steps that are possible or necessary in this matter.

Mr. K. C. Neogy: What about the Commissioner's Provinces? What about Delhi?

Mr. President (The Honourable Sir Abdur Rahim): I shall now put the amendments.

Mr. K. C. Neogy: Sir, I beg leave of the House to withdraw my amendments. The amendments, were by leave of the Assembly, withdrawn.

Mr. E. L. C. Gwilt (Bombay: European): I want with your permission, Sir, to move one amendment. It relates to the words which the Honourable the Home Member suggested should be taken out.

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member wishes to make a speech now, I cannot allow it.

Sir Muhammad Yamin Khan: The Honourable Member simply wants to take out certain words which the Honourable the Home Member objected to, namely, "in consultation with a committee of the legislature".

Mr. President (The Honourable Sir Abdur Rahim): But he has not got any such amendment in his name. I cannot allow him to move any such amendment at this stage.

Mr. N. M. Joshi: Sir, I cannot accept the constitutional position enunciated by the Honourable the Home Member that this House has really no constitutional right in this matter. The Honourable the Home Member knows that we have been discussing this subject and I submit, therefore, that a Committee of this House is quite competent to deal with this subject. I do not know why there should be any constitutional difficulty in accepting the amendment.

Mr. K. C. Neogy: May I submit that it is a reflection on the Chair to suggest that the discussion we have had this morning and this afternoon is unconstitutional because it involves a criticism of the Provinces. If the House can discuss these provincial matters, surely, a committee of the House can also discuss them.

Mr. President (The Honourable Sir Abdur Rahim): Order, order. There is one amendment of Mr. Deshmukh which I will put first. The question is:

"That in lines 2 and 3 of the Resolution the following be deleted: 'in general and those convicted for political offences since August, 1942, in particular'." The motion was adopted.

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

"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'."

The Assembly divided:

AYES—39.

Abdul Ghani, Maulvi Muhammad.
Abdullah, Mr. H. M.
Azhar Ali, Mr. Muhammad.
Banerjee, Dr. P. N.
Bhutto, Mr. Nabi Baksh Illahi Baksh.
Chattopadhyaya, Mr. Amarendra Nath.
Chetty, Mr. Sami Vencatachelam.
Choudhury, Mr. Abdur Rasheed.
Choudhury, Mr. Muhammad Hussain.
Dam, Mr. Ananga Mohan.
Das, Pandit Nilakantha.
Datta, Mr. Akhil Chandra.
Deshmukh, Mr. Govind V.
Essak Sait, Mr. H. A. Sathar H.
Ghiasuddin, Mr. M.
Ghuznavi, Sir Abdul Halim.
Gupta, Mr. R. R.
Habibar Rahman, Dr.
Ismail Khan, Hajee Chowdhury, Muham-
mad.

Joshi, Mr. N. M.
Kailash Bihari Lall, Mr.
Krishnamachari, Mr. T. T.
Laichand Navarai, Mr.
Liaquat Ali Khan, Nawabzada Muhammad.
Maitra, Pandit Lakshmi Kanta.
Mehta, Mr. Jannadas M.
Murtuza Sahib Bahadur, Maulvi Syed.
Nairang, Syed Ghulam Bhik.
Nauman, Mr. Muhammad.
Neogy, Mr. K. C.
Raza Ali, Sir Syed.
Sant Singh, Sardar.
Siddique Ali Khan, Nawab.
Siva Raj, Rao Bahadur N.
Umar Aly Shah, Mr.
Yamin Khan, Sir Muhammad.
Yusuf Abdoola Haroon, Seth.
Zafar Ali Khan, Maulana.
Zia Uddin Ahmad, Dr. Sir.

NOES—39.

Ahmad Nawaz Khan, Major Nawab Sir.
Ambedkar, The Honourable Dr. B. R.
Azizul Huque, The Honourable Sir
Muhammad.
Bentham, The Honourable Sir Edward.
Bewoor, Sir Gurnath.
Bhagchand Soni, Rai Bahadur Seth.
Chapman-Mortimer, Mr. T.
Chatterji, Mr. S. C.
Daga, Seth Sunder Lall.
Dalal, Dr. Sir Ratanji Dinshaw.
Dalpat Singh, Sardar Bahadur Captain.
Gray, Mr. B. L.
Gwilt, Mr. E. L. C.
Habibur-Rahman, Khan Bahadur Sheikh.
Haidar, Khan Bahadur Shamsuddin.
Imam, Mr. Saiyid Haidar.
Ismail Alikhan, Kunwar Hajee.
Jawahar Singh, Sardar Bahadur Sardar
Sir.
Joshi, Mr. D. S.
Kamaluddin Ahmad, Shamsul-Ulema.

Khare, The Honourable Dr. N. B.
Lawson, Mr. C. P.
Mackeown, Mr. J. A.
Maxwell, The Honourable Sir Reginald.
Miller, Mr. C. C.
Muazzam Sahib Bahadur, Mr. Muhammad.
Noon, The Honourable Malik Sir Feroz
Khan.
Raisman, The Honourable Sir Jeremy.
Ray, Rai Bahadur N. C.
Richardson, Sir Henry.
Roy, The Honourable Sir Asoka Kumar.
Shahban, Khan Bahadur Mian Ghulam
Kadir Muhammad.
Spear, Dr. T. G. P.
Spence, Sir George.
Sultan Ahmed, The Honourable Sir.
Thakur Singh, Major.
Trivedi, Mr. C. M.
Tyson, Mr. J. D.
Zaman, Mr. S. R.

Mr. President (The Honourable Sir Abdur Rahim): In these circumstances I have to give my vote to enable the House to come to a decision. In accordance with the well-known practice in this respect, I give my vote in support of the NOES to maintain the *status quo*.

The motion was negatived.

Pandit Nilakantha Das: Sir, 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 this Assembly recommends to the Governor General in Council that their policy in regard to the treatment of political prisoners and detenues 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."

The Assembly divided:

AYES—38.

Abdul Ghani, Maulvi Muhammad.
Abdullah, Mr. H. M.
Azhar Ali, Mr. Muhammad.
Banerjee, Dr. P. N.
Bhutto, Mr. Nabi Baksh Illahi Baksh.
Chattopadhyaya, Mr. Amarendra Nath.

Chetty, Mr. Sami Vencatachelam.
Choudhury, Mr. Abdur Rasheed.
Choudhury, Mr. Muhammad Hussain.
Dam, Mr. Ananga Mohan.
Das, Pandit Nilakantha.
Datta, Mr. Akhil Chandra.

Deshmukh, Mr. Govind V.
Essak Sait, Mr. H. A. Sathar H.
Ghuznavi, Sir Abdul Halim.
Gupta, Mr. R. R.
Habibar Rahmah, Dr.
Ismail Khan, Hajee Chowdhury Muham-
mad.
Joshi, Mr. N. M.
Kailash Bihari Lall, Mr.
Krishnamachari, Mr. T. T.
Lalchand Navalrai, Mr.
Liaquat Ali Khan, Nawabzada Muhammad.
Maitra, Pandit Lakshmi Kanta.

Mehta, Mr. Jambadas M.
Murtuza, Sahib Bahadur, Maulvi Syed.
Nairang, Syed Ghulam Bhik.
Nauman, Mr. Muhammad.
Neogy, Mr. K. C.
Raza Ali, Sir Syed.
Sant Singh, Sardar.
Siddique Ali Khan, Nawab.
Siva Raj, Rao Bahadur N.
Umar Aly Shah, Mr.
Yamin Khan, Sir Muhammad.
Yusuf Abdoola Haroon, Seth.
Zafar Ali Khan, Maulana.
Zia Uddin Ahmad, Dr. Sir.

NOES—41.

Ahmad Nawaz Khan, Major Nawab Sir.
Ambedkar, The Honourable Dr. B. R.
Azizul Huque, The Honourable Sir
Muhammad.
Benthall, The Honourable Sir Edward.
Bewoor, Sir Gurunath.
Bhagchand Soni, Rai Bahadur Seth.
Chapman-Mortimer, Mr. T.
Chatterji, Mr. S. C.
Daga, Seth Sunder Lall.
Dalal, Dr. Sir Ratanji Dinshaw.
Dalpat Singh, Sardar Bahadur Captain.
Gray, Mr. B. L.
Griffiths, Mr. P. J.
Gwilt, Mr. E. L. C.
Habibur-Rahman, Khan Bahadur Sheikh.
Haidar, Khan Bahadur Shamsuddin.
Imam, Mr. Saiyid Haidar.
Ismail Alikhan, Kunwar Hajee.
James, Sir F. E.
Jawahar Singh, Sardar Bahadur Sardar
Sir.
Joshi, Mr. D. S.

Kamaluddin Ahmad, Shamsul-Ulema.
Khare, The Honourable Dr. N. B.
Lawson, Mr. C. P.
Mackeown, Mr. J. A.
Maxwell, The Honourable Sir Reginald.
Miller, Mr. C. C.
Muazzam Sahib Bahadur, Mr. Muhammad.
Noun, The Honourable Malik Sir Feroz
Khan.
Raisman, The Honourable Sir Jeremy.
Ray, Rai Bahadur N. C.
Richardson, Sir Henry.
Roy, The Honourable Sir Asoka Kumar.
Shahban, Khan Bahadur Mian Ghulam
Kadir Muhammad.
Spear, Dr. T. G. P.
Spence, Sir George.
Sultan Ahmed, The Honourable Sir.
Thakur Singh, Major.
Trivedi, Mr. C. M.
Tyson, Mr. J. D.
Zaman, Mr. S. R.

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the
28th July, 1943.

LEGISLATIVE ASSEMBLY.

Wednesday, 28th July, 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. Piare Lall Kureel, M.L.A. (Nominated Non-Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

CURRENT YEAR ARRANGEMENTS FOR HAJ PILGRIMAGE.

54. *Mr. H. M. Abdullah: Will the Honourable Member for Indians Over-
seas please state if Government propose to make arrangements for pilgrimage
to the Hedjaz this year? If not, why not?

The Honourable Dr. N. B. Khare: Attention of the Honourable Member is
invited to the Government communiqué, dated the 22nd July, 1943, on the
subject which has been published in the press. I place a copy on the table.

GOVERNMENT OF INDIA.
DEPARTMENT OF INDIANS OVERSEAS.
New Delhi, the 22nd July, 1943.
PRESS COMMUNIQUE.

The Government of India have seen statements in the press to the effect that it has
been decided to permit a Haj pilgrimage this year from India. These statements are
entirely without authority. While it is the desire of Government that a Haj should be
arranged it at all possible the final decision must depend upon factors beyond Government
control. No decision has yet been taken. The Muslim public may rest assured that as
soon as a decision is reached it will be given wide publicity.

Kunwer Hajee Ismaiel Alikhan: The Government communiqué is not very
clear. Do the Government intend to send pilgrims this year?

The Honourable Dr. N. B. Khare: Government have not taken any steps.

Sir Muhammad Yamin Khan: Will the Honourable Member be in a posi-
tion to say when a definite opinion will be expressed by the Government,
because the communiqué only says that the Government is trying to make
some arrangement?

The Honourable Dr. N. B. Khare: Very shortly.

Khan Bahadur Shaikh Fazl-i-Haq Piracha: What are the difficulties anti-
cipated by the Government with regard to the performance of the Haj? If
there are certain secret things not to be divulged in the House, will the Gov-
ernment take the Haj Committee into confidence?

The Honourable Dr. N. B. Khare: Yes, we will attempt to do so as far as
we can.

Khan Bahadur Shaikh Fazl-i-Haq Piracha: Has any special officer been
appointed by the Government? If not, who is being consulted in these
matters?

The Honourable Dr. N. B. Khare: Government has to consult various
Departments.

Mr. Lalchand Navalrai: Has any officer been appointed, because we under-
stood one was appointed?

The Honourable Dr. N. B. Khare: No, Sir. Not yet appointed.

Khan Bahadur Shaikh Fazl-i-Haq Piracha: Do Government know that it
is the general desire among Muslims that they should be allowed to perform
the Haj and that there is a general resentment among the public in view of the
present impasse?

The Honourable Dr. N. B. Khare: Government are aware of it.

Maulvi Muhammad Abdul Ghani: What steps are Government going to take in order to remove the present state of feeling?

The Honourable Dr. N. B. Khare: They will issue a communiqué and explain the position as far as they think fit. They have not taken any decision yet.

Khan Bahadur Shaikh Fazl-i-Haq Piracha: Is there any truth in the report that as the Scindia Shipping Company is to take a share in the business of the Haj traffic, the Turner Morrison object to making any arrangements for the Haj? Have the shipping companies any say in the matter?

The Honourable Dr. N. B. Khare: I want notice of that question. It does not arise.

CATTLE PURCHASED FOR SUPPLYING MEAT TO THE AMERICAN FORCES IN INDIA.

55. *Mr. R. R. Gupta: Will the Secretary for Education, Health and Lands please state:—

(a) the number of cows and bullocks required to be supplied to the American Forces stationed throughout India, monthly;

(b) whether the American Forces purchase food, meat etc., for themselves directly or through military contractors;

(c) if there is any specific condition for the supply of any particular kind of cattle to them for slaughter;

(d) if it is a fact that the American Forces insist on getting only such cows and bullocks as are young and in their prime;

(e) if it is a fact that certain regular cattle fairs, where agriculturists generally buy their cattle, have been abandoned by their organisers, because they were afraid that good cattle may be forcibly bought by the military contractors for purposes of slaughter; and

(f) if it is true that agriculturists are finding it difficult to buy good bullocks owing to the forcing up of prices by the heavy buying of the Forces of the United States of America at any price; and if this has not affected the "Grow more Food" campaign, due to the lack of the required number of good bulls in the hands of the agriculturists of the Punjab, the United Provinces and Bihar?

Mr. J. D. Tyson: (a) The information asked for by the Honourable Member cannot be published.

(b) American troops in India are supplied with meat by the Royal Indian Army Service Corps, who purchase through military contractors.

(c) No.

(d) The American Forces do not receive cows or bullocks, as such, but meat. Purchases of meat made for them by the Royal Indian Army Service Corps are made according to the instructions issued by the Government of India, whereby working cattle and cattle in their prime are not accepted or tendered for inspection.

(e) Government have made inquiries but have received no information of any cattle fairs having been abandoned for the reason mentioned by the Honourable Member.

(f) The agriculturists' difficulties are not attributable to the cause suggested by the Honourable Member. The prices of all livestock have increased in sympathy with the general trend of prices. Specific factors have been increased costs of feeding the brisk demand among the cultivators themselves who have a reduced range of commodities on which to spend their unusually abundant resources, transport difficulties and restrictions on movement and, in some areas, a shortage of stock following on a series of rainless seasons. The Governments of the Provinces mentioned by the Honourable Member consider that there is no general dearth of bullocks in those provinces now as compared with normal times and that the 'Grow More Food' campaign has not been affected by any bullock shortage except in a few localities in the United Provinces.

Mr. R. R. Gupta: Does the Secretary know that the prices of bullocks have gone up from Rs. 200 per pair to Rs. 1,200: and it is beyond the means of the agriculturist to buy them at this price? And if they cannot substitute

their cattle, then how can the 'Grow More Food' campaign be brought to a successful end?

Mr. J. D. Tyson: I do not deny that the cost of cattle has gone up. At the same time that is to some extent met from the cultivators' point of view from the price he is getting for his produce.

Mr. N. M. Joshi: May I ask whether the Government will make any special effort to save the milch cattle, and whether milch cattle is included among the working cattle?

Mr. J. D. Tyson: Milch cattle cannot be purchased by the Royal Indian Army Service Corps for slaughter.

Sir Muhammad Yamin Khan: Is the rise in the price of the bullocks from Rs. 200 to Rs. 1,200 due to the general rise in prices, or is it due to the shortage of bullocks in the country? Because if there is a shortage in the country, that will continue after the war, and if it is due to the general rise of prices, it may decline as soon as the war is over.

Mr. J. D. Tyson: Our information is that there is no such shortage of bullocks. In those areas where there have been bad seasons, there is a shortage.

Maulvi Muhammad Abdul Ghani: May I know whether the supply of beef to the Military Department has been given to a Hindu Bengali at Calcutta?

Mr. President (The Honourable Sir Abdur Rahim): Will the Honourable Member, please repeat his question.

Maulvi Muhammad Abdul Ghani: May I know from the Honourable Member whether it is a fact that the supply of beef to the Military Department has been given to a Hindu contractor in Calcutta?

Mr. J. D. Tyson: I do not think that arises.

Mr. Govind V. Deshmukh: Regarding part (f) of this question (because the first part is very general) have Government enquired from all the provinces regarding the difficulties of securing bullocks?

Mr. J. D. Tyson: No, Sir. We addressed the three provinces quoted in the question of the Honourable Member.

Mr. Govind V. Deshmukh: Did the Government enquire that in the Bombay Presidency there is a scarcity of bullocks?

Mr. J. D. Tyson: No, Sir. The question did not refer to the Bombay Presidency.

Mr. Govind V. Deshmukh: The first part of this question is a general question. The latter is specific. Has Government made full enquiries from all the provinces?

Mr. J. D. Tyson: We enquired of the three provinces referred to in the latter part.

Mr. Govind V. Deshmukh: Will the Government

Mr. President (The Honourable Sir Abdur Rahim): Mr. Neogy.

Mr. K. C. Neogy: Will the Honourable Member give the reasons for refusing to supply statistics asked for in part (a)?

Mr. J. D. Tyson: Security reasons.

Mr. K. C. Neogy: Well, does the Honourable Member realise that the replies so far given will go to confirm the apprehensions in the minds of the public, unless the statistics are furnished? Has the attention of the Honourable Member been drawn to a specific report which has appeared in a very respectable journal to the effect that in Gaya alone the number slaughtered is 4,000 a day?

Mr. J. D. Tyson: I have not seen the report.

Mr. K. C. Neogy: Is the Honourable Member aware that as a part of the publicity campaign carried on by the National War Front, the agriculturists are being advised to dispose of their surplus cattle?

Mr. J. D. Tyson: I was not aware, but there is not much doubt that India has a surplus of cattle.

Mr. K. C. Neogy: Will the Honourable Member give us statistics to show as to whether the present policy of the Government is to conserve the minimum

cattle necessary in the different areas, and is the Honourable Member going to satisfy this House that the policy referred to in this question will not in any way affect the minimum number of cattle that it is absolutely essential for carrying on agricultural operations?

Mr. J. D. Tyson: I think that Mr. Neogy himself has a question on this point.

Mr. K. C. Neogy: But you will refuse to answer that by refusing to supply statistics.

Mr. R. R. Gupta: Have you fixed any control over price for purchase of cattle by the army people? Secondly, I would like to know what you call workable cattle and what you call unworkable cattle—have you fixed any age limit? Have you fixed any weight for the cattle, have you fixed any other indication by which it may be understood that these are workable cattle and these are not workable cattle? My information goes to show that cows which were giving milk, good cows, have been bought for slaughtering purposes . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is making a speech.

Mr. J. D. Tyson: So far as prices go, this department is not responsible for them. So far as age goes, an age of ten years has been fixed.

Mr. Lalchand Navalrai: May I know from the Honourable Member this? He is not definite as to by how much the price has increased. Does the Honourable Member admit that it is from Rs. 200 to Rs. 1,200?

Mr. J. D. Tyson: I was not asked by how much prices had increased and I have not got the information here.

Mr. Govind V. Deshmukh: Did Government receive any representation from any organised associations regarding the number of cattle slaughtered and scarcity of cattle or agricultural bullocks?

Mr. J. D. Tyson: Yes. We have received one or possibly two such representations.

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

CORRESPONDENCE BETWEEN GOVERNMENT OF INDIA AND GOVERNMENT OF SOUTH AFRICA ON THE PEGGING BILL.

56. ***Mr. Nabi Baksh Illahi Baksh Bhutto:** (a) Will the Honourable Member for Indians Overseas be pleased to place on the table the correspondence that passed between the Government of India and the Government of South Africa on the Pegging Bill which was recently passed in South Africa?

(b) Did the Government of India invite the attention of the British Government on the subject and request them to interfere on behalf of the Government of India? If not, why not?

(c) What retaliatory steps do Government propose to take against the Government of South Africa?

The Honourable Dr. N. B. Khare: (a) The correspondence between the Government of India and the Union Government on the Pegging legislation recently passed in South Africa is confidential and cannot be published.

(b) His Majesty's Government were made aware of the correspondence with the Union Government and of Indian sentiment in the matter.

(c) The question is under consideration.

Mr. Lalchand Navalrai: May I know from the Honourable Member if Mr. Amery has said that the British Government will not interfere in that matter?

The Honourable Dr. N. B. Khare: I am not aware of it.

Mr. N. M. Joshi: In view of the fact that a discussion on this subject is to take place day after to-morrow, will Government be pleased to circulate the documents bearing on the subject to the Members of the Assembly?

The Honourable Dr. N. B. Khare: No.

Mr. N. M. Joshi: May I ask whether the Government of India does not want an intelligent discussion on this subject?

The Honourable Dr. N. B. Khare: They want discussion. That is why they have given a special day for it.

Mr. N. M. Joshi: If they want discussion, will they reconsider their attitude and circulate the documents for information of Members of this House before the debate takes place?

The Honourable Dr. N. B. Khare: I regret that I am unable to do so as certain documents are confidential.

Mr. N. M. Joshi: They may not circulate documents which are confidential, but they may circulate documents which are not confidential.

The Honourable Dr. N. B. Khare: All are confidential.

Mr. N. M. Joshi: Then how can any discussion take place?

Mr. K. C. Neogy: We can hear neither the answer nor the question.

Mr. N. M. Joshi: How can we discuss if all documents are confidential?

Mr. K. C. Neogy: Do I take it that correspondence is still going on on this subject between the Government of India and the Union Government of South Africa, or has it ceased?

The Honourable Dr. N. B. Khare: I regret I cannot answer that question.

Mr. Govind V. Deshmukh: The latter part of (b) is, "Did the Government of India request the British Government to interfere on behalf of the Government of India?" Was any request made or not made?

The Honourable Dr. N. B. Khare: The reply specifically was, "His Majesty's Government were made aware of the Indian sentiment in the matter."

Mr. Govind V. Deshmukh: Was this sentiment communicated to His Majesty's Government and was His Majesty's Government requested?

The Honourable Dr. N. B. Khare: It was communicated.

Sir Muhammad Yamin Khan: Will the Honourable Member give replies in such a manner that the other side may hear?

Mr. President (The Honourable Sir Abdur Rahim): I think the Honourable Member ought to speak up.

Mr. K. C. Neogy: May I suggest that the Honourable Member may be permitted to occupy the Front Bench at least temporarily, so that we may hear his answers to questions?

(The Honourable Dr. N. B. Khare then took his seat on the Front Bench.)

Mr. Jamnadas M. Mehta: Will that make any difference to the answer?

RATIONED NEWSPRINT QUOTA OF THE WEEKLY AND DAILY NEWSPAPERS.

57. ***Mr. Nabi Baksh Illahi Baksh Bhutto:** (a) Will the Honourable Member for Industries and Civil Supplies be pleased to state the maximum and minimum quantity of newsprint allowed to a single weekly and daily newspaper under the rationing system?

(b) Is it a fact that to some of the newspapers even a full ream is not allowed?

(c) Has it been brought to the notice of the Honourable Member that a newspaper cannot continue its publication under this quota?

The Honourable Sir Muhammad Azizul Huque: (a) The highest monthly ration of a single weekly newspaper is about 27 tons and of a single daily newspaper about 26 tons. The lowest monthly ration allotted to a newspaper is 10 lbs.

(b) Yes.

(c) The smaller newspapers were generously treated under the graduated scale of cut which was brought into force, with the agreement of newspapers' interests, with effect from April 1943. Under this graduated scale, bigger newspapers were allotted only 45 per cent. of their "basic consumption" while the smaller newspapers were allotted 100 per cent. of their "basic consumption".

Mr. Lalchand Navalrai: With reference to the answer to part (b) of the question, why is the answer, Yes?

The Honourable Sir Muhammad Azizul Huque: Because, Sir, that is a fact.

Mr. Lalchand Navalrai: Is it a fact that Government is not in possession of sufficient newsprint as to give the number that is asked for, or do the Government purposely not give the number required?

The Honourable Sir Muhammad Azizul Huque: I should have expected after so many years of war that everybody could understand that position.

Mr. Lalchand Navalrai: But the point is whether Government is in possession of the quantity or not?

The Honourable Sir Muhammad Azizul Huque: If Government were in possession, Government would not have stored newsprint with a view not to give it to the newspapers.

Mr. Lalchand Navalrai: In that case why is not a sufficient number given to the newspapers?

The Honourable Sir Muhammad Azizul Huque: I am afraid, in spite of my loudest voice, the Honourable Member has not been able to catch my answer.

Seth Yusuf Abdoola Haroon: With reference to the answer to (c), there are definite instances where vernacular papers are given less quota, say, about 60 per cent., but the Honourable Member has just said that 100 per cent. quota is allowed.

The Honourable Sir Muhammad Azizul Huque: As I have said, the principle is fair arrangement for all in accordance with certain arrangements which have been made with the newspapers concerned. It is difficult for me to answer a general point like this, but if any specific question is asked or I am written to about a specific newspaper, I promise to look into the whole matter.

Mr. Govind V. Deshmukh: Fair arrangement implies that quotas have been fixed. If so, what is the quota for this particular newspaper?

The Honourable Sir Muhammad Azizul Huque: I do not know what newspaper the Honourable Member was referring to. I have said, a graduated scale of cut. For example, it stands to reason that a newspaper whose circulation is only 100 or a newspaper which is only consuming about 20 reams should not have its quota cut to the extent that a newspaper with a very large circulation in the country can have. We have therefore to go by certain fair standard, which is the graduated scale that has been introduced.

Mr. Govind V. Deshmukh: Is there any committee co-ordinating with the Controller who makes this allotment?

The Honourable Sir Muhammad Azizul Huque: There is no definite committee attached to the Controller as far as I am aware. But when these arrangements were made newspaper interests were consulted, and at every stage we are trying to consult the newspaper interests concerned.

SUPPLY AND DISTRIBUTION OF STANDARD CLOTH.

58. ***Mr. Nabi Baksh Illahi Baksh Bhutto:** (a) Will the Honourable Member for Industries and Civil Supplies be pleased to state the actual quantity of the Standard Cloth supplied to the different provinces?

(b) Has it been brought to the notice of the Honourable Member that the quantity supplied to the different provinces so far does not satisfy the public demand?

(c) Is the Honourable Member aware that the methods adopted to distribute the Standard Cloth are very unsatisfactory?

(d) Do Government propose to increase the quantity of the Standard Cloth, and to revise the methods of its distribution?

The Honourable Sir Muhammad Azizul Huque: (a) 28.6 million yards.

(b) Yes, but the quantities being supplied are rapidly increasing.

(c) No.

(d) Government have placed orders for the supply of 1,150 million yards for delivery in equal monthly instalments to be completed by January 1944. With the coming on the market of cloth hitherto hoarded, Government feel that substantial relief will be afforded to the people and therefore that no increase in the quantity of Standard Cloth ordered for the current six monthly period is necessary.

Dr. Sir Zia Uddin Ahmad: Has the Honourable Member fixed the time and place for the exhibition of this standard cloth?

The Honourable Sir Muhammad Azizul Huque: We have not fixed any place for exhibition but if it is the desire of any Member, I will be prepared to make some arrangement to give a demonstration of it.

Dr. Sir Zia Uddin Ahmad: I was given to understand by the Secretary that it will be exhibited in one of the rooms of the Council Chamber?

The Honourable Sir Muhammad Azizul Huque: I was not aware of it but I will certainly take note of it and try to do my best accordingly.

Mr. Hooseinbhoj A. Lalljee: Have Government got any information about the quantity of the hoarded stocks?

The Honourable Sir Muhammad Azizul Huque: It is very difficult to make an estimate till the end of this month but in view of the fact that the wholesale dealers have repeatedly been not only making representation but carrying on propaganda as much as possible that they will not be able to sell within the time fixed, the only conclusion is that there is certainly a fair amount of hoarded stock.

Mr. Hooseinbhoj A. Lalljee: May we take it that in anticipation of a fair amount the mills have not been indented for?

The Honourable Sir Muhammad Azizul Huque: It is not a fact. We have given an order for the supply of 1,150 million yards to be delivered in six months, without taking note of the hoarded stock in the country. If the contingency mentioned by the Honourable Member arises, Government propose to take necessary action in the matter.

Mr. Jamnadas M. Mehta: What is the substantial relief by way of lower prices to which the Honourable Member refers?

The Honourable Sir Muhammad Azizul Huque: Prices of cloth have already come down 30 to 40 per cent. Increased relief is likely to be given when the standard cloth is put on the market.

Mr. Jamnadas M. Mehta: Is the Honourable Member quite correct in his statement that the prices have come down or is it only his belief?

The Honourable Sir Muhammad Azizul Huque: It is not my belief but I am a victim of both the high and the low prices.

Mr. Jamnadas M. Mehta: Are the Government aware that the cloth merchants and the mill owners are likely to form a combination to make your orders infructuous?

The Honourable Sir Muhammad Azizul Huque: I do not anticipate that. The mill interests have been in the fullest co-operation with us but I can assure the Honourable Member that if any such contingency arises Government will be prepared to deal with that situation in as effective a manner as they can.

Mr. N. M. Joshi: May I ask the Honourable Member that on account of the fullest co-operation between the Government and the manufacturing interests of cloth, the poor consumers' interests are likely to suffer?

The Honourable Sir Muhammad Azizul Huque: I categorically deny that. The whole attitude of Government has been to benefit the largest consumer interests in this country and a statistical study of the present position will convince any reasonable man that that conclusion is the only logical conclusion.

Mr. N. M. Joshi: Is the Honourable Member aware that on the Cotton Textile Control Board, out of 25 members of that Board 15 members represent the manufacturing interests and the consumers are represented, I think, by only two members?

The Honourable Sir Muhammad Azizul Huque: I am aware of it but I certainly do not accept that simply because mill-owners' representatives are there, that will necessarily affect the consumers' interests. In fact, our whole attitude has been to keep control over that body and look to the interest of the consumers in the broadest possible manner.

Sir Cowasjee Jehangir: Who represents labour on this committee?

The Honourable Sir Muhammad Azizul Huque: I want notice of it.

Sir Cowasjee Jehangir: Is it a fact that Mr. Joshi is on that committee?

The Honourable Sir Muhammad Azizul Huque: That is my impression.

Sir Cowasjee Jehangir: Is not Mr. Joshi good enough for ten other representatives?

The Honourable Sir Muhammad Azizul Huque: I have not yet had a trial of strength with Mr. Joshi.

Dr. P. N. Banerjee: Is it a fact that the representation of the Legislature on this body has now been curtailed?

The Honourable Sir Muhammad Azizul Huque: I am not in a position to answer that question just now but if my friend will put down a question, I shall answer that.

RETALIATORY STEPS AGAINST THE PEGGING BILL OF SOUTH AFRICA.

59. *Mr. Amarendra Nath Chattopadhyaya: (a) Will the Honourable Member for Indians Overseas be pleased to make a statement on the floor of the Assembly regarding the Pegging Bill enacted by the Natal Government against the rights of the Indian population of Natal?

(b) Will he be pleased to lay on the table the correspondence that passed between the Natal Government and British Government in India?

(c) What are the damages to the properties of the Indian citizens of Natal caused by enacting this law, and how many Indians are affected by this Bill?

(d) What steps has the Honourable Member under his contemplation to force the hands of the Natal Government to withdraw this Pegging Bill, and when will such steps be taken?

The Honourable Dr. N. B. Khare: (a) and (d). Government propose to initiate discussion of this question by means of a motion this Session.

(b) I regret again the correspondence referred to cannot be placed on the table of the House as it is confidential.

(c) The Act does not deprive any person of property already in his possession. It is designed to prevent further acquisition of property. It is therefore not possible to say how many Indians are affected in a material sense.

Mr. N. M. Joshi: Will Government circulate copies of the Pegging Act to Members of the Assembly before the discussion takes place, so that the discussion may be carried on in an intelligent manner?

The Honourable Dr. N. B. Khare: Yes, Sir.

Sir Muhammad Yamin Khan: Does this Bill affect the inheritance of the people who are already in possession of the property?

The Honourable Dr. N. B. Khare: I want notice of that question.

INDIANS REMAINING IN ENEMY OCCUPIED COUNTRIES IN FAR EAST AND BURMA EVACUEES.

60. *Mr. Amarendra Nath Chattopadhyaya: (a) Will the Honourable Member for Indians Overseas be pleased to state if any news about Indians in the enemy occupied countries in the Far East may be obtained through neutral or Red Cross Services?

(b) What is the number of the Indian civil population left in Burma, Malaya, Singapur and Java who could not be evacuated before the occupation of these places by the enemy?

(c) What is the total number of evacuees from Burma (i) who have been provided with occupation, and (ii) who have not been provided with any occupation in India? How many of these employed are Anglo-Indians and how many Indians?

(d) What amount has been earmarked by the Government of India for financial aid to the Burma Evacuees, and what amount has been spent?

The Honourable Dr. N. B. Khare: (a) It is possible to obtain information about individuals in respect of the following countries only namely, Japan, Japanese occupied China, Indo-China and Siam through the agency of the Protecting Power *viz.*, Switzerland and the International Red Cross Committee. The responsibility for providing the information rests on the Japanese Government, the Protecting Power and the Red Cross services being only intermediaries. So far 7,662 enquiries have been forwarded and information has been obtained in 1,164 cases.

(b) The total number of the Indian civil population left behind in Burma and Malaya (including Singapore) is estimated to be approximately 5,00,000 and 7,45,000 respectively. Separate figures for Indians stranded in Singapore and Java are not available.

(c) It is regretted that accurate information is not available. The establishment of machinery to obtain it is now in hand.

(d) A sum of Rs. 1,43,00,000 approximately was spent during the last financial year in connection with the arrangements made for the reception, dispersal and maintenance of Indian evacuees; of this sum, nearly 70,00,000 was granted as financial assistance to evacuees and dependents of Indians stranded in enemy occupied countries. A sum of one crore has been provided in the budget for the current financial year to meet expenditure on the maintenance of Indian evacuees and dependents of Indians stranded in enemy occupied territories.

Mr. K. C. Neogy: Would the Honourable Member correct his answer to part (c) of the question in the light of the answer which I myself got to a somewhat similar question some time ago in this House, giving quite adequate and full information as regards the employment of evacuees under Government and may I request the Honourable Member, after he has removed his misapprehension on the point, to bring that statement up to date?

The Honourable Dr. N. B. Khare: I am not aware of the answer that the Honourable Member has got. It is not before me here. Unless an occupational census of these evacuees is taken, it is not possible to give any accurate information. That is why I gave the answer that the machinery for obtaining it is now in hand.

Mr. K. C. Neogy: I wonder if the Honourable Member is in a position to state whether the Anglo-Indians referred to in part (c) of this question comprise Anglo-Burmans or Burmo-Anglians, if I may use the term; what is the process by which an Anglo-Burman or a Burmo-Anglian gets converted into an Anglo-Indian for the purpose of securing jobs under Government in India?

The Honourable Dr. N. B. Khare: I think this question does not arise out of this. You had better give me notice.

UNSATISFACTORY ARRANGEMENTS FOR ACCOMMODATION OF MEMBERS OF ASSEMBLY AT SIMLA.

61. *Mr. Amarendra Nath Chattopadhyaya: (a) Will the Honourable the Labour Member be pleased to state if it is not the duty of the Estate Officer, Central Public Works Department, to arrange for the accommodation of the Members of the Assembly when they are wanted temporarily at Simla for attending Committee meetings?

(b) Is it not their duty to see that the Members are not put to any inconvenience on account of light or bad arrangements for accommodation?

(c) Is the Honourable Member aware of the fact that the Cart Road quarters which were set apart for the Assembly Members *viz.*, 2, 3 and 11 during the Hindu Law Committee Sittings were more inconveniently arranged in comparison with No. 20? Is the Honourable Member prepared to enquire into the matter of selecting these quarters for the Assembly Members by the Estate Officer during Committee meetings in May and June?

(d) Will the Honourable Member consider changes in the arrangements in these quarters after proper enquiries?

The Honourable Dr. B. R. Ambedkar: (a) The Estate Officer's duty is to allot such accommodation to the Members of the Central Legislature as is specified by Government in consultation with the House Committee.

(b) All the quarters are planned so as to avoid, as far as possible, any inconvenience to Members.

(c) The quarters on the Cart Road were built according to approved plans. Quarters Nos. 2 and 3 are on the highest level and were reserved for the Members in consultation with the House Committee of the Legislature, as they were considered to be very conveniently situated. The arrangement of the rooms in Nos. 2 and 3 differs slightly from that of the rooms in No. 20. Some Members consider a particular arrangement of the rooms in a house convenient

irrespective of the level of the house, while others may prefer quarters at a higher level irrespective of the arrangement of the rooms. It cannot therefore, be said that quarters Nos. 2 and 3 are more inconveniently arranged than No. 20. No. 11 was not occupied by any Member of the Legislature, as it was exchanged for No. 20. In the circumstances explained, no special enquiry is called for.

(d) As already stated, the quarters for the Members of the Legislature were reserved in consultation with the House Committee of the Legislature. No changes seem necessary unless the House Committee expresses a desire for them.

Sir Muhammad Yamin Khan: May I ask if the Members who attended the Sub-Committee meetings in Simla were asked to deposit a sum of Rs. 75 as security before they could get electricity and water?

The Honourable Dr. B. R. Ambedkar: I must have notice of that question.

Sir Muhammad Yamin Khan: Does the Honourable Member know that Members have been asked to deposit money here in Delhi?

The Honourable Dr. B. R. Ambedkar: I have no idea.

Mr. Lalchand Navalrai: May I ask if there is any officer appointed to go round these quarters and look to the comforts of the Members?

The Honourable Dr. B. R. Ambedkar: I have no idea.

Mr. Lalchand Navalrai: Will the Honourable Member then appoint some officer?

The Honourable Dr. B. R. Ambedkar: I will make inquiries in the matter.

Dr. P. N. Banerjee: How many meetings of the House Committee are held during every Session?

The Honourable Dr. B. R. Ambedkar: It is for the House Committee to decide how many times they should meet.

Dr. P. N. Banerjee: Have you any information on the subject?

The Honourable Dr. B. R. Ambedkar: I remember there was a meeting of the House Committee during the last Session.

Mr. Lalchand Navalrai: May I know if some of the Members of the House Committee have died and have they been replaced by some other Members?

The Honourable Dr. B. R. Ambedkar: I am very sorry to hear the news, but I am sure the House will take such steps as are necessary to fill the vacancy.

PROVISION OF A RICKSHAW STAND AT THE CART ROAD QUARTERS, SIMLA.

62. ***Mr. Amarendra Nath Chattopadhyaya:** Will the Honourable Member for Labour be pleased to state if Cart Road quarters in Simla are kept for occupation by the Members of the Central Legislature? If so, does he propose to ask the Municipal Committee of Simla (i) to set up a Rickshaw Adda near about the quarters for the convenience of the Members; and (ii) not to charge security deposit for temporary occupation of the quarters by the Assembly Members for electric light?

The Honourable Dr. B. R. Ambedkar: As the Members occupy a very limited number of quarters on the Cart Road for short periods at a time, Government do not feel justified in approaching the Simla Municipal Committee for the provision of a rickshaw stand in the locality. The supply of electric energy in Simla is the concern of the Simla Municipal Committee and Government regret they are unable to interfere with the Municipal arrangements in this respect.

REMOVAL OF INTER-PROVINCIAL BAN ON FOODGRAINS IN THE NORTH AND EAST REGION.

63. ***Maulvi Muhammad Abdul Ghani:** Will the Honourable the Food Member please state:

(a) the reasons and necessity of removing the inter-provincial ban on food grains from Bihar, Bengal, Orissa, Assam and Assam States;

(b) the reason for singling out the area newly created by him;

(c) whether Bihar is a deficit Province in matters of food grains and food stuffs since its creation; and

(d) the reason for not lifting the ban on food grains from Provinces other than the newly created North and East region?

The Honourable Sir Muhammad Azizul Huque: (a) and (b). The Honourable Member's attention is invited to the Press Communique dated the 18th May, 1943, a copy of which is laid on the table.

(c) Normally Bihar is deficit in respect of wheat and rice but the 1943 Bihar crops have been exceptionally good and Bihar was considered to have an exportable surplus during the current year.

(d) The policy appropriate to different areas in India is constantly under review by the Food Department, and at the time, the action taken was appropriate only to the Eastern Region.

PRESS COMMUNIQUE.

NO RESTRICTION ON MOVEMENT OF FOODGRAINS.

As the rice situation in North-East India shows little improvement, despite a sufficiency of domestic supplies, the Central Government have decided to remove all restrictions on the free trading of all foodgrains and their products in Assam, Bengal, Bihar, Orissa and the Eastern States except in respect of two areas concerning the first and last named. From May 18, therefore traders will be free to move and to sell stocks throughout this larger block of territory and no barriers to free trading will exist. The local administrations are taking parallel action to force stocks into consumption under the Foodgrains Control Order.

FOOD DEPARTMENT;
New Delhi, May 17, 1943.

Mr. Muhammad Nauman: Is the Honourable Member aware that since the ban was lifted from the market, the price of rice in Bihar shot up from Rs. 10-2-0 a maund to Rs. 20 a maund within one week?

The Honourable Sir Muhammad Azizul Huque: I was in that one week in one district of Bihar and, while I admit that the price did rise, I do not admit the accuracy of the figures of the Honourable Member.

Mr. Muhammad Nauman: Is the Honourable Member aware of the quantity of rice that was taken away from Bihar, particularly during that period?

The Honourable Sir Muhammad Azizul Huque: No.

Mr. Muhammad Nauman: Will the Honourable Member make an inquiry and find out how it has affected the province?

The Honourable Sir Muhammad Azizul Huque: We have been making inquiries.

Mr. Abdur Rasheed Choudhury: With reference to clause (a) of the question, may I know whether the ban was removed with the approval of the Governments concerned?

The Honourable Sir Muhammad Azizul Huque: A decision had to be taken on this question, but I wish to discuss this question in detail when the Food Resolution is brought before the House. It is impossible to discuss a question like this in reply to a supplementary question. All I can say is that whenever there is an emergency like food it is not always possible to consult all concerned. We had to take certain emergent steps as rescue measures. At the same time, there was a Conference held before this Press Communique was issued and as far as we can find out from the reports and the views of the Directors of Civil Supplies of the different Provinces, that was the method which was considered to be advisable in the circumstances.

Mr. K. C. Neogy: Did the Honourable Member consult the Honourable the Home Member as regards the constitutional aspect of the question which involved the supersession of the authority of the Provincial Governments? We discussed this very point yesterday.

The Honourable Sir Muhammad Azizul Huque: I do not think I admit that it is a supersession of the constitutional responsibility of the province, but all our difficulties are due to the constitutional disabilities from which we suffer.

Dr. Sir Zia Uddin Ahmad: Did the Bihar Government agree to the arrangement mentioned in this question?

The Honourable Sir Muhammad Azizul Huque: As I have said, it is not the Bihar Government. This decision was taken by the Department in view of the emergent situation that had arisen at the time. A Conference was held on the 10th of May in Calcutta in which the Adviser to the Bihar Government, if I mistake not was present and in which the Directors of Civil Supplies of the

other two Governments were also present. There is no doubt that they were in favour of certain other course of action. But if the situation was such that the Government of India considered that it could only be saved by free trade or by modified free trade, they were inclined in favour of the free trade.

Mr. Abdur Rasheed Choudhury: May I ask whether the ban was removed merely as an experimental measure?

The Honourable Sir Muhammad Azizul Huque: I do not think in the matter of civil supplies any Government can carry on experiments.

Dr. Sir Zia Uddin Ahmad: Is the Honourable Member aware that as a result of this arrangement some capitalists from Calcutta went to Bihar to purchase rice at any price and in any quantity they could get and suddenly the price went up?

The Honourable Sir Muhammad Azizul Huque: My difficulty is that in order to reply either in the affirmative or in the negative I have to accept some of the facts which my Honourable friend has stated. It is undoubtedly true that a number of people were there, but these people were those who had a very large number of industrial labourers to feed and people who had to keep their municipalities and civil life in proper order. I do not deny that the price did rise, but for the time being there was no other escape from the course which we took. I can assure the House that in the opinion of the Government of India if that action had not been taken, we would have been in a complete paralytic condition.

Sir Muhammad Yamin Khan: Could not this action be taken a little earlier?

The Honourable Sir Muhammad Azizul Huque: We all may become wiser after the event.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member ought to confine himself to answering the questions as concisely as possible as there is going to be a debate on this subject.

The Honourable Sir Muhammad Azizul Huque: If the Honourable Members will give me before the debate the points on which they want elucidation, I shall try my best to meet every question that has been raised.

Pandit Nilakantha Das: Is it not a fact that this experiment has been reversed because it was found detrimental to the interests of the province?

The Honourable Sir Muhammad Azizul Huque: I do not accept, first of all, that it is an experiment nor do I accept that it has been detrimental. I take a large view of the matter in the interests of India as a whole and therefore the decision which we took was the best in the circumstances.

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

RETALIATORY STEPS AGAINST THE PEGGING BILL OF SOUTH AFRICA.

64. *Mr. Lalchand Navalrai: (a) Will the Honourable Member for Indians Overseas be pleased to state whether he is aware that the recent discriminatory legislation passed by the South African Government has caused great unrest amongst the Indian Nationalists there and a great concern over it in India? If so, what steps does the Honourable Member propose to take to effectively afford relief to the Indians in South Africa?

(b) Is the Honourable Member aware that his predecessors in office have publicly stated that so far as questions connected with overseas are concerned, there is no difference of opinion between the Government of India and the people, but Government are helpless in the matter? If so, what new methods does the Honourable Member propose to take to overcome the existing obstacles in the way?

(c) Is it a fact that Mr. Amery, the Secretary of State for India, has stated in Parliament that His Majesty's Government have refused to interfere in this matter? If so, what alternative remedy does the Honourable Member propose to apply?

(d) Is the Honourable Member prepared to apply the Reciprocity Act and such economic and other sanctions as are open in this country to vindicate the Nation's self-respect against the racial discriminatory policy now statutorily recognised in Natal?

(e) Is it a fact that the Secretary of State has refused to take up India's case with Field Marshal Smuts and he has no intention of permitting the adoption of any economic sanctions by the Government of India? If so, does the Honourable Member propose to explain his policy on this very vexed question, and to put facts plainly before the House?

The Honourable Dr. N. B. Khare: (a) and (d). The Honourable Member's attention is invited to the reply already given to parts (a) and (d) of Mr. Amarendra Nath Chattopadhyaya's question No. 59 this morning.

(b) It is correct to say that there is generally unanimity of opinion between the Government of India and the people on overseas questions. I am not aware what statements by my predecessors in office the Honourable Member has in mind. As regards future action I would ask the Honourable Member to await the discussion on this subject to be held this Session.

(c) and (e). I must refer the Honourable Member to the answer given by Mr. Amery to a question in the House of Commons on 22nd April, 1943.

Mr. Lalchand Navalrai: May I know from the Honourable Member whether he is quietly following the former policy of the Government, which is "to do nothing", or is he following a new policy?

The Honourable Dr. N. B. Khare: Wait and see.

Mr. K. C. Neogy: With reference to part (c), the Honourable Member referred us to the answer given by Mr. Amery in the House of Commons. We have to depend upon the version of such answers as appearing in the newspapers. Would he be pleased to place on the table of the House an authorised version of the answer? I dare say he has got an authorised version. Sometimes it is not quite safe to depend upon newspaper versions of answers on such important matters. Will the Honourable Member consider that?

The Honourable Dr. N. B. Khare: I will consider that.

REGULATION OF EXPORTS OF FOODGRAINS AND RESTRICTIONS ON FORWARD CONTRACTS.

65. *Mr. Lalchand Navalrai: (a) Does the Honourable Member for Commerce propose to make a full statement on the policy of the Government of India regarding permission for imports into and exports from India?

(b) Which are the foreign countries to which exports of food grains and other commodities can be made from India? Are any permits granted for that purpose? If so, are they granted by the Central Government direct or through the Provincial Governments, and what officers have been entrusted with that work?

(c) Have any restrictions been placed on making forward contracts by the people in India? If so, in what parts of India, and on what food grains or other saleable commodities?

(d) Has any such restriction been put on the forward contracts of oil seeds and black pepper? If so, in which provinces, and since when, and for what reasons?

(e) Are Government aware that owing to the sudden restrictions imposed the prices of these articles are seriously affected and merchants suffer a very heavy loss?

(f) Do Government propose to reconsider their policy and to give sufficient previous notice to the public while imposing restrictions? If not, why not?

The Honourable Sir Muhammad Azizul Huque: (a) It is not possible to make a full statement on export and import policy in answer to a question. Briefly, imports are regulated and confined to articles in essential demand to ensure the best utilisation of available shipping and to conserve difficult currency while exports of important commodities are regulated according to economic warfare considerations and to the supply position of each article in relation to our own civilian and war requirements.

(b) The broad position is that exports of certain goods are prohibited to all destinations, those of certain others are permitted to particular destinations, principally countries normally dependent on India for supplies, and other controlled goods are allowed to be exported to all allied and neutral countries, subject to varying degrees of restrictions. All exports outside India are

controlled by the Central Government, licences being issued by the appropriate Departments of Government or by Export Trade Controllers at the ports.

(c) Yes. The Government of India have prohibited future trading in wheat, gram, raw cotton, cloth and yarn, bullion and the following classes of oilseeds, viz., groundnut, linseed, mustard seed and rapeseed or toriaseed.

(d) On certain classes of oilseeds only but not on black pepper. The prohibition was imposed in order to eliminate speculative activity in the oilseeds market which had forced up prices to unprecedentedly high levels. It extends to the whole of British India, and came into effect after the close of business on 31st May, 1943.

(e) Government are aware that prices have come down.

(f) Wherever possible sufficient notice is given to the trade, but Government must retain the right to act swiftly when this is necessary in the interests of the economic stability of the country.

Mr. Lalchand Navalrai: With reference to part (a), may I know whether the question of imports and exports also will be considered and the facts put before the House during the discussion on food debate?

The Honourable Sir Muhammad Azizul Huque: If it relates to the question of export and import of food, I shall be prepared to answer that.

Dr. Sir Zia Uddin Ahmad: Has the Honourable Member considered this fact that the policy of asking the Agents to purchase these food grains at any price and in any quantity has really raised the price level and lowered the purchasing power of the rupee?

The Honourable Sir Muhammad Azizul Huque: A thesis can be written on the causes of any event in war conditions today. It is very difficult to answer this question in the form of a short answer. Anyhow, I shall be prepared to answer these questions during the food debate.

Dr. Sir Zia Uddin Ahmad: I challenge the Honourable Member's views on this and the previous question. He never consulted the Legislature on this important point.

The Honourable Sir Muhammad Azizul Huque: I think it was Edmund Burke who said that challenges are serious things.

Seth Yusuf Abdoolah Haroon: Is he banning the forward contract of black pepper also?

The Honourable Sir Muhammad Azizul Huque: That is a request for action. I do not know whether it arises at all.

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member is not prepared to answer, he need not answer.

The Honourable Sir Muhammad Azizul Huque: If I am certainly asked to answer here and now, I will not be able to do so. If a question is put down, I will. We had to take immediate measures where the situation was such that without taking such steps, it would be impossible to keep the situation under control.

Mr. K. C. Neogy: With reference to the recent announcement that exports of rice will not be permitted hereafter, will the Honourable Member state the countries to which rice has been sent of late from India? Is he in a position to give an approximate idea of the quantities of rice so sent?

The Honourable Sir Muhammad Azizul Huque: That question does not arise. It is for you to decide, Sir. A point like this would be better pursued in the food debate.

Mr. K. C. Neogy: It is relevant to part (b).

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member is not prepared, he need not answer.

WATER SUPPLY IN NEW DELHI AND DELHI.

66. *Mr. Lalchand Navalrai: (a) Will the Honourable the Labour Member be pleased to state the arrangements that have been made for the supply of sufficient water for all purposes in New Delhi and Delhi itself to remove the inconvenience caused by the scarcity of water in these very hot days?

(b) Is it a fact that the Jumna river-bed was being straightened to get water to the pumps? If so, how far has that scheme progressed, and will the water brought therefrom be sufficient for all purposes in both Delhi and New Delhi?

(c) What arrangements are proposed to be made to cool the water which in these summer days gets too hot in the pipes?

The Honourable Dr. B. R. Ambedkar: (a) In order to improve the supply of filtered water, five additional filters were installed this summer, and two large pumping sets have been ordered from England and are expected in India in October. The scarcity of unfiltered water was due to a sudden fall in the level of the Jumna. In order to raise the level of the water, a series of bunds was put up across the channel. The situation has since improved and there is now no shortage.

(b) Experiments for training the river so as to divert its dry weather channel along the right bank, on which the pumping station is situated, are being conducted at the Central Hydro-dynamic Research Station, Poona. A committee of experts recently appointed to investigate the matter have submitted their report which is being examined.

(c) No arrangements for cooling the water are feasible.

Mr. Lalchand Navalrai: Why is it not feasible? Is it because it is too cold here?

The Honourable Dr. B. R. Ambedkar: The Honourable Member is entitled to draw his own conclusions.

Mr. Lalchand Navalrai: Is it unusually cold here?

The Honourable Dr. B. R. Ambedkar: I leave my Honourable friend to draw his own conclusions.

Pandit Lakshmi Kanta Maitra: Why don't you utilise the Defence of India Act for this purpose?

STEPS FOR REMOVING THE GRIEVANCES OF INDIANS AFFECTED BY THE PEGGING ACT OF SOUTH AFRICA.

67. *Mr. Govind V. Deshmukh: Will the Honourable Member for Indians Overseas please state:

(a) if he is aware of the public opinion in India expressed on the platform and in the press against what is known as the Pegging Act passed by the Government of South Africa;

(b) what steps have been taken to remove the grievances of the Indians affected by this Act; and

(c) if he is aware that this Act prevents indirectly as well as directly the carrying on of any trade or business by Indians in European quarters in the cities where this Act is made applicable?

The Honourable Dr. N. B. Khare: (a) Yes.

(b) The question what action should be taken by the Government of India is engaging their attention.

(c) It is not clear what the Honourable Member means by directly and indirectly. If he means that an Indian will not in future be able to carry on trade in premises situated in predominantly European areas but not already occupied by Indians the reply is in the affirmative, but the Act does not apply in the case of premises in such areas lawfully occupied by Indians before the 22nd March, 1943.

Mr. N. M. Joshi: May I know whether the Government of India consulted the Standing Emigration Committee on this South African question?

The Honourable Dr. N. B. Khare: Not yet.

Mr. N. M. Joshi: Why?

The Honourable Dr. N. B. Khare: They will be consulted very shortly.

Mr. Govind V. Deshmukh: Will the Standing Emigration Committee be consulted before the discussion or after the discussion of this question in the House?

The Honourable Dr. N. B. Khare: Perhaps after the discussion.

Mr. M. Ghiasuddin: Is it a fact that Government only consulted those whom they considered important and kept out others whom they thought unimportant?

The Honourable Dr. N. B. Khare: Not at all, Sir.

Mr. K. C. Neogy: Who selected these worthy gentlemen who I understand came up to Delhi some time ago to tender advice to the Honourable Member in charge on this subject?

The Honourable Dr. N. B. Khare: I selected them.

Mr. K. C. Neogy: Did it ever occur to him that perhaps the Legislature would expect the Standing Emigration Committee to be given preference in such matters?

The Honourable Dr. N. B. Khare: I have not decided that I will not invite them.

SOUTH AFRICAN BANKS, INSURANCE COMPANIES ETC., IN INDIA.

68 *Mr. Govind V. Deshmukh: Will the Honourable Member for Indians Overseas please state:

(a) if there are any South African Banks in India; if so, where;
(b) if there are any South African Insurance Companies in India, if so, where; what the extent of their business is; and

(c) if there are any South African firms in India doing import and export business; if so, where; and what the extent of the trade import as well as export,—between South Africa and India is?

The Honourable Dr. N. B. Khare: (a) and (b). No.

(c) Government is not aware of any South African firm in India doing import and export business. According to the Joint Stock Companies' returns, there is only one South African Company in India which is located in Calcutta and is dealing in real estate business.

The total British Indian trade with the Union of South Africa in the year 1942-43 was:

	Rs.
Import	2,24,96,969
Export	10,34,99,175
Re-Export	10,55,371

CENTRAL GOVERNMENT'S POLICY re PURCHASE AND MOVEMENT OF FOODGRAINS

69. *Mr. K. C. Neogy: (a) Has the attention of the Honourable the Food Member been drawn to Major General Wood's broadcast of the 16th April last, in which he announced that the Government of India intended to buy foodgrains to the value of something over 100 crores of rupees during the next 12 months, that the amount of foodgrains to be surrendered by provinces and States which had more than they required as well as amounts to be received by those in deficiency had been determined, and that the Central Government was going to buy foodgrains to move them from one place to another, and also to build up a reserve stock to establish and maintain an equilibrium of supplies and prices all over the country?

(b) What were the provinces in deficiency, and what were the quantities as determined upto the time of the announcement, that each of these provinces in deficiency was to get out of the 100 crores worth of grains or more to be purchased?

(c) What has been the total quantity of foodgrains purchased upto the 15th June, and how much of it (i) has gone to provinces other than Bengal, (ii) has been taken into the reserve stock, (iii) has been sent to Bengal prior to the 16th April; between the 17th April and 17th May; and between the 18th May and 15th June?

(d) Has the attention of Government been drawn to the Press report that the Central Government will be lending 5½ crore rupees worth of grains to Bengal? What quantity of foodstuffs does this amount represent in tons? Is this quantity to be in excess of what was adjudged as Bengal's share as contemplated in the aforesaid announcement of the 16th April?

(e) Was the Central Government's responsibility for moving foodgrains from one place to another, as announced on the 16th April, affected in any way by the withdrawal of restrictions on inter-provincial transfers of foodgrains announced on the 17th May last?

(f) How has the said withdrawal of restrictions on the inter-provincial movement of foodgrains operated in practice, and how far has the situation in Bengal improved as a result thereof?

The Honourable Sir Muhammad Azizul Huque: (a) Yes.

(b) The provinces which were considered to be in deficiency were Assam, Bengal, Bombay, Madras, N. W. F. P., Orissa, Ajmer-Merwara and Delhi. It is not in the public interest to give the amounts of their estimated deficits.

(c) A statement is placed upon the table.

(d) The Government of India have seen the Press report in question. It is incorrect, since there was no question at any time of lending 5½ crore rupees worth of grains to Bengal.

(e) Yes, Sir, within the Eastern Region.

(f) The withdrawal of restrictions has resulted in a larger flow of supplies into Bengal.

Statement.

	Tons.
(i) Total quantity of foodgrains purchased upto the 15th June, 1943	9,97,400
(ii) Quantity despatched out of the above to Provinces other than Bengal up to 15th June, 1943	6,49,400
(iii) Quantity taken into reserve stock	Nil
(iv) Quantity sent to Bengal prior to the 16th of April	83,800
Between 17th April, 1943, and 17th May, 1943	11,900
Between 18th May, 1943 to 15th June, 1943	26,300
The balance represents quantities purchased but awaiting despatch or quantities despatched to States.	

Mr. K. C. Neogy: May I know whether this promise made by Major-General Wood is going to be implemented?

The Honourable Sir Muhammad Azizul Huque: It has been the effort of the Food Department ever since the basic plan was started, and from even before, to try everything humanly possible to meet all commitments. But there are so many limiting factors, which I will explain to the House on the Resolution, that we have not been able to meet as much as we would ourselves wish to.

Mr. K. C. Neogy: Then was this bombastic statement of Major-General Wood merely intended as propaganda?

The Honourable Sir Muhammad Azizul Huque: I do not agree that it was bombastic. But it is a fact,—which might have given rise to this misapprehension,—that two loans, one of 1½ crore rupees and another of 4 crores, i.e., nearly 5 crores in all were made to the Bengal Government to enable them to purchase rice in Bengal. There was also a loan of 1½ crores to finance the purchase of wheat and millets. In addition there was a ways and means advance of 1½ crores but this was not solely for food purposes, and I apprehend that there was some misapprehension somewhere.

Mr. Lalchand Navalrai: How far have the pledges been implemented up till now?

The Honourable Sir Muhammad Azizul Huque: I shall answer that question during the food debate.

Mr. Jamnadas M. Mehta: Are Government aware that the total quantity of foodgrains produced in this country is not worth much more than Rs. 100 crores?

The Honourable Sir Muhammad Azizul Huque: I personally have not calculated that, but I know my own province and there the total food production in rice is roughly about 8 to 10 million tons and a simple calculation will give a figure near to my Honourable friend's figure.

Mr. Jamnadas M. Mehta: But do the foodgrains at all total 100 crores in normal times, not at the inflated rates?

The Honourable Sir Muhammad Azizul Huque: It is very difficult now to enter into a statistical debate.

Mr. E. L. C. Gwilt: May I ask the Honourable Member whether Major-General Wood's statement to the effect that Government proposed to purchase a 100 crores of rupees worth of grain was not an expression of an honest intention and whether or not when Government went into the market to buy the grain they found that most men's hands were against them and that the stocks had gone underground and whether among them were individuals who were men in authority, and if so, whether the Honourable Member is prepared to state the names of the individuals concerned?

The Honourable Sir Muhammad Azizul Huque: It is very difficult for me off-hand to calculate the value of foodgrains which we proposed under the basic plan not only to supply to Bengal but to all provinces of India. But I will have these figures calculated on the estimated price of that time and will place them before the House during the food debate. As regards the reason why that basic plan failed there is no doubt from facts which are well known that every form of obstruction was placed,—though not deliberately,—which made the plan ineffective. As to who did it and why, I would have been very glad to state, but at a time like this I do not like to discuss this and possibly to alienate the sympathies of people who may have obstructed us, because the problem is far too serious for me to tackle.

Dr. Sir Zia Uddin Ahmad: Is it a fact that the production of rice in Bengal is practically equivalent to their consumption and that they allowed the rice to be exported outside at enormous profits to a few individuals?

The Honourable Sir Muhammad Azizul Huque: The Central Government's responsibility is not to sit in judgment over provincial acts. And even if there is any act of omission or commission on the part of Government, namely, that they exported food commodities before the present crisis came, the problem today is whether the Government of India would penalise that Government or help them now when they are in difficulty. I think that question is therefore immaterial.

Sir Muhammad Yamin Khan: Why does the Honourable Member hesitate to give the names of those who are obstructing and what co-operation does he expect from them?

The Honourable Sir Muhammad Azizul Huque: Supposing I have some provinces which are the only surplus provinces in the whole of India and from which foodgrains are to be supplied to the deficit areas. Any judgment on conduct which may or may not be right may, humanly speaking, be misunderstood. Of course, to a general extent I propose to give every fact to the House during the food debate. But I feel that it is not in the interest of the country as a whole that the question of responsibility or judgment should be discussed on this issue. We have to deal with established facts today.

Mr. K. O. Neogy: I have no desire to embarrass the Honourable Member in the very difficult task which lies ahead of him, but is the Honourable Member aware of the statement made by responsible Ministers in Bengal charging the Government of India with failure to implement its promises?

The Honourable Sir Muhammad Azizul Huque: I am not yet aware. But I have been hearing every Government in the world being charged with all kinds of faults. But if true and if the Bengal Government would realise the extent to which this Government have tried to help that province and other provinces as well, they would not have said one thousandth part of what they may have said.

Dr. Sir Zia Uddin Ahmad: It is not a question of helping Bengal, but in helping Bengal should we introduce misery in other provinces and raise the price level for all the consumers in India?

The Honourable Sir Muhammad Azizul Huque: That question cannot be discussed in reply to a question.

REPAIRS TO THE TAJ MAHAL, AGRA.

70. *Mr. Nabi Baksh Illahi Baksh Bhutto: (a) Will the Secretary for Education, Health and Lands be pleased to state why the dome of the Taj Mahal Agra is scaffolded?

(b) If it is for repair purposes, when will the repairs be completed, and what will be the estimated cost of the repairs?

(c) Why were the repairs necessitated?

Mr. J. D. Tyson: (a) The scaffolding has been erected to enable a detailed examination of the dome to be made in order to ascertain what repairs are necessary.

(b) and (c). The report of the Committee which examined the question of the necessity for repairs has been referred to an expanded committee of experienced engineers and architects as mentioned in my answer of 30th March, 1943, to starred question No. 435. The report of the committee is awaited.

Mr. Lalchand Navalrai: May I know whether actual work has commenced or not?

Mr. J. D. Tyson: Repairs that are obviously called for are being done.

Mr. Lalchand Navalrai: May I know how much time will it take to do the necessary repairs completely?

Mr. J. D. Tyson: We have not received the Committee's report as to what has to be done.

Qazi Muhammad Ahmad Kazmi: Is the present scaffolding put up for a close examination of the dome or for its repairs?

Mr. J. D. Tyson: The scaffolding was erected for carrying out a close examination and it was hoped that whatever repairs were necessary would be done with the same scaffolding but now we propose to dismantle it after the examination is completed as it is likely to become unsafe.

(b) WRITTEN ANSWERS.

MUSLIM ASSISTANT ESTATE OFFICERS IN CENTRAL PUBLIC WORKS DEPARTMENT.

71. *Mr. Nabi Baksh Illahi Baksh Bhutto: (a) Will the Honourable Member for Labour be pleased to state the number of Assistant Estate Officers in the Central Public Works Department?

(b) How many of them are Musalmans?

(c) Is the ratio of Muslims maintained?

The Honourable Dr. B. R. Ambedkar: (a) Four; one post being vacant at present.

(b) None.

(c) Not at present, but the ratio of Muslims will soon be adjusted as the Federal Public Service Commission has been asked to recruit a Muslim for the vacant post.

CONSTRUCTION OF NEW BUILDINGS AT GHAZIABAD.

72. *Sardar Sant Singh: (a) Will the Honourable Member for Labour be pleased to state if his attention has been drawn to the leading article in *Dawn* of the 29th June, 1943, under the caption 'Thick Waste'? If so, what is the reason for building these houses at Ghaziabad and not near about New Delhi?

(b) Is it a fact that, these houses will be temporary constructions for the period of war? If so, is he aware that accommodation for the Gazetted personnel of the Government of India is inadequate in New Delhi? If so, why do not Government propose to construct houses which may be of use to the Gazetted staff after the war?

(c) What use will Government make of the houses at Ghaziabad if these are not required by the Defence Department after the war?

The Honourable Dr. B. R. Ambedkar: (a) Yes. But the facts stated in the article are not entirely correct.

(b) and (c). The matter is under consideration, and no definite decision has been reached.

COMPLAINTS AGAINST TONGA DRIVERS AND TAXI DRIVERS OF DELHI.

73. *Sardar Sant Singh: (a) Is the Secretary for Education, Health and Lands aware that there is no control over tongas and tonga drivers in Delhi?

(b) Is he aware of the fact—

(i) that tonga drivers decline to hire their tongas on rates fixed by the Municipal Committee;

(ii) that no tonga is available on the hourly basis; and that the policemen controlling the tonga traffic decline to help passengers when appealed to?

(c) Are Government aware that the Delhi Administration has utterly failed in this respect? If so, what steps do Government propose to take to remedy this inconvenience of the public?

(d) Is the Honourable Member aware that taxi drivers charge Rs. 30 a day for a journey of 30 miles in Delhi proper? If so, what are the scheduled rates, and how do Government propose to enforce them?

Mr. J. D. Tyson: (a) The licensing of tongas in Delhi is in the hands of the Delhi Municipal Committee, whose licences are by agreement accepted by the other municipal authorities as valid for the areas of their jurisdiction also.

(b) The rates have recently been under revision; a new set of rates has now been notified which will come into force on the 6th August. Pending the introduction of the new rates it is probable that tonga drivers have in some cases pressed their customers for higher fares than were permissible under the old schedule.

(ii) Traffic constables are not permitted to intervene in disputes between tonga drivers and customers regarding the fares payable by the latter, but all complaints of overcharging made to the municipal authorities are carefully investigated and appropriate action taken.

(c) No. If the special problems created by war conditions in Delhi and the present economic conditions are taken into account, the tonga arrangements are by no means unsatisfactory. In so far as abuses have occurred they are due largely to the fact that the number of tongas is insufficient to meet the present demand, increased as it is by motor spirit rationing. In March last year the Delhi Municipal Committee authorised the issue of licences for an additional 610 tongas, but owing to the expense of manufacturing new vehicles it has not yet been possible to complete this number.

(d) Copies of the old schedule of rates and the new schedule are laid on the table. Complaints of over charging in particular cases should be made to the Secretary of the Delhi Municipal Committee.

DELHI MUNICIPALITY.

SCHEDULE OF RATES.

(i) For any journey wholly within (a) City and Civil Lines, south of Ridge, (b) Civil Lines, south of Ridge and Kingsway, (c) New Delhi and Sunehri Bagh, (d) New Delhi and City, (e) City and Nizam-Uddin or Humayun's Tomb, (f) New Delhi and Nizam-Uddin or Humayun's Tomb, (g) Sunehri Bagh and Nizam-Uddin or Humayun's Tomb by time rates as below:—

Class.	1st hour.	Each subsequent hour or part of hour.	Whole day of 9 hours.
II	Rs. As.	Rs. As.	Rs. As.
Tonga	0 10	0 6	3 0

(ii) For any journey as below (return fares as shown if return is within 3 hours.)

Distance.	Single.	Return.
	Rs. As.	Rs. As.
New Delhi to Civil Lines, south of Ridge or vice versa	1 0	2 0
New Delhi to Kingsway, or vice versa	1 8	3 0
New Delhi to New Cantonment or vice versa	1 8	2 8
Sunehri Bagh to City, or vice versa	1 0	2 0
Sunehri Bagh to Civil Lines, south of Ridge or vice versa	1 8	3 0
Sunehri Bagh to Kingsway, or vice versa	2 0	4 0
Sunehri Bagh to New Cantonment, or vice versa	1 0	2 0
City to Kingsway, or vice versa	1 0	2 0

(iii) For any journey below, the rates including return, if return on the same day.

Distances.	Rs. As.
City, Civil Lines or Kingsway to New Cantonment, Okhla or Kalkaji	5 0
City, Civil Lines or Kingsway to Qutab	5 0
Civil Lines or Kingsway to Humayun's Tomb, Nizam-Uddin or Safdarjang	4 0
Sunehri Bagh or New Delhi to Qutab	4 0
Sunehri Bagh or New Delhi to Okhla	4 0

NOTE.—(1) New Delhi is the area in Imperial Delhi, north of Government House and Central Vista.

(2) Sunehri Bagh is the area in Imperial Delhi, south of Government House and Central Vista.

(3) Hirers are at liberty to make any private arrangements for less payments.

(4) Time shall begin to run from the moment of engagement and the time at which a licensed carriage is called from any public stand shall be considered as the moment of engagement.

DELHI MUNICIPALITY.

SCHEDULE OF RATES.

(i) For any journey wholly within (a) City and Civil Lines, south of Ridge, (b) Civil Lines south of Ridge and Kingsway, (c) New Delhi and Sunehri Bagh (d), New Delhi and City, (e) city and Nizam-Uddin or Humayun's Tomb, (f) New Delhi and Nizam-Uddin or Humayun's Tomb, (g) Sunehri Bagh and Nizam-Uddin or Humayun's Tomb by time rates as below:—

Class.	1st hour.	Each subsequent hour or part of hour.	Whole day of 9 hours.
IV	Rs. As.	Rs. As.	Rs. As.
Tonga, Tumtum	0 4	0 3	By arrangements.

(ii) For any journey as below (return fares as shown if return is within 3 hours.)

Distance.	Single.	Return.
	Rs. As.	Rs. As.
New Delhi to Civil Lines south of Ridge or vice versa	0 8	
New Delhi to Kingsway or vice versa	0 10	
New Delhi to New Cantonment or vice versa	0 8	
Sunehri Bagh to City or vice versa	0 8	
Sunehri Bagh to Civil Lines south of Ridge or vice versa	0 12	
Sunehri Bagh to Kingsway or vice versa	0 12	
Sunehri Bagh to New Cantonment or vice versa	0 8	
City to Kingsway vice versa	0 8	

By arrangements.

(iii) For any journey below, the rates including return, if return on the same day.

Distances.	Rs. As.
City, Civil Lines or Kingsway to New-Cantonment, Okhla or Kalkaji	2 0
City, Civil Lines or Kingsway to Qutab	2 0
Civil Lines or Kingsway to Humayun's Tomb, Nizam-Uddin or Safdarjang	1 8
Sunehri Bagh or New Delhi to Qutab	1 8
Sunehri Bagh or New Delhi to Okhla	1 8

NOTE.—(1) New Delhi is the area in Imperial Delhi, north of Government House and Central Vista.

(2) Sunehri Bagh is the area in Imperial Delhi, south of Government House and Central Vista.

(3) Hirers are at liberty to make any private arrangements for less payments.

(4) Time shall begin to run from the moment of engagement and the time at which a licensed carriage is called from any public stand shall be considered as the moment of engagement.

DELHI MUNICIPALITY.

SCHEDULES OF REVISED TONGA RATES FOR DURATION OF THE WAR OR UNTIL FURTHER NOTICE.

Schedule I.

For any journey wholly within Delhi, Civil Lines and New Delhi, the rates by time shall be as follows:—

No.	Class.	1st half hour	1st hour.	Each subsequent hour.	Whole day of nine hours.
		Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
1	II—Tongas	0 9 0	0 15 0	0 9 0	5 0 0
	IV—Tongas	0 6 0	0 10 0	0 6 0	3 8 0

NOTE.—In the event of a tonga being taken from one of these areas to the other or being engaged from the stand at the main entrance of Delhi main railway station, the minimum hire due shall be for one hour or according to Schedule II or III as the case may be.

Schedule II.—For any journey as below (return fares as shown if return is within three hours.)

Distances.	Single.	Return.
	Rs. A. P.	Rs. A. P.
1. From Secretariat to Delhi City	1 8 0	3 0 0
2. From Secretariat to Civil Lines, south of Ridge	1 12 0	3 8 0
3. From Secretariat to Kingsway	3 0 0	6 0 0
4. From Secretariat to Delhi Cantt.	2 0 0	4 0 0
5. From Connaught Place to south end or other places south of Central Vista	1 0 0	..
6. From Connaught Place to Ajmere Gate	0 9 0	..
7. From Delhi City to Kingsway	1 8 0	3 0 0
8. From Delhi Railway Station to Pusa College	2 0 0	..
9. From Delhi Railway Station to New Delhi North of Central Vista or vice versa	1 4 0	..
10. From Delhi to New Delhi south of Central Vista upto Lodi Road and vice versa	1 12 0	..
11. From Delhi Railway Station to south of Lodi Road upto N.D.M.C. boundary or vice versa	2 0 0	..

Schedule III.—For any journey as below the rates including return if return on the same day.

NOTE.—IV Class fare will be 3/4 of the above revised rates.

Distances.	Rates.		
	Rs.	A.	P.
1. Delhi to Delhi Cantonment	6	0	0
2. Delhi to Okhla and Kalkaji	6	0	0
3. Delhi to Humayun Tomb and Nizamuddin and Safdarjang	4	0	0
4. Delhi to Qutab	6	0	0
5. New Delhi to Qutab	5	0	0
6. New Delhi to Okhla	5	0	0
7. Delhi to Shahdara	3	0	0
8. New Delhi to Shahdara	4	0	0

NOTE.—IV-Class Tonga Fares will be 3/4 of the above revised rates.

(Notes applicable to revised Schedule II and III).

1. Distances from Delhi shall be taken from the junction of Chandni Chowk and Elgin Road opposite the Red Fort. The time taken to reach this point shall be paid for at the rates mentioned above for hiring by time. Similarly rates fixed from New Delhi shall be taken from the Central Vista and the time taken in reaching there shall be paid for at the rates fixed for hiring by time. Nothing shall be added on this account to the fare for the tongas hired from any place in between. The term "in between" shall mean any place at a lesser distance from the destination than the places specified.

(Notes applicable to all revised schedules.)

1. Hirer is at liberty to make any private arrangements for a lesser amount.
2. Time shall begin to run from the moment of engagement and the time at which a licensed carriage is called from any public stand shall be considered as the moment of engagement.

By order.

NASRULLAH KHAN, P.C.S.,
Secretary, Municipal Committee, Delhi.

STATEMENT BY THE SECRETARY OF STATE FOR INDIA *re* FOOD ADMINISTRATION IN INDIA.

74. *Sardar Sant Singh: (a) Has the attention of the Honourable the Food Member been invited to the statement made by the Secretary of State for India on July 1st regarding the Food Administration in India?

(b) Is this statement correct? If so, what officers are responsible for it and what action has the Government of India taken against those who were responsible for the plans being less successful?

The Honourable Sir Muhammad Azizul Huque: (a) I have seen a Press summary of the statement which the Secretary of State is reported to have made about the difficulties of the food situation in India which have been mentioned by myself and my predecessor in office from time to time. I have not, however, seen any statement by the Secretary of State which purported to be a condemnation of the Food Administration in India.

(b) In view of what I have said the question does not arise.

GUILDHALL SPEECH OF MR. CHURCHILL AND REFERENCE TO INDIA.

75. *Sardar Sant Singh: Has the attention of the Leader of the House been drawn to the Guildhall speech of Mr. Churchill referring to "the vast sub-continent of India which we trust will presently find full satisfaction within the British Commonwealth of Nations"? If so, were the Government of India consulted before or after the speech?

The Honourable Sir Sultan Ahmed: I have seen Press reports of the speech referred to. The reply to the second part of the question is in the negative.

SCHEME FOR COLLECTION AND PUBLICATION OF MUSLIM EPIGRAPHICAL RECORDS.

76. *Qazi Muhammad Ahmad Kazmi: (a) Will the Secretary for Education, Health and Lands please state whether the article entitled 'Muslim Epigraphy' published in the Delhi edition of the *Dawn*, dated the 16th June, 1943, and the book entitled 'Revealing India's Past' published in 1939, have been brought to his notice?

(b) Is it or is it not a fact that Epigraphia Indica was started for collecting and publishing epigraphical records, and that Muslim inscriptions formed a component part of the scheme?

(c) Is it or is it not a fact that seven volumes of this publication were published for the period 1888 to 1893?

(d) Is it or is it not a fact that out of these seven volumes only one volume contained only a few Muslim Epigraphs and the rest were devoted to the Hindu antiquities?

(e) Is it or is it not a fact that the remedy for this defect was adopted, by creating the post of a part-time Epigraphist for Muslim inscriptions for publishing a record in a separate journal, to be called, Epigraphia Indo-Moslemica?

(f) Is it or is it not a fact that the second volume of the latter publication dealt with the period 1909-10 and was published by Dr. Horowitz, a Professor of the M. A. O. College, Aligarh?

(g) Is it or is it not a fact that Dr. Horowitz conceived the idea of collecting and publishing the Muslim Epigraphs in accordance with the dynasties and rulers?

(h) Is it or is it not a fact that this scheme was pursued only in two volumes, in 1911-12 and 1913-14 and discontinued thereafter? If so, why?

Mr. J. D. Tyson: (a) and (b). Yes.

(c) No. Seven volumes were published for the period 1888 to 1903.

(d) and (e). Yes. The Muslim Epigraphs were published separately as part IX of the Epigraphia Indica in Volume III and eventually developed into the Epigraphia Indo-Moslemica.

(f) and (g). Yes.

(h) Yes. The scheme of publication of inscriptions according to dynasties was completed up to the Slave dynasty but was discontinued owing to want or sufficient material in hand.

SCHEME FOR COLLECTION AND PUBLICATION OF MUSLIM EPIGRAPHICAL RECORDS.

77. *Qazi Muhammad Ahmad Kazmi: (a) Will the Secretary for Education, Health and Lands please state if it is or it is not a fact that since the inception in 1907 of the scheme for the collection of Muslim Epigraphs only 14 issues dealing with 495 inscriptions have been issued up to the present?

(b) Is it or is it not a fact that out of these inscriptions the majority, i.e., about 234 deal with the Hyderabad State, and the other Provinces are poorly represented?

(c) Is it or is it not a fact that since 1913-14 the post of the Muslim Epigraphist has been occupied by an official of the Hyderabad State who is given an allowance of Rs. 150 per mensem for this work? If not, what is the position?

(d) Is it or is it not a fact that the said official has no staff or establishment to help him in the work? If not, what is the strength of his staff, and what are their expenses?

(e) Is it or is it not a fact that while the Epigraphia Indica reserved for the Hindu Epigraphs publishes 4 issues in a year, the Epigraphia Indo-Moslemica publishes one issue almost of the same size once in two years with an average of 35 inscriptions? If not, what are the facts?

Mr. J. D. Tyson: (a) and (b).—Yes.

(c) Yes, since 1915.

(d) The official has had with him a mechanic and a peon on Rs. 25 and Rs. 14 p.m., respectively.

(e) Eight parts of the Epigraphia Indica and one part of the Epigraphia Indo-Moslemica are published biennially.

ADVISABILITY OF IMPROVING THE CONDITION OF MUSLIM EPIGRAPHY.

78. *Qazi Muhammad Ahmad Kazmi: (a) Will the Secretary for Education, Health and Lands please state if it is or it is not a fact that a sum of Rs. 60,000 is spent by Government on the Hindu Epigraphy while the amount spent on Muslim Epigraphy is not more than Rs. 1,800? If not, what are the correct figures?

(b) Is it or is it not a fact that inscriptions on copper plates are receiving the attention of Epigraphia Indica, but no attention has yet been paid to the *Farmans* written on paper and which from the perishable nature of the record require greater and more immediate attention?

Mr. J. D. Tyson: (a) In the year 1942-43 the expenditure in connection with Hindu Epigraphy including the office of the Government Epigraphist for India, and the Superintendent of South Indian Epigraphy was Rs. 56,763. The expenditure on Muslim Epigraphy, including publication charges, was Rs. 3,624.

(b) The articles published in the *Epigraphia Indica* include those on copper plate inscriptions as well as stone and rock inscriptions, while lithic records in Persian and Arabic are published in the *Epigraphia Indo-Moslemica*. *Farmāns* are as a rule dealt with by the Imperial Record Department and other Record Offices.

ADVISABILITY OF IMPROVING THE CONDITION OF MUSLIM EPIGRAPHY.

79. ***Qazi Muhammad Ahmad Kazmi:** (a) Will the Secretary for Education, Health and Lands please state if it is or it is not a fact that the deplorable condition of Muslim Epigraphy was fully noticed in the book entitled 'Revealing India's Past' containing contributions from the present and past experts of the Archaeological Department?

(b) Is it or is it not a fact that a scheme for bringing the Muslim Epigraphy to its proper standard was drawn up by the then Deputy Director General of Archaeology, Khan Bahadur Moulvi Zafar Hasan, in 1931-34? If so, does the Honourable Member propose to lay that scheme on the table of the House?

(c) What steps, if any, have been taken by Government for improving the condition of the Muslim Epigraphy in view of the scheme aforesaid and the observations in "Revealing India's Past"?

(d) Do Government propose to consider the advisability of improving the Muslim Epigraphy as suggested in the article by appointing two Gazetted Officers (Superintendent and Assistant Superintendent) and entrusting to them the epigraphical survey of all the Provinces in India; and publishing the results of their research in the *Epigraphia Indo-Moslemica* which should be brought out at least twice a year? If not, what is their scheme in this respect?

Mr. J. D. Tyson: (a) It was suggested in the book referred to that more attention should be given to Muslim Epigraphy.

(b) and (c). The scheme was considered by the then Director General of Archaeology but was dropped owing to financial stringency. The reply to the latter half of part (b) is in the negative.

(d) Government do not propose to make any change in existing arrangements at present, but propose to examine the question when the financial situation improves.

PETITIONS OF PENSIONERS OF THE SURVEY OF INDIA, DEHRA DUN FOR DEARNESS ALLOWANCE OR RE-EMPLOYMENT.

80. ***Qazi Muhammad Ahmad Kazmi:** (a) Will the Secretary for Education, Health and Lands please state if it is or it is not a fact that the pensioners of the Survey of India, Dehra Dun, have applied to the Surveyor General of India, for a dearness allowance or in the alternative for being re-employed in their posts for the duration of the war?

(b) Do Government propose to consider the advisability of accepting either of the two suggestions mentioned above? If not, why not?

Mr. J. D. Tyson: (a) Yes.

(b) The re-employment of retired officials otherwise than on public grounds is not permissible. The question of granting relief to small pensioners is under consideration.

PURCHASE OF CATTLE FOR SUPPLYING MEAT TO THE ARMED FORCES.

81. ***Mr. K. C. Neogy:** (a) Will the Secretary for Education, Health and Lands be pleased to state the number of cattle slaughtered in India to supply meat to the army stationed in India, in the years 1940-41, 1941-42 and 1942-43, separately?

(b) What is the number of cattle slaughtered in India for meat to be dehydrated and exported for the use of the armed forces outside India, in the years 1940-41, 1941-42 and 1942-43, separately?

(c) What steps have Government taken to see that working cattle and the cattle in prime of life are not purchased on behalf of the military authorities, as well as sold by the people, in order to stop the destruction of the working cattle?

(d) What steps have Government taken to see that cattle are not withdrawn from the rural areas on account of the attractive prices offered for the purchase of cattle to meet the meat requirements of the fighting forces?

Mr. J. D. Tyson: (a) The required information is not readily available.

(b) No cattle are slaughtered in India for dehydration either for export or for consumption in India.

(c) The Government of India have issued instructions to all Armies and Central Commands, and a clause has been inserted in all military contracts for the supply of beef, that working cattle used for ploughing and transportation will not be accepted and should not be tendered for inspection.

(d) The instructions already issued by the Government of India in respect of working cattle used for ploughing and transportation also act as a safeguard against the sale of useful cattle at attractive prices to military contractors, as such cattle, even if tendered for inspection, would not be accepted by the latter. Government are, however, examining the necessity for a stricter enforcement of the instructions issued in this behalf.

SECURITY DEPOSIT FOR DUE PAYMENT OF ELECTRIC AND WATER CHARGES FOR GOVERNMENT BUNGALOWS DEMANDED BY NEW DELHI MUNICIPAL COMMITTEE.

82. ***Dr. Sir Zia Uddin Ahmad:** (a) Will the Secretary for Education, Health and Lands kindly say whether he is aware of the fact that the New Delhi Municipal Committee have recently started the practice of demanding security deposits for the due payment of electric and water charges for all Government bungalows occupied by Government officers?

(b) Is this a new or old rule? If this rule was in existence before, why were such deposits not asked for?

(c) Has this rule been brought into force because some officers delayed payments of their bills owing to transfers on active service? If so, why have the Municipal Committee enforced this practice in the case of civilian officers who are permanently attached to the Government of India offices and who are not likely to be transferred anywhere?

(d) Is it not a fact that in the case of non-payment of dues the Committee can realise the amount through the department concerned?

(e) Is it a fact that some Electric Companies in the United Provinces pay interest on such deposits?

(f) Will the New Delhi Municipal Committee, if they consider such deposits essential, pay a reasonable interest on the deposits? If not, why not?

Mr. J. D. Tyson: (a) and (b). The system of requiring a deposit has been in force in New Delhi for many years past, but until recently was not enforced against Government officials. It was recently decided by the Municipal Committee to enforce it against the latter, partly to secure uniformity of treatment and partly because a number of cases had occurred in which officials had left Delhi without settling their bills.

(c) It does not appear to be the case that all the officials in default have gone on active service and in any case it would not be practicable to discriminate in the way suggested between one set of officials and another.

(d) No. The debts being private, the departments have refused to accept responsibility for collecting them for the municipality.

(e) Information regarding the practice in the United Provinces is not available.

(f) The deposits, when paid in cash, are kept in a current account since they are refundable at any time and no interest accrues to the Municipal Committee. For this reason interest is not paid to the depositor by the Municipal Committee.

CANTEENS FOR DECK PILGRIMS.

83. ***Khan Bahadur Shaikh Fazl-i-Haq Piracha:** (a) Will the Honourable Member for Indians Overseas please state whether the canteen (referred to in rule 81 of the Indian Pilgrim Ships Rules) for deck pilgrims is maintained on the upper or lower deck of pilgrim ships?

(b) If it is maintained on the upper deck, how much space is occupied by it?

(c) Is that space included in the airing space reserved for pilgrims? If so, what action do Government propose to take in the matter?

The Honourable Dr. N. B. Khare: (a), (b) and (c). The circumstances differ on different ships. I lay on the table a statement which gives the required information. I would refer the Honourable Member to sub-sections (2) and (3) of section 193 of the Indian Merchant Shipping Act, 1923, for information how the airing space is to be determined.

Statement showing the location of the canteen on pilgrim ships of the Mogul Line and the Scindia Steam Navigation Co., the space occupied by it on each ship and whether that space is included in the airing space reserved for pilgrims on upper deck.

in the airing space reserved for pilgrims on upper deck.			
Name of the ship.	Location of canteen.	Space occupied by the canteen.	Whether the space referred to in column 3 is included in airing space reserved for pilgrims.
1	2	3	4
		Sq. Ft.	
<i>Mogul Line Ships.</i>			
1. S.S. "Alavi"	Upper deck	102	Originally it was not deducted from the airing space measurements while the use of restaurants in pilgrim ships was in the introductory stage. In the most recent measurements the space occupied by these restaurants is not included in the airing space reserved for pilgrims.
2. S.S. "Akbar"	Do.	102	
3. S.S. "Jehangir"	Do.	102	
4. "Khosrou"	Do.	102	
<i>Scindia's ships.</i>			
5. S.S. "Islami"	Do.	102	Not included.
6. S.S. "Rahmani"	Do.	112	Ditto.
7. S.S. "Rizwani"	Do.	187	Ditto.
8. S.S. "El-Madina"	Main deck	210	Ditto.
9. S.S. "El-Hind"	Do.	355	Ditto.
10 S.S. "Englestan"	Poop deck	325	Space (234 sq. ft.) occupied by benches and tables is included in the airing space.

OFFICERS AND SUBORDINATES ON PILGRIM SHIPS.

84. *Khan Bahadur Shaikh Fazl-i-Haq Piracha: (a) Will the Honourable Member for Indians Overseas please state the different kinds of officers and subordinates employed on pilgrim ships?

(b) What posts can be filled by Muslims without detriment to the navigation of ships?

The Honourable Dr. N. B. Khare: (a) and (b). Information is being collected and a reply will be laid on the table in due course.

CURRENT YEAR ARRANGEMENTS FOR HAJ PILGRIMAGE.

85. *Khan Bahadur Shaikh Fazl-i-Haq Piracha: (a) Will the Honourable Member for Indians Overseas please state whether Government propose to permit Indians to proceed to the Hedjaz for the performance of Haj pilgrimage this year, and to provide a sufficient number of ships to meet the demand of the Indian Muslims?

(b) Does he propose to consult the Central Haj Committee at an early date?

The Honourable Dr. N. B. Khare: (a) I would refer the Honourable Member to my reply to starred question No. 54.

(b) The Committee will be consulted if necessary.

APPOINTMENTS OF SOUTH INDIANS IN THE IMPERIAL AGRICULTURAL RESEARCH INSTITUTE.

86. *Sardar Sant Singh: Is the Secretary for Education, Health and Lands aware that the Director, Imperial Agricultural Research Institute has since 1936 filled not less than 30 vacancies by South Indians, whether temporary, officiating or permanent? If not, what is the actual number of appointments in classes I and II and subordinate services which have been filled, and what is the number of South Indians as compared with Punjabees?

Mr. J. D. Tyson: A statement showing the distribution province by province of Indian officers appointed to Class I, Class II and subordinate services at

the Imperial Agricultural Research Institute, is laid on the table of the House. The statement shows that Punjabees have secured more appointments, permanent or temporary, in each category than South Indians in the various services at the Institute.

Statement showing the distribution province by province of Indian officers appointed to Class I Class II and subordinate services at the Imperial Agricultural Research Institute.

	Madras.	Bombay.	Bengal.	U. P.	Punjab.	Bihar.	C. P.	Assam.	Delhi.	States.
	1	2	3	4	5	6	7	8	9	10
Total No. of appointments from January 1936 to date.										
<i>Class I—</i>										
(a) Substantive in permanent posts	3	1	..	..	2	..	..	..	..	..
(b) Temporary basis in permanent or temporary posts	9	2	1	..	2	2	..	..	..	2
Total Class I	12	3	1	..	2	4	..	..	..	2
<i>Class II—</i>										
(a) Substantive in permanent posts	16	1	1	3	3	3	..	..	..	5
(b) Temporary basis in permanent or temporary posts	27	4	3	3	4	10	..	1	1	1
Total Class II	43	5	4	6	7	13	..	1	1	5
GRAND TOTAL OF GAZETTED POSTS	55	8	5	6	9	17	..	1	1	7
<i>Subordinate—</i>										
(a) Substantive in permanent posts	48	5	..	4	13	9	11	1	1	3
(b) Temporary basis in permanent or temporary posts	152	25	7	15	22	52	16	3	1	6
Total Subordinate service	200	30	7	19	35	61	27	4	2	9

CONFIRMATION OF A SOUTH INDIAN CATTLE SUPERINTENDENT BY THE DIRECTOR, IMPERIAL AGRICULTURAL RESEARCH INSTITUTE.

87. *Sardar Sant Singh: (a) Will the Secretary for Education, Health and Lands please state the reasons of the Director, Imperial Agricultural Research Institute, for confirming a South Indian Cattle Superintendent in spite of the adverse opinion of his immediate officer?

(b) Is there any other case of a similar nature?

(c) Does he propose to state the facts of each of the cases?

(d) What are the powers of the Director and those of the heads of different sections?

Mr. J. D. Tyson: (a) to (c). There have been two cases of the kind referred to by the Honourable Member, one of a South Indian and the other of a Bengali. In each case the adverse comments of the officer's immediate superior were found by the Director, after exhaustive inquiry, not to be borne out.

(d) Powers of appointment (including confirmation) and discipline with regard to Class II posts at the Imperial Agricultural Research Institute vest in the Director.

CASES OF IRREGULAR APPOINTMENTS IN THE IMPERIAL AGRICULTURAL RESEARCH INSTITUTE.

88. *Sardar Sant Singh: (a) Will the Secretary for Education, Health and Lands please state if it is regular and not objectionable to appoint any person to a permanent post, to confirm him without any probationary period and without asking for a medical certificate of fitness, etc., to give him lien and to relieve him all at once?

(b) Is he aware that such cases have occurred in the Imperial Agricultural Research Institute?

(c) What action does he propose to take in cases of such irregularities?

Mr. J. D. Tyson: (a) to (c). There was no irregularity in the case referred to by the Honourable Member which relates to the appointment of an assistant who was an Associate of the Institute and had been in temporary service since September, 1936. As he had already put in over five years' service in a temporary post, no probationary period was considered necessary when he was appointed to a permanent post in March, 1942. He was permitted to accept service in His Majesty's Land Forces and, although proof of his physical fitness was available in the certificate of his suitability for military service, the medical examination was not dispensed with but took place at Dehra Dun where he reported for military training. As in other cases of permanent staff relieved for military duty, he has been given a lien on his post for the duration of the war.

APPOINTMENT OF A SOUTH INDIAN IN THE AGRICULTURAL SECTION, IMPERIAL AGRICULTURAL RESEARCH INSTITUTE.

89. *Sardar Sant Singh: (a) Will the Secretary for Education, Health and Lands please state if it is a fact that the Director, Imperial Agricultural Research Institute, appointed a South Indian, a relative of his, with Engineering qualifications in the Agricultural Section though he did not satisfy any of the conditions of the advertisement?

(b) What was the number of applications received, and how many applicants were there from the Punjab who actually satisfied the conditions of the advertisement?

Mr. J. D. Tyson: (a) The candidate appointed by the Director on the recommendation of the Imperial Agriculturist satisfied all the conditions of the advertisement including the possession of a Science degree and post-graduate training. He had certain Engineering qualifications also and experience which were considered a further recommendation in view of the duties of the post to be filled. The candidate is a South Indian but is not related to the Director.

(b) 141 applications were received from candidates with a degree either in Agriculture or Science, of which 20 were from the Punjab.

TEMPORARY AND OFFICIATING APPOINTMENTS IN THE LEGISLATIVE DEPARTMENT.

90. *Sardar Sant Singh: (a) Will the Honourable the Law Member please state the number of all temporary and officiating appointments filled up in the Legislative Department in different grades since 1939?

(b) To which province does each of the persons appointed belong?

(c) How is it that no Sikh has so far been taken, and are the Home Department orders regarding communal proportion followed?

Sir George Spence: (a) 4 Assistants and 15 Clerks.

(b) Madras 3, Bengal 2, United Provinces 5, Punjab 5, North West Frontier Province 1, Delhi 2, Travancore 1.

(c) One of the persons appointed being a Sikh the first part does not arise. The answer to the second part is in the affirmative.

MOVEMENT AND PRICES OF FOODSTUFFS IN THE EASTERN ZONE.

91. *Mr. Abdur Rasheed Choudhury: Will the Honourable the Food Member please state:

(a) why free trade was not introduced in the Eastern Zone before the 18th May, 1943;

(b) why the Provincial Governments in this Zone were allowed to introduce restrictions on the movement of foodstuff, specially of rice and in keeping down prices;

(c) why on the 18th May, 1943, all previous restrictions on the movement of foodstuff, and on the prices previously fixed were done away with and why the Notification No. 5-De/28/43 of the 18th May was issued; and

(d) why the orders of the Provincial Governments passed before the 18th May restricting the movement of foodstuff and prices were made null and void?

The Honourable Sir Muhammad Azizul Huque: (a) to (d). Before the 18th May, 1943, the Government of India were working to a plan under which certain surplus Provinces were to despatch specified quotas of foodgrains to certain deficit Provinces. For the working of this plan it was necessary that Provincial Governments should have the power to control movements of foodstuffs and their prices. Before this plan could become fully effective in the Eastern Region (consisting of Bengal, Assam, Bihar, Orissa and the Eastern States Agency) a serious shortage of rice, accompanied by a steep rise in prices, was apparent in Bengal which made it necessary, as an immediate measure, to remove all restrictions on the movement of foodgrains and on prices in order to allow supplies and prices within the Region to find a more normal level.

RICE PRICES IN BENGAL, BIHAR, ORISSA AND ASSAM.

92. *Mr. Abdur Rasheed Choudhury: Will the Honourable the Food Member please state:

(a) what the prices were of rice in Bengal, Bihar, Orissa and Assam before the Notification No. 5-De/28/43, was issued on the 18th May, and what the prices were at these places within a fortnight after the issue of the Notifications on the 18th May and 18th June 1943;

(b) the reason for an abnormal rise in prices of rice after the said Notification was issued;

(c) why no check was put on dealers and stockists of rice for raising prices prevailing before the restrictions were done away with on the 18th May last;

(d) the approximate amount of profit made by dealers and stockists in the Eastern Zone after the free trade was introduced; and

(e) if Government got any share of the profits?

The Honourable Sir Muhammad Azizul Huque: (a) A statement is laid upon the table.

(b) Prices rose in Bihar, Orissa and Assam owing to pressure of competitive buying as soon as the statutory restrictions on trade movements and prices were removed, and did not fall substantially in Bengal owing to certain administrative restrictions imposed by neighbouring Provinces.

(c) It was hoped that with the removal of restrictions on movement, supplies, and in consequence prices, would find a more normal level.

(d) The Government of India have no information on this point.

(e) No.

Statement.

	On 13th May 1943.	Price of Rice. On 1st June 1943.	On 18th June 1943.
(i) Bengal	From Rs. 27-15 to Rs. 31-4.	From Rs. 30 to Rs. 30-15.	From Rs. 31 to Rs. 31-4
(ii) Bihar	From Rs. 9-3 to Rs. 16	From Rs. 10-11 to Rs. 18.	From Rs. 10-11 to Rs. 23.
(iii) Orissa	From Rs. 6-8 to Rs. 11-7.	The lower figure is not available but prices ranged up to Rs. 17-12.	From Rs. 9-8 to Rs. 20.
(iv) Assam	Rs. 18	Rs. 25	Rs. 32

The prices prevailing on the 18th of May are not readily available. The prices indicated for Bengal, Bihar and Orissa are for two centres in each of these Provinces and the prices for Assam refer to Shillong.

DEATHS DUE TO STARVATION IN ORISSA.

93. *Mr. Abdur Rasheed Choudhury: (a) Will the Honourable the Food Member please state whether his attention has been drawn to the statement made in the Orissa Legislative Assembly on the 3rd July, 1943, by Mr. Pyari Sankar Roy, Parliamentary Secretary to the Government of Orissa, on deaths due to starvation of some 70 persons in that Province (*vide* statement published in the *Amrita Bazar Patrika* of the 5th July 1943)?

(b) If the reply to (a) be in the affirmative, what action, if any, was taken to supply food to these victims?

(c) Is it not a fact that this number relates to only one district of Balasore?

(d) What is the total number of deaths due to starvation in Orissa after the 18th May, 1943?

The Honourable Sir Muhammad Azizul Huque: (a) I have not seen the actual statement of the Parliamentary Secretary but have seen only the Press report. The report of the Orissa Government just received in reply to our telegram says that those persons were generally old and infirm and that it was not known how many of the deaths were due to starvation. Previous to this, we had no report from the Orissa Government.

(b) The report of the Orissa Government states that relief measures have been in progress in Balasore district for some time, but that it is not known what specific steps were taken to feed the people referred to in the statement.

(c) Yes.

(d) No such cases have so far been reported to the Government of India.

INDIANS CONNECTED WITH INDIAN ARMY, NAVY AND AIR FORCE IN SOUTH AFRICA.

94. *Mr. Govind V. Deshmukh: Will the Honourable Member for Indians Overseas please state:

(a) if there are any Indians connected with the Indian Army, Navy and Air force in South Africa;

(b) the treatment they are having as regards their residence and travel;

(c) what amenities they are having; and

(d) what the expenses incurred on their maintenance are in South Africa, and who pays for these expenses?

The Honourable Dr. N. B. Khare: This question should have been addressed to the War Department.

REGULATION OF ACREAGE PRICES OF JUTE IN BENGAL.

95. *Mr. K. C. Neogy: (a) Will the Honourable Member for Commerce be pleased to refer to my unstarred questions Nos. 14, 15 and 16, dated the 11th February, 1943, relating to regulation of jute acreage in Bengal and the influence exercised on behalf of the Government of India on the Government of Bengal for the cultivation of jute in excess of the desire of the representatives of cultivators on the Advisory Board on Jute Regulation, and the discussions on this subject, in its relation particularly to the "Grow More Food" movement, in the Bengal Legislature, and lay on the table a full statement in answer to the said questions?

(b) Has the attention of the Honourable Member been drawn to a Press statement issued by the Chief Whip of the Bengal Congress Parliamentary Party in the first week of this month, alleging—

(i) that an agreement has been entered into by the Indian Jute Mills Association for fixing certain maxima prices of jute for the coming season;

(ii) that this has been done with the full knowledge of the Provincial Government and "possibly of the Central Government as well";

(iii) that the prices have been fixed in view of the expectation that the Government of the United States of America would place a large order for the supply of hessian, provided its prices do not exceed a particular figure;

(iv) that there has been a tripartite understanding between the interests concerned in the United States of America, the United Kingdom and the Indian Jute Mills Association in this connection; and

(v) that the prices fixed are lower than what could be legitimately expected by the cultivator in view of the War orders from different parts of the world, coupled with the internal demand?

(c) Does the Honourable Member propose to lay on the table a full statement on the above allegations, and to explain what part, if any, has been played by the Government of India in this transaction?

The Honourable Sir Muhammad Azizul Huque: (a) I would invite the attention of the Honourable Member to the replies to his unstarred questions Nos. 15 and 16 of the 11th February, 1943, laid on the table of the House on the 27th July, 1943.

(b) and (c) The question should be addressed to the Member representing Supply Department.

UNSTARRED QUESTIONS AND ANSWERS.

INDIAN EXPORTS TO MIDDLE AND NEAR EAST THROUGH CERTAIN AGENCIES.

17. Mr. K. C. Neogy: (a) Will the Honourable Member for Commerce be pleased to lay on the table a statement showing exports from India during the last three years, year by year, to various countries in the Middle and Near East, as well as Turkey, through the agency of (i) the Indian exporters; (ii) the British exporters; and (iii) the United Kingdom Commercial Corporation?

(b) Does the United Kingdom Commercial Corporation operate in India as a principal agency as well as an agency of His Majesty's Government through its various Departments such as the Ministry of Supply, Ministry of Food, etc.?

The Honourable Sir Muhammad Azizul Huque: (a) The figures asked for are not available as statistics of exports are not compiled according to the nationality of the exporters or according to the particular agency by which exports are effected. The statement below gives, however, an approximate indication of the percentage share of the United Kingdom Commercial Corporation in the total export trade to the countries specified during 1942-43.

Country to which exported. Percentage share of the United Kingdom Commercial Corporation in the total export trade to the countries specified during 1942-43.

Saudi Arabia	2.9
Egypt	2.4
Palestine and Syria	1.3
Iraq	0.03
Persia	5.7
Aden	0.1
Port Sudan	0.4
Turkey	3.3
Other Middle East countries	Negligible (total value about Rs. 2.7 lakhs).

(b) So far as the Government of India are aware, all buying operations of the United Kingdom Commercial Corporation in India are conducted on their own account and not on behalf of departments of His Majesty's Government.

AVERAGE PRICES PAID ON BEHALF OF GOVERNMENT FOR PURCHASE OF WHEAT, RICE AND OTHER FOODGRAINS.

18. Mr. K. C. Neogy: (a) Will the Honourable Member for Food be pleased to refer to my unstarred question No. 11, dated the 11th February, 1943, regarding exports, imports, etc., of foodgrains, and make a statement on the average prices paid on behalf of Government for the purchase of wheat, rice and other foodgrains, month by month in 1942, separately, and how these compare with the actual prevailing prices at which they were available to the public in the principal centres of consumption thereof?

(b) Does the Honourable Member propose to make a similar statement, month by month, in respect of the past months of 1943?

(c) Were any instructions definitely given to the purchasing agents of Government about the maximum prices payable?

(d) Is he aware of the wide-spread reports that the purchasing agents of Government operating in the districts of Bengal have actually purchased rice at prices much in excess of the prevailing rates, thus artificially forcing up the general level of prices and indirectly encouraging the dealers to withhold their stocks from the normal markets in the hope of obtaining higher prices from these agents?

The Honourable Sir Muhammad Azizul Huque: (a) and (b). Statements are placed on the table in respect of the Punjab, where the Central Government's purchasing organisation was operative up to mid-April, 1943. In other Provinces purchases were controlled by the local Governments concerned.

(c) Yes, in the Punjab.

(d) The Government of India are not aware of any such reports. Purchasing Agents in Bengal are appointed by and act under the directions of the Bengal Government.

Statement showing the actual prices of wheat in principal markets for the 12 months of 1942.

All figures in Rs. As. Ps. per md. of 82 2/7 lbs.

Name of Markets.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.
Punjab Province.												
1. Lyallpur *	4 8 0	4 8 0	4 8 0	5 0 0	4 11 6	5 0 0	5 0 0	5 0 0	5 0 0	5 0 0	5 0 0	5 0 0
2. Okara ..	4 6 0	4 6 0	4 6 0	4 14 0	4 10 3	5 0 0	5 0 0	5 0 0	5 0 0	5 0 0	5 0 0	5 0 0
3. Amritsar ..	4 13 0	4 13 0	6 8 0	5 4 0	5 4 0	5 6 0	5 12 0	5 11 0	5 10 0	5 12 0	6 8 0	5 10 0
United Provinces.												
4. Hapur ..	4 6 0	4 6 0	4 6 0	4 15 6	4 14 9	5 0 0	5 0 0	5 0 0	5 0 0	5 0 0	5 0 0	5 14 9

Rice.—During the period rice prices were not controlled. Government purchases were made at the prevailing market rates.

* Wheat prices at Lyallpur were controlled from the 10th December, 1942.

LEGISLATIVE ASSEMBLY.

[28TH JULY, 1946]

Statement showing average prices paid by Government's Purchasing Agents for wheat, rice and other foodgrains in the Punjab.

(Per maund.)

	Wheat.	Rice.	Gram.	Bajra.	Jowar.	Maize.	Barley.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
January 1943	8 9 0	9 12 0	..	7 6 0	7 4 0	..	..
February 1943	10 2 0	13 9 9	..	6 0 0	7 15 0	..	..
March 1943	9 2 0	..	..	..	..	..	..
April 1943	8 12 0	..	..	..	..	..	..
May 1943	11 0 6	18 4 6	10 5 3	8 11 9	..	8 11 6	7 12 0
June 1943	10 2 3	18 5 3	9 8 10	9 9 6	8 15 6	7 14 0	7 9 9

Statement showing the prices of Wheat, Rice, Gram, Jowar, Bajra, Maize and Barley prevailing in Abohar Market (Punjab) during the months January 1943 to June 1943.

(In Rupees per maund.)

Name of months.	Wheat.	Rice.	Gram.	Jowar.	Bajra.	Maize.	Barley.
January 1943	10 0 0	13 0 0	8 12 0	7 4 0	6 13 0	6 6 0	4 4 0
February 1943	9 14 6	13 0 0	7 12 0	7 4 0	5 3 0	6 0 0	6 4 0
March 1943	8 15 0	13 0 0	7 0 0	7 0 0	5 8 0	6 0 0	7 0 0
April 1943	8 8 0	13 0 0	8 3 0	9 4 0	6 12 0	6 0 0	7 8 0
May 1943	9 9 0	20 0 0	8 10 0	9 0 0	8 0 0	6 0 0	7 5 6
June 1943	10 0 0	20 0 0	8 8 0	9 0 0	8 0 0	N.a.	7 10 3

N.a.—Not available.

M.B.—Wheat decontrolled since 24th January 1943.

Average price per maund of 82 2/7 lbs. paid by Government for their purchases during the 12 months of 1942.

Grain.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.
All figures in Rs. As. Ps.												
Wheat	4 10 0	4 10 0	4 6 9	4 13 6	4 10 3	4 14 6	5 2 6	5 3 3	5 4 0	5 5 3	5 12 0	5 13 3
Rice	7 10 3	7 10 0	8 15 6	No purchases.	8 3 2	8 12 3	9 6 6	10 1 3	9 10 0	9 8 9	7 11 3	10 9 3
Bajra *	..	..	..	..	..	..	..	..	..	..	..	..
Jowar *	..	..	..	..	..	..	..	..	..	..	..	..

* No purchases being made during 1943.

UNSTARRED QUESTIONS AND ANSWERS

SPECIAL INSTITUTIONS FOR MUSLIMS UNDER CENTRAL GOVERNMENT AND EXPENDITURE THEREON.

19. Mr. Ananga Mohan Dam: (a) Will the Secretary for Education, Health and Lands be pleased to state the total number of special institutions for Muslims under the Central Government, and the expenditure incurred thereon?

(b) What amount is spent by the Central Government on Muslim education by way of scholarship, special institution, etc.?

(c) Do Government propose to spend a proportionate amount on education for Hindus?

Mr. J. D. Tyson: (a) and (b). The Aligarh Muslim University which may, in a way, be regarded as an institution catering for the special needs of the Muslim community in the matter of University education, though it is open to all persons of whatever race, creed or class, receives an annual grant of Rs. 3 lakhs from Central Revenues. There are no special scholarships or special institutions for Muslims maintained or aided by Government in the Delhi Province or Baluchistan. Information in respect of Ajmer-Merwara has been called for and will be laid on the table of the House when available.

(c) The Benares Hindu University is already receiving the same financial assistance from Central Revenues as the Aligarh Muslim University. The general policy of the Government is to afford the same educational facilities to all communities.

THE INDIAN STATES (PROTECTION AGAINST DISAFFECTION) AMENDMENT BILL.

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

"That the Bill to amend the Indian States (Protection against Disaffection) Act, 1922, for a certain purpose, be continued."

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That the Bill to amend the Indian States (Protection against Disaffection) Act, 1922, for a certain purpose, be continued."

The motion was adopted.

THE INDIAN PENAL CODE (AMENDMENT) BILL.

(AMENDMENT OF SECTIONS 497 AND 498.)

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

"That the Bill further to amend the Indian Penal Code for a certain purpose (Amendment of sections 497 and 498) be continued."

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That the Bill further to amend the Indian Penal Code for a certain purpose (Amendment of sections 497 and 498) be continued."

The motion was adopted.

THE MUSLIM PERSONAL LAW (SHARIAT) APPLICATION (SECOND AMENDMENT) BILL.

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

"That the Bill further to amend the Muslim Personal Law (Shariat) Application Act, 1937, be continued."

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That the Bill further to amend the Muslim Personal Law (Shariat) Application Act, 1937, be continued."

The motion was adopted.

THE USURIOUS LOANS (AMENDMENT) BILL.

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

"That the Bill to limit rates of interest and for that purpose further to amend the Usurious Loans Act, 1918, be continued."

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That the Bill to limit rates of interest and for that purpose further to amend the Usurious Loans Act, 1918, be continued."

The motion was adopted.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

[AMENDMENT OF SECTIONS 386 AND 539-B.]

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

"That the Bill further to amend the Code of Criminal Procedure, 1898 (Amendment of sections 386 and 539-B.) be continued."

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That the Bill further to amend the Code of Criminal Procedure, 1898 (Amendment of sections 386 and 539-B.) be continued."

The motion was adopted.

THE INDIAN MERCHANT SHIPPING (AMENDMENT) BILL.

Khan Bahadur Sheikh Fazl-i-Haq Piracha (North-West Punjab: Muhammadan): Sir, I beg to move:

"That the Bill further to amend the Indian Merchant Shipping Act, 1923, be taken into consideration."

Sir, as will appear from the Bill itself, it is very short, simple and non-controversial. It aims at nothing more than a slight increase of penalty money—from Re. 1 to Rs. 3 only—to be paid to the cabin pilgrims as compensation if they are detained at Jeddah and have to wait for a pilgrim ship for their return voyage. The Act at present provides the same scale of compensation, viz. Re. 1, for both deck and cabin passengers.

For the information of the House, I will read out the section in the Indian Merchant Shipping Act which is sought to be amended:

"Where any pilgrim who has been carried to the Hedjaz by a pilgrim ship with a return ticket issued in British India within the previous eighteen months is, owing to his inability to obtain accommodation on a ship for which the return ticket is available, detained at Jeddah for a longer period than twenty-five days from the day on which he presents his ticket to His Majesty's Representative at Jeddah, notifying his desire to embark for the return passage, the master, owner or agent of the ship in which such pilgrim was carried to the Hedjaz shall pay to the Governor General in Council in respect of such pilgrim such sum not exceeding double the whole sum received by such master, owner or agent in respect of the return ticket as the Governor General in Council claims as the cost of repatriating the pilgrim, together with a sum of one rupee for each day after the expiry of the twenty five days aforesaid during which the pilgrim has been detained at Jeddah."

Sir, when the cabin passengers pay much higher amount of money to the shipping companies for their steamer fare and food charges, it is simply unreasonable that they should be treated on the same footing as the deck passengers when they are detained at Jeddah for no fault of theirs, but on account of negligence or mismanagement on the part of shipping companies. Their standard of living is very high and if any compensation is to be given, it should be paid according to the status and position of the passengers and it should be commensurate to the fare charged from them by the shipping companies. It is not always that the companies have to pay this amount, as provided in the section sought to be amended. It is only a penalty clause provided to put a pressure on the shipping companies, so that they may make proper earlier arrangements for the convenience of pilgrim passengers. When there are so many other improvements to be made in the pilgrim voyage, which are under consideration of the Government, why should this very urgent and necessary amendment, aiming at early arrangements to be made for the return of pilgrims, should not be accepted by the Government.

The House will remember that during the last Session the Honourable the Leader of the House opposed the circulation of certain Bills on the ground of scarcity of paper. In view of that, I wonder why the Honourable Member

[Khan Bahadur Sheikh Fazl-i-Haq Piracha.] in charge has tabled a motion for circulation of this Bill, especially when the Bill is a very simple one, to which, I think, there will be no opposition at all except perhaps from the interested shipping companies. I was, however, under the impression that the Government should have no objection to the consideration of this Bill.

Sir, I hope the Honourable Member in charge will be pleased to reconsider his motion for circulation and withdraw the same. But if for certain cogent reasons he is determined to move it, I would have no objection to accepting the same if he would change the final date for inviting the opinions from 30th November, proposed by him, to 15th October or some such other date, as would allow the opinions to be received in time for the Bill to be placed before the next Session of the Assembly, which, I understand, will be held sometime in November next. Sir, I move.

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

"That the Bill further to amend the Indian Merchant Shipping Act, 1923, be taken into consideration."

The Honourable Dr. N. B. Khare (Member for Indians Overseas): Sir, I move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 30th November, 1943."

Sir, the Honourable Member who has moved this Bill has said that this is a very small measure and that Government should have no difficulty in accepting this right away. No doubt the raising of the detention fees from Re. 1 to Rs. 3 is a very small matter, but the principle involved is not small at all, because it implies a discrimination between the poor and the wealthy among the pilgrims. Besides, the wealthier passengers are able to take care of themselves. So there should be no differences made with regard to them. It was necessary to ascertain Muslim opinion as to whether it was justifiable to differentiate between the poor and the wealthy. I therefore press my amendment, Sir.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): The Honourable Member has not given a reply to the proposal which has been put by the Mover of the Bill, viz., that he is prepared to accept the motion for circulation if the Honourable Member proposes to get the opinion by the 15th October to enable the Bill to be taken up in the next Session; but if the date remains at 30th November, then it means that the Bill cannot come before the next Session. Is the Honourable Member willing to accept this?

The Honourable Dr. N. B. Khare: I will accept that.

Mr. President (The Honourable Sir Abdur Rahim): Instead of 30th November, it will be 15th October.

The Honourable Dr. N. B. Khare: Yes, Sir.

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

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 15th October, 1943."

Mr. E. L. C. Gwilt (Bombay: European): Sir, whilst I have no desire to oppose the amendment that this Bill be circulated, nevertheless there are a few remarks I wish to make. The Bill proposes to amend sub-section (1) of section 209A of the Indian Merchant Shipping Act of 1923, which provides that if a pilgrim holding a return ticket is, owing to his inability to obtain accommodation on a pilgrim ship detained at Jeddah for a longer period than 25 days, the shipping company concerned is bound to pay a sum of one rupee for each day after the expiry of 25 days.

The Bill before the House seeks to amend that sub-section to provide that in respect of a cabin class pilgrim the sum shall be increased to Rs. 3 a day. In my opinion, Sir, it is undesirable to amend the Indian Merchant Shipping Act during war time when conditions are abnormal, for as Government will realise there is no possibility of that particular sub-section being enforced under present conditions when the shipowner has very little control over his vessels and cannot under any circumstances accept responsibility for delays

and detentions. I would mention, Sir, that in respect of pilgrimages allowed since the outbreak of the war, the Government of India have recognised that with the control of shipping, requisitionings, etc. section 209A is not possible of enforcement. I would also point out that as a result of the Report of the Special Haj Enquiry conducted by Mr. J. A. Rahim, it is generally anticipated that considerable amendments will be necessary to the Indian Merchant Shipping Act so far as it pertains to the pilgrim trade and to the Indian Pilgrim Ship's Rules.

Sir Muhammad Yamin Khan: On a point of order I want to know whether the Honourable Member is opposing the consideration of the Bill or the amendment?

Mr. President (The Honourable Sir Abdur Rahim): This is no point of order. The Honourable Member may draw his own inference.

Mr. E. L. C. Gwilt: I said that I did not oppose the amendment. I am of the opinion that it would be advisable to leave the consideration of the amendment that this Bill seeks to make, until such time as the major amendments of the Act can be considered, which certainly will not be until some time after the cessation of hostilities. I am opposed to the increase to Rs. 3 a day in the case of cabin class pilgrims on principle. The original object of the section was to alleviate the distress in the case of pilgrims of the poorest class who might be stranded in Jeddah. Those pilgrims who can pay cabin class are not likely to be in distress, and there seems to be no reason why the shipowner should be penalised in respect of well-to-do people who can afford to pay cabin class and can easily afford to maintain themselves during any enforced delay at Jeddah. I think I am correct in saying that the shipping companies concerned have always opposed the principle of section 209A, unless it could be proved that the pilgrim was detained at Jeddah through a deliberate default on the part of the shipowner; and they have maintained that the section could not be enforced if, due to acts of God such as a marine casualty to a vessel, the shipowner was unable to place his vessel at Jeddah at the correct intervals to bring back returning pilgrims.

I would emphasize that the pilgrim shipowner is already over-burdened with various responsibilities and liabilities placed on him by part 4 of the Indian Merchant Shipping Act, and if this additional liability becomes law, there will be no alternative but for the shipowner to increase his fares to cover any such contingency. The effect then must necessarily be that those who will not benefit by the proposed amendment, if this Bill were ever put on the Statute-book, must pay for those who may.

Syed Ghulam Bhik Nairang (East Punjab: Muhammadan): I support the motion for circulation moved by Dr. Khare in view of the Mover's offer to abide by the circulation motion in case the last date in the motion for circulation for eliciting opinion be changed from 30th November to 15th October. Dr. Khare having agreed to change the date, there is no dispute about the Bill being circulated. I want to deal with the points raised by our Honourable friend, Mr. Gwilt. I really cannot understand how many necessary and desirable reforms can be postponed till the very illusory time when the war will come to an end, and how long we can afford to wait for pressing and necessary reforms to be introduced simply because the war is on. After listening to the reasons given by Mr. Gwilt, I think that the matter boils down to this, that the shipping companies as a result of war time duties and conditions are not in a position to observe punctually any programmes of ships coming to Jeddah for the purpose of repatriating pilgrims to the Hejaz, and that being the case and they being handicapped on account of war conditions, the proposed provision for increasing the penalty from one rupee to Rs. 3 per day in the case of cabin class passengers would not be just and fair. But I think that the Merchant Shipping Act as it stands provides for the levying of a penalty only in cases of any negligence or wilful neglect on the part of the shipping companies, and circumstances which may serve as an excuse for

[Syed Ghulam Bhik Nairang.]

the shipping companies are already in the contemplation of the law, and there will be no particular additional handicap for the shipping companies if this amendment is enacted into law. The excuse of circumstances over which they had no control and under which they failed to repatriate the pilgrims from Hejaz will still be available to them under the law. Mr. Gwilt, referred to a number of reforms which are in contemplation as a result of the Special Haj Enquiry held by Mr. J. A. Rahim and the consideration of his suggestions which is going on. But I think that we should enact an amendment of the kind before the House without keeping it pending and waiting till the whole bundle of reforms suggested by Mr. Rahim is decided upon. The very reasonable proposal made by Dr. Khare that the Bill be circulated for the purpose of eliciting opinion thereon, which is agreeable to the Honourable the Mover of the Bill, appears to me to meet all the requirements of the case. The public will have, including, of course, the shipping companies, an opportunity to offer their points of view. Opinions will come, they will be duly taken into consideration and then the House will finally consider the Bill. I submit that the reasons given by Mr. Gwilt are inadequate and we should not wait till the end of the war to enact a very small but evidently desirable amendment to the Shipping Act. I support the motion for circulation.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): This Bill was introduced in the last November Session and the Government have not yet made up their mind regarding the amount paid by the shipping companies as halting allowances to the pilgrims. The amendment proposed is a very trifling one, a very modest one, which requires no opinions of the public, because all those interested in the pilgrimage are unanimous on this point. The Government have been sleeping over the matter for about a year and now they have come with this plea of circulation. I do not think that this kind of motion should have been made by the Government Benches. However, the question is about halting allowances to pilgrims who had already purchased return tickets. They have paid their fares and due to the fault of the company they have to stay at Jeddah. And they are not going to be paid for each day just after their pilgrimage, but after a stay of 25 days continually if these companies do not manage to accommodate them in their steamers, then in that case the companies have to pay one rupee a day to each pilgrim. But no consideration has been given to the class of accommodation for which they held the ticket. All classes, whether first, or cabin class,—all used to get one rupee a day. Gold and silver and other materials have equal value in the market as allowances in cases of all classes of passengers. I think the Government should have made up their minds and come to the rescue of the pilgrims and taken up the consideration of this Bill instead of bringing in a dilatory motion. However, as the Honourable the Mover has accepted the circulation motion, I hope Government will see their way to it that the Bill comes up before the House during the next Session so that it may be enacted into law. As regards the plea of my friend from the European Group, I do not see that there is anything in what he said, namely, that we should wait till such time as all the amendments recommended by the Haj Enquiry Committee can be incorporated in a complete Bill and then this matter along with the other measures should be considered. I do not think that this suggestion can do any good. I support the motion moved by the Honourable Mover of the Bill.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That the Bill be circulated for the purpose of eliciting opinion thereon by the 15th October, 1943."

The motion was adopted.

THE REMOVAL OF HINDU SOCIAL DISABILITIES BILL.

Mr. Amarendra Nath Chattopadhyaya (Burdwan Division: Non-Muhammadan Rural): Sir, I move for leave to introduce a Bill to provide for the removal of social disabilities among certain classes of Hindus.

THE REMOVAL OF HINDU SOCIAL DISABILITIES BILL.

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Mr. President (The Honourable Sir Abdur Rahim): The question is: "That leave be granted to introduce a Bill to provide for the removal of social disabilities among certain classes of Hindus."

The motion was adopted.

Mr. Amarendra Nath Chattopadhyaya: Sir, I introduce the Bill.

THE LAND ACQUISITION (AMENDMENT) BILL.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Sir, I move for leave to introduce a Bill further to amend the Land Acquisition Act, 1894.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That leave be granted to introduce a Bill further to amend the Land Acquisition Act, 1894."

The motion was adopted.

Maulvi Muhammad Abdul Ghani: Sir, I introduce the Bill.

THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL.

[AMENDMENT OF SECTION 60.]

Qazi Muhammad Ahmad Kazmi (Meerut Division: Muhammadan Rural): Sir, I move for leave to introduce a Bill further to amend the Code of Civil Procedure, 1908, (*Amendment of Section 60*).

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That leave be granted to introduce a Bill further to amend the Code of Civil Procedure, 1908, (*Amendment of section 60*)."

The motion was adopted.

Qazi Muhammad Ahmad Kazmi: Sir, I introduce the Bill.

THE REMOVAL OF POLITICAL DISABILITIES BILL.

Pandit Nilakantha Das (Orissa Division: Non-Muhammadan): Sir I move for leave to introduce a Bill to provide for the removal of political disabilities among certain classes of the Indians in general and of the Hindus in particular and for the restoration of certain rights which they are deprived of.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That leave be granted to introduce a Bill to provide for the removal of political disabilities among certain classes of the Indians in general and of the Hindus in particular and for the restoration of certain rights which they are deprived of."

The motion was adopted.

Pandit Nilakantha Das: Sir, I introduce the Bill.

THE INDIAN PENAL CODE (AMENDMENT) BILL.

[AMENDMENT OF SECTIONS 34, ETC.]

Qazi Muhammad Ahmad Kazmi (Meerut Division: Muhammadan Rural): Sir, I move for leave to introduce a Bill further to amend the Indian Penal Code (*Amendment of sections 34, etc.*)

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That leave be granted to introduce a Bill further to amend the Indian Penal Code (*Amendment of sections 34, etc.*)."

The motion was adopted.

Qazi Muhammad Ahmad Kazmi: Sir, I introduce the Bill.

THE MEMBERS OF THE CENTRAL LEGISLATURE PAYMENT OF SALARIES BILL.

Pandit Nilakantha Das (Orissa Division: Non-Muhammadan): Sir I move for leave to introduce a Bill to provide for the payment of salaries to the Members of the Central Legislature.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That leave be granted to introduce a Bill to provide for the payment of salaries to the Members of the Central Legislature."

The motion was adopted.

Pandit Nilakantha Das: Sir, I introduce the Bill.

THE INDIAN PENAL CODE (AMENDMENT) BILL.

[NEW SECTION 93A.]

Qazi Muhammad Ahmad Kazmi (Meerut Division: Muhammadan Rural): Sir, I move for leave to introduce a Bill further to amend the Indian Penal Code, (New section 93A).

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

"That leave be granted to introduce a Bill further to amend the Indian Penal Code (New section 93A)."

The motion was adopted.

Qazi Muhammad Ahmad Kazmi: Sir, I introduce the Bill.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 29th July, 1943.

LEGISLATIVE ASSEMBLY

Thursday, 29th July, 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. Ammebal Vittal Pai, O.B.E., M.L.A. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

REPATRIATED INDIAN PRISONERS OF WAR.

96. *Mr. Nabi Baksh Illahi Baksh Bhutto: (a) Will the Honourable the Defence Member be pleased to state the total number of Indian prisoners of War upto May 31st, 1943?

(b) How many of them have been repatriated so far?

(c) Is it a fact that in comparison with the British and Dominion prisoners the number of Indian wounded prisoners, who have been repatriated, is small?

The Honourable Malik Sir Feroz Khan Noon: (a) The total number of Indian personnel who have been notified as prisoners of war upto 31st May, 1943, is 12,777.

(b) 133 Indian prisoners of war have been repatriated from Italy. No wounded and sick have so far been repatriated from Germany or Japan.

(c) There has been no exchange of Prisoners of War as such. The only prisoners who have been repatriated are sick and disabled—irrespective of their nationality. Under Article 69 of the Prisoners of War Convention any prisoner of war has a right to demand examination by a Mixed Medical Commission, consisting of two neutral and one national doctors.

Only those prisoners have been repatriated who have been recommended by this Mixed Medical Commission.

Mr. Lalchand Navalrai: May I know if there were any Sindhi prisoners? I believe there are some prisoners of war from Sind. Have they been repatriated; and, if so, how many?

The Honourable Malik Sir Feroz Khan Noon: I realise fully that I should have known how many Sindhi prisoners of war were there, but I am afraid I have not the information.

Mr. Muhammad Nauman: Will the Honourable Member say whether the number of British and Dominion prisoners of war who have been repatriated was more than the number of the Indian prisoners of war?

The Honourable Malik Sir Feroz Khan Noon: Their number is larger than that of the Indians repatriated but they have all been recommended by that Medical Commission on account of sickness and not because of their nationality.

Mr. K. C. Neogy: With reference to the information given by the Honourable Member that one national doctor is included in the Medical Commission, will he be pleased to state whether an Indian doctor can be insisted upon to participate in the work of the Medical Commission when the case of an Indian prisoner of war is considered?

The Honourable Malik Sir Feroz Khan Noon: The word 'national' in that case means belonging to the nation who holds the prisoners of war.

BAN ON BROADCASTS OF URDU TALKS BY THE ALL-INDIA RADIO.

97. *Mr. Nabi Baksh Illahi Baksh Bhutto: (a) Will the Honourable Member for Information and Broadcasting be pleased to state if it is a fact that the All-India Radio does not accept any talk if the broadcaster wants it to be broadcast as an Urdu talk?

(b) Is it a fact that Sir Tej Bahadur Sapru has never been invited to broadcast, because he insists on broadcasting in Urdu and not in the so-called Hindustani?

The Honourable Sir Sultan Ahmed: (a) No.

(b) No.

BAN ON BROADCASTS OF URDU TALKS BY THE ALL-INDIA RADIO.

98 *Mr. Nabi Baksh Illahi Baksh Bhutto: (a) Will the Honourable Member for Information and Broadcasting be pleased to state how many Urdu talks

have been broadcast from Delhi and Lucknow since the installation of these stations?

(b) Is it a fact that although Delhi and Lucknow are the centres of Urdu, yet the All-India Radio authorities insist on broadcasting from these stations in the so-called Hindustani? If so, why?

(c) Does the Honourable Member propose to suggest to the Controller of Broadcasting to have separate broadcasts in pure Urdu and Hindi from these stations as an experiment and collect statistics as to the number of respective listeners?

The Honourable Sir Sultan Ahmed: (a) The information asked for is not readily available as no statistics are kept and its collection would involve an amount of time and labour that would not be justified in war time.

(b) The term Hindustani is used because it conveniently covers both Urdu and Hindi and under this title many talks both in Urdu and Hindi have been broadcast.

(c) Talks in Urdu and Hindi are already being given. As regards news, Government consider that the proposed step would unnecessarily restrict the number of listener to each bulletin. The concluding part of the question does not arise.

Mr. Muhammad Nauman: With reference to part (b) of the question, may I ask whether any particular definition has been prescribed for Hindustani, Urdu or Hindi? If so, who has prescribed that definition?

The Honourable Sir Sultan Ahmed: I am going into this question myself very carefully and I hope I will be in a position to come to a definite decision as regards this matter. There have been questions raised in the House as well as outside on this subject and it had been a problem which is to be solved and I hope I will be able to solve it.

Dr. Sir Zia Uddin Ahmad: Will the Honourable Member either issue a statement or lay a statement on the table on the conclusion arrived at by him?

The Honourable Sir Sultan Ahmed: Most certainly.

Sardar Sant Singh: May I know if any talk has been broadcast from All-India Radio station in the Punjabi language?

The Honourable Sir Sultan Ahmed: I have no information.

Sardar Sant Singh: Will the Honourable Member make inquiries if it is not tabooed?

Maulana Zafar Ali Khan: May I bring to the notice of the Honourable Member that the simultaneous use of the expressions Hindustani and Urdu for the same idea causes very inconvenient confusion. Will the Government once for all issue a statement declaring that Urdu should be used in respect of the language which is called Hindustani?

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

THE GWYER-ALL-INDIA RADIO INCIDENT.

99. ***Mr. Nabi Baksh Illahi Baksh Bhutto:** (a) Will the Honourable Member for Information and Broadcasting be pleased to state the terms of contract between a broadcaster and the All-India Radio?

(b) Is the All-India Radio bound to broadcast a talk after the contract is signed?

(c) Can the All-India Radio authorities delete any portion from a talk without showing any reason?

(d) If the reply to (c) is in the affirmative, why was an enquiry made in the Gwyer-All-India Radio incident?

The Honourable Sir Sultan Ahmed: (a) I presume the Honourable Member is referring to the terms of the contract with talkers. If so, a copy of the contract form in question is placed on the table of the House.

(b) No.

(c) Yes.

(d) The discretion allowed by Government to a subordinate authority is always subject to the general superintendence, direction and control of the Government of India.

STARRED QUESTIONS AND ANSWERS

Telegrams :—"AIRVOICE."
ALL INDIA RADIO,
TALKS BRANCH.

CONDITIONS REFERRED TO IN THE PRECEDING
LETTER.

Telegrams :—"AIRVOICE."
ALL INDIA RADIO,
TALKS BRANCH.

No.
Date 19
To

No.
Date 19
To

DEAR SIR
DEAR MADAM

We shall be pleased to broadcast your talk(s) on the subject, date, and time detailed below upon the conditions printed overleaf. We shall be obliged if you will kindly sign and return the attached confirmation sheet, duly completed, not later than the 19

DEAR SIR
DEAR MADAM

We shall be pleased to broadcast your talk(s) on the subject, date, and time detailed below upon the conditions printed overleaf. We shall be obliged if you will kindly sign and return the attached confirmation sheet, duly completed not later than the 19

Title.....

Date(s).....

Time of Broadcast.....

Duration.....

Place of Broadcast.....

Fee.....

We would particularly ask you to assist us by complying with the condition that the manuscript of the talk should be in the hands of the Director not less than ten days before the date fixed for the broadcast. The normal routine of the station is seriously hampered if this condition is not observed.

Yours faithfully,

Director.

For and on behalf of the
Governor-General-in-Council.

Note.—For payments exceeding Re. 20 it is necessary that a one anna revenue stamp should be affixed to the receipt. In order to enable prompt payment you are requested to bring with you either one anna in cash or a one-anna revenue stamp.

Yours faithfully,

Director.

For and on behalf of the
Governor-General-in-Council.

Accepted.....

Declined.....

REPLY SHEET

CONDITIONS REFERRED TO IN THE
PRECEDING LETTER.

1. In the event of a signed acceptance not being received by the date stated, All India Radio reserves the right to withdraw the offer.

2. The contract is subject to acceptance of the final manuscript(s) by the Director and the manuscript(s) should be in the hands of the Director not less than 10 days before the date fixed for the broadcast. Manuscript(s) if accepted shall be the property of AIR.

3. The talk(s) as broadcast shall conform with the manuscript(s) as approved by AIR.

4. The fee for the contract includes the broadcasting rights in English and Indian languages and the right to make a mechanical reproduction of the talk(s) as broadcast for subsequent broadcast reproduction as well as the exclusive right of publication in English and Indian languages for distribution in India and Overseas of either a part or the whole of the talk(s).

5. AIR shall have the right to determine the contract at any time subject only to payment of a fee in proportion to the work already done at the date of termination or to offer an alternative engagement as AIR alone shall decide. In the event of the speaker being unable to broadcast the talk(s) on account of illness or any other cause AIR may broadcast the talk(s) subject to payment to the speaker of such proportion of the fee as AIR may decide.

6. In the event of the talker being a Government servant, the broadcast of his talk(s) and the payment to him of the fee, shall be subject to his obtaining the sanction of the head of his office or Department to this effect, and this sanction should be forwarded to the Station Director, along with the manuscript(s) of the talk(s).

Note.—For payments exceeding Rs. 20 it is necessary

that a one-anna revenue stamp should be affixed to the

receipt. In order to enable prompt payment you are

requested to bring with you either one anna in cash or

a one-anna revenue stamp.

TO THE DIRECTOR, ALL-INDIA RADIO,

DNAE Sir,

In reply to your letter dated 19

I undertake } to broadcast the Talk(s) on

I am unable to undertake }

Title.....

Date(s).....

Time of Broadcast.....

Duration.....

Place of Broadcast.....

Fee.....

upon the conditions printed overleaf.

I am/am not a Government servant.

Yours faithfully,

Date.....

Mr. Lalchand Navalrai: With reference to part (c) of the question, may I ask on what grounds portions are deleted?

The Honourable Sir Sultan Ahmed: Condition 2 of the contract with the talkers states:

"The contract is subject to acceptance of the final manuscripts by the Director and the manuscript should be in the hands of the Director not less than 10 days before the date fixed for the broadcast. Manuscripts if accepted shall be the property of the All-India Radio."

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

APPROVED LISTS OF NEWSPAPERS FOR GOVERNMENT ADVERTISEMENTS IN THE DELHI PROVINCE.

100. *Mr. Nabi Baksh Illahi Baksh Bhutto: (a) Will the Honourable Member for Information and Broadcasting be pleased to state if it is a fact that in the Delhi Province Government advertisements are only given to the newspapers which are on the approved list, maintained by the Chief Commissioner?

(b) What are the rules regulating this approved list?

(c) Why is this list maintained?

(d) Is it a fact that the name of any paper criticising the policy of the Chief Commissioner or the Local Government is not placed on the list, or if it is already on the list, it is removed?

The Honourable Sir Sultan Ahmed: (a) Yes.

(b) There are no special rules. The main criterion in deciding whether a newspaper should or should not be included in the list is its circulation.

(c) To ensure that the advertisements are sent to those newspapers which are the most suitable for Government advertising, suitability being determined principally by circulation.

(d) No.

PERSONS CONVICTED UNDER DEFENCE OF INDIA RULES DECLARED *ULTRA VIRES* AND UNDER SPECIAL COURTS ORDINANCE.

101. *Mr. Amarendra Nath Chattopadhyaya: (a) Will the Honourable the Home Member be pleased to state the number of persons kept in confinement; province by province, under the Defence of India Rules which were declared *ultra vires* by the Federal Court? How many of them have been released, and how many have been kept in confinement as security prisoners in different places? How many have been rearrested under Regulation III of 1918?

(b) How many special courts have been abolished as a result of the finding of the Federal Court?

(c) Is it not a fact that by a subsequent ordinance persons kept in confinement and who were tried by Special Courts, have been given the right of appeal? If so, what facilities have been given to them for filing such appeals? Did they apply for bail? Will Government allow them to interview their relations and lawyers freely for making arrangements for appeals? Why do not Government release and try them in the ordinary Courts under the Criminal Procedure Code?

The Honourable Sir Reginald Maxwell: (a) The Honourable Member appears to be under a misapprehension regarding the effect of the ruling of the Federal Court to which he refers. The ruling disclosed a discrepancy between the wording of Defence of India Rule 26 and the wording of the Rule-making power in the Defence of India Act, as a result of which the Rule was held to be *ultra vires* of the Act. But this did not mean that all persons detained under the Rule were to be automatically released. The technical flaw was corrected at once by a validating ordinance, and it is only the Calcutta High Court that has held that ordinance itself to be invalid. An appeal against that ruling is now pending in the Federal Court and is due to be heard shortly. Meanwhile I understand that as a result of *habeas corpus* applications in the Calcutta High Court certain security prisoners in that Province have been released,

some of whom have been re-arrested under Regulation III. But I have no information as to the precise numbers involved; nor of course is there any question of similar releases or similar re-arrests in Provinces outside the jurisdiction of the Calcutta High Court.

(b) The special Criminal Courts Ordinance was repealed on 5th June, 1943, with the result that all Special Courts set up thereunder were abolished from that date.

(c) Yes. These persons have the usual facilities for filing appeals. I have no information whether they have applied for bail, but there is no reason to believe that adequate facilities for consultation with their legal advisers have not been granted. In view of the opportunity now given to each such person to appeal against his conviction under the Special Criminal Courts Ordinance, the Government's view was that re-trials were unnecessary.

Sardar Sant Singh: May I know, if before passing that Ordinance setting up special courts, the Government consulted their Law Department and were satisfied that they were doing what was strictly legal?

The Honourable Sir Reginald Maxwell: Yes, Sir.

Sardar Sant Singh: May I know where did the flaw come in that the Federal Court had to find out that it was *ultra vires* legislation?

The Honourable Sir Reginald Maxwell: It was the Calcutta High Court, I think, that held so, not the Federal Court.

Sardar Sant Singh: In view of the fact that certain legislation passed hurriedly by means of Ordinance is found to contain provisions which are *ultra vires*, will the Government see the advisability of consulting the Legislature before passing such repressive Ordinances in future?

The Honourable Sir Reginald Maxwell: The Legislature is not our advisory authority in legal matters.

Qazi Muhammad Ahmad Kazmi: With reference to part (b), the Honourable Member was pleased to say that a mere declaration of a rule as *ultra vires* would not invalidate the rule itself and still the detention under that rule would be legal. Is that the position taken up by the Honourable Member?

The Honourable Sir Reginald Maxwell: I am not able to argue matters which will shortly come before the Federal Court.

IMPERIAL SECRETARIAT JAMADARS AND PEONS ASSOCIATION'S RESOLUTION ON NON-REVISION OF THEIR SCALES OF PAY.

102. ***Mr. Lalchand Navalrai:** (a) Has the attention of the Honourable the Finance Member been drawn to the resolution recently passed by the Imperial Secretariat Jamadars' and Peons' Association expressing their disappointment at the scales of their pay not having been revised by Government in view of the prices of all articles having risen abnormally? If so, what relief do Government propose to give to these Government servants?

(b) Is it a fact that it is not possible for these servants to meet the bare necessities of life even on Rs. 1-8-0 a day and that the smallest wage earned in the market is at least one rupee a day? If so, do Government propose to increase their salaries, and arrange for them to get cheap foodstuffs? If not, why not?

The Honourable Sir Jeremy Raisman: (a) and (b). Government have seen the Resolution referred to. After a careful examination of the question, Government decided in June 1943 that the revision of basic pay rates could not be considered. Temporary relief to meet high prices has however been given by means of dearness allowance (which now amounts to Rs. 8-8-0 for the staff in question) and by a scheme for the concessional supply of wheat and rice in Delhi and Simla. The net benefit of this concession, at the time of issue of orders, was estimated at Rs. 9 a month for a family consisting of two adults and two children. Government consider that these temporary measures,

afford substantial relief to inferior servants. It may be true that casual labour can earn at least a rupee a day in present conditions but I would ask the Honourable Member in making comparisons to bear in mind that apart from permanency of employment and the temporary benefits I have mentioned the class of Government servants under reference is eligible for certain other concessions, e.g., housing, clothing, pensions for which ordinary labourers are not.

Mr. Lalchand Navalrai: May I know if after the revision was made, there has been again representation to the Honourable Member that the provision relating to revision has not been sufficient for them?

The Honourable Sir Jeremy Raisman: I dare say that is so.

Mr. Lalchand Navalrai: Is the Honourable Member aware that they contemplate to go on strike?

The Honourable Sir Jeremy Raisman: I am not aware of that.

DESIRABILITY OF GRANTING EXTRA ALLOWANCES TO MINISTERIAL STAFF ENGAGED ON WAR WORK.

103. ***Sardar Sant Singh:** (a) Will the Honourable the Home Member please make a statement whether he is prepared to recommend extra allowances to the Ministerial staff engaged on war work in consideration of the loss of holidays and the extra hours of work they are daily required to put in?

(b) Is it not a fact that the existing salaries and allowances of the Ministerial establishment are not sufficiently attractive to induce the right type of candidates to take up service in the Departments, and are not the Departments of Government feeling considerable difficulty in filling these vacancies?

The Honourable Sir Jeremy Raisman: (a) No, Sir. Under Fundamental Rule 11, unless in any case it is otherwise distinctly provided, the whole time of a Government servant is at the disposal of the Government which pays him.

(b) The Departments of Government are finding some difficulty in filling the vacancies referred to. The war has resulted in a great expansion of both Government and private clerical establishments and there is a general shortage of qualified clerical personnel. Government believe that the recruitment difficulty is due to this shortage rather than to the nature of the terms offered.

Sardar Sant Singh: May I know from the Honourable Member whether the holidays notified in the Gazette are not to be availed of by persons who are employed in the Government of India as of right?

The Honourable Sir Jeremy Raisman: No, Sir. I do not think they can be availed of as of right. I think it depends upon the state of business in the Departments.

Sardar Sant Singh: Even gazetted holidays?

The Honourable Sir Jeremy Raisman: Yes, even gazetted holidays. It may interest my Honourable friend to know that I have not enjoyed a single free Sunday for possibly over a year.

SIKHS DETAINED IN THE PUNJAB UNDER DEFENCE OF INDIA RULE 26.

104. ***Sardar Sant Singh:** Will the Honourable the Home Member be pleased to state:—

(a) the number of Sikhs detained in the Punjab under rule 26 of the Defence of India Rules?

(b) how many of them are members of the Shromani Gurudwara Prabhandak Committee and Shromani Akal Dal;

(c) the period of their detention; and

(d) whether their cases were ever reviewed since their detention; if so, when they were last reviewed?

The Honourable Sir Reginald Maxwell: (a) I have no information as to the number of Sikh security prisoners detained under the orders of the Punjab Government. There are 10 Sikh security prisoners detained under the orders of the Central Government or of the Chief Commissioner, Delhi, who are at present accommodated in jails in the Punjab.

(b) I have no information.

(c) One has been detained since November 1940; two since February and March 1941; one since March 1942; two since August 1942; and four since the earlier months of the current year.

(d) All such cases are frequently considered.

Sardar Sant Singh: May I know if the Honourable Member cannot get the information from the Provincial Government?

The Honourable Sir Reginald Maxwell: The Honourable Member, if he wants to know it, can have a question put to the Provincial Government.

Sardar Sant Singh: May I remind the Honourable Member that when such questions are put to Provincial Governments, they refuse to reply under the plea that it is not in the public interest? Under the circumstances, may I ask him to get this information?

Mr. President (The Honourable Sir Abdur Rahim): It is a reflection on the Provincial Governments. Next question.

NON-COMPLIANCE OF ASSURANCE GIVEN TO LEGISLATIVE ASSEMBLY re INTERVIEWS TO SECURITY PRISONERS.

105. *Sardar Sant Singh: (a) Will the Honourable the Home Member please state if his attention has been directed to the current comment in the *Hindustan Times* of the 1st July, 1943, inviting his attention to the non-compliance of his assurance given to the Legislative Assembly that security prisoners detained in connection with the recent disturbances are, however, not allowed interviews but are permitted to write two and receive four letters per week only?

(b) Has he made any enquiry into these allegations? If so, is he prepared to issue instructions to all jails in India to carry out the above undertaking given to the Legislative Assembly?

The Honourable Sir Reginald Maxwell: (a) Yes. I would, however, remind the Honourable Member that my reply of March 17th last to Qazi Muhammad Ahmad Kani's question, an extract from which is quoted in the *Hindustan Times* comment, referred only to security prisoners actually detained in Chief Commissioners' Provinces.

(b) No.

Mr. Lalchand Navalrai: May I know if there are prisoners from the Centrally Administered Areas who have been sent to the Punjab and are in Ferozepore jail?

The Honourable Sir Reginald Maxwell: Yes, Sir.

Mr. Lalchand Navalrai: May I know if it is a fact that they are not allowed to write two letters and receive four letters as was the understanding given by the Honourable Member. Is it a fact that they are allowed to write one letter and receive one letter?

The Honourable Sir Reginald Maxwell: As I explained to the House in the debate on Tuesday last, we are in correspondence with all the Provincial Governments as regards uniformity in matters of that kind.

Mr. Govind V. Deshmukh: May I know so far as these detenus from the Centrally Administered Areas are concerned, whether the Provincial Governments over-ride the instructions laid down for the detenus who are detained by the Central Government?

The Honourable Sir Reginald Maxwell: Yes, Sir. Under sub-rule 5(a) of Defence Rule 26, the power of determining the conditions of detention of security prisoners rests with the Provincial Government of the Province in which the prisoner is detained, regardless of whether the order of detention was made by the Provincial or the Central Government.

Mr. Govind V. Deshmukh: May I take it that they can over-ride the instructions of the central authorities in matters such as interviews, letters, food and everything?

The Honourable Sir Reginald Maxwell: There is no question of over-riding instructions. The prisoners while they are in charge of Provincial Governments are subject to the Regulations which they themselves have made.

ANTI-CORRUPTION COMMITTEE.

106. *Sardar Sant Singh: (a) Will the War Secretary please state since when the Anti-Corruption Committee has come into existence?

(b) What is the present personnel of the Committee, and what is the qualification of each member?

(c) How many cases of corruption were investigated by the Committee since its existence? Against how many action was taken, and with what result?

(d) How many of the persons thus proceeded against were Europeans, Anglo-Indians, Hindus, Muslims, Christians and Sikhs?

Mr. C. M. Trivedi: (a) and (b). There is no Anti-Corruption Committee, but there is a Special Anti-Corruption Police Staff working under the War Department.

(c) 227 cases have been investigated. Of these, 122 cases were put into court, with the following results:

Convicted	55	Pending	56
Acquitted	11		

78 cases are under investigation.

(d) Number of persons proceeded against in court or departmentally:—

Europeans, Anglo-Indians and Indian		Muslims	53
Christians	56	Sikhs	37
Hindus	204		

Sardar Sant Singh: What is the reply to part (b)?

Mr. C. M. Trivedi: As I have already said, there is no such committee and therefore the question does not arise.

Mr. Lalchand Navalrai: May I have the figures separately for Europeans and Anglo-Indians proceeded against?

Mr. C. M. Trivedi: I have not got the figures separately.

SUPERSESSION OF SENIOR INDIANS IN INDIAN MEDICAL SERVICE BY JUNIOR EUROPEAN OFFICERS.

107. *Mr. Govind V. Deshmukh: Will the War Secretary please state:

(a) if senior Indians in the Indian Medical Service have retired as a protest against unfair treatment; if so, how many;

(b) if senior Indians in the Indian Medical Service have been superseded by junior European officers for commands and special jobs; if so, what the reasons were for their supersession; how many such supersessions were made;

(c) if junior European Captains and Majors have been promoted to special jobs as Lieut.-Colonels and Colonels; if so, how many;

(d) in such cases of promotion to special jobs if no Indians who were senior to them with better service records and better qualifications, were available; and

(e) if senior Indian Majors and Lieut.-Colonels are being asked to do minor work which the junior officers do; if so, how many?

Mr. C. M. Trivedi: (a) The answer to the first part is in the negative; the second part does not arise.

(b) 220 European officers have been granted acting promotion during the present emergency as against 264 Indian I.M.S. officers. Information regarding the reasons for supersession in each individual case 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 (d). 45 European Captains and 47 European Majors have been promoted as Lt. Colonels and 10 European Majors and 4 Captains have been promoted as Colonels. I may add that 14 Indian Captains and 27 Indian Majors have been promoted as Lt.-Colonels and 3 Indian Majors have been promoted as Colonels. The proportion of European to Indian Regular Officers, (from among whom such promotions are made), is approximately 16 to 9.

The policy is to select for special appointments the most suitable officers irrespective of race or seniority.

(e) There are 21 senior officers of the Indian Army Medical Corps who do not hold appointments commensurate with their seniority. Of these 8 are Europeans and 13 are Indians. Of the Indians, 2 hold responsible Specialist Appointments from which they cannot be spared and the remaining 11 are in medical category 'C'.

Mr. Govind V. Deshmukh: Have any Indians in the I.M.S. resigned?

Mr. C. M. Trivedi: No Indian Officer of the I.M.S. has resigned as a protest.

Mr. Govind V. Deshmukh: Have any senior Indian I.M.S. officers resigned at all?

Mr. C. M. Trivedi: Yes; 32 senior Indian I.M.S. officers has retired during the war. Of these, 9 retired before attaining the age of superannuation and the reason in each case was invalidment. The rest retired after attaining the age of superannuation.

Mr. Hooseinbhoj A. Lalljee: Was any medical examination made of those who were invalided?

Mr. C. M. Trivedi: It must have been made.

Mr. Lalchand Navalrai: Is it a fact that Indian Majors and Lieutenant-Colonels were made to do minor work which is usually done by junior officers?

Mr. C. M. Trivedi: Yes-Sir. I have said that there are certain officers who do not hold appointments commensurate with their seniority.

Dr. Sir Zia Uddin Ahmad: With regard to part (c), has the Honourable Member included the personnel in the Supply Department holding ranks of Colonels and Majors who are not only promoted but also demoted there?

Mr. C. M. Trivedi: No, because this question relates only to the Indian Medical Service.

SILVER RUPEES IN CIRCULATION.

108. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable the Finance Member please state the number of silver rupees in circulation in the years 1938 and 1939, immediately preceding the war?

(b) What was the number of silver rupees minted in those years?

(c) What was the average number of rupees minted in one year during the period of ten years preceding the war?

(d) Has there been any withdrawal of silver rupee from circulation since the beginning of war? If so, how much?

(e) What is the number of silver rupees withdrawn from circulation by the demonitization of the silver rupee of the time of Queen Victoria and King Edward VII?

(f) Were the coins so withdrawn melted? If not, what happened to them?

(g) If the answer to (f) be in the affirmative, were new silver rupees minted out of the silver so obtained? If so, what is their number?

(h) How many present silver rupees can be coined out of the one silver rupee of the time of Queen Victoria?

The Honourable Sir Jeremy Raisman: (a) The information is not available.

(b) and (c). No rupees were minted during the 10 years preceding the war.

(d) and (e). The information is given in the Reserve Bank's Annual Reports on Currency and Finance for 1940-41, 1941-42 and 1942-43; copies of which are available in the library of the House.

(f) Yes.

(g) Withdrawn coins are taken to Government's Stocks of silver from which silver is taken as and when required for coinage. Returns showing the number of quaternary rupees minted are published in the Reserve Bank's reports on Currency and Finance.

(h) Twenty-two quaternary rupees can be minted from 12 Queen Victoria rupees.

PAPER CURRENCY IN CIRCULATION.

109. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable the Finance Member please state the amount of paper currency now in circulation in India?

(b) What is the strength of the Reserve backing this paper currency?

(c) What used to be the average or normal amount of paper currency in actual circulation during the period of ten years preceding the war, and the strength of the Reserve backing that currency?

The Honourable Sir Jeremy Raisman: (a) and (b). The attention of the Honourable Member is invited to the weekly accounts of the Reserve Bank which are published in the Gazette of India.

(c) The information is available in statement XXXV on pages 82 and 83 of the Report of the Controller of the Currency for the year 1934-35 and statement XXIX on page 91 of the Reserve Bank's Report on Currency and Finance for 1941-42 copies of which are available in the library of the House.

Qazi Muhammad Ahmad Kazmi: Did the Honourable Member see these pages and volumes when preparing the reply?

The Honourable Sir Jeremy Raisman: Yes, and I have got them with me now.

Qazi Muhammad Ahmad Kazmi: Then why did he not quote these figures instead of referring to them?

The Honourable Sir Jeremy Raisman: Because I do not conceive it to be my business to give information which is available in regularly published returns.

Dr. Sir Zia Uddin Ahmad: Has the Honourable Member's attention been drawn to the fact that the momentum of these notes in circulation, i.e., the quantum multiplied by the velocity, is just the same today as it was at the beginning of the war, in spite of the inflation of notes?

The Honourable Sir Jeremy Raisman: I am afraid I have not made the precise calculations referred to by the learned Doctor but I believe there is considerable force in what he has said.

Dr. Sir Zia Uddin Ahmad: While discussing inflation and deflation here, did he not consider this question?

The Honourable Sir Jeremy Raisman: Yes, Sir; in the course of my budget speech I pointed out that a good deal of the currency, which had been issued was completely immobilized in hoards and therefore it could not be said to exert any pressure on the price level.

Dr. Sir Zia Uddin Ahmad: Did he mention the speed of circulation in his budget speech?

The Honourable Sir Jeremy Raisman: Yes, Sir, I did refer to that specific point and I gave some figures of the relation of bank deposits to banks clearings.

STEPS FOR STOPPING INFLATION.

110. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable the Finance Member please state if it is or it is not a fact that the present high prices of commodities are mostly so in terms of the paper currency circulating in the country but are not so when compared *inter se*, with each other?

(b) Is it or is it not a fact that the rise in prices is mostly due to the fall in the value of the paper rupee? If not, what is the reason?

(c) What steps have Government taken for stopping the inflation and effecting deflation, and with what results?

The Honourable Sir Jeremy Raisman: (a) I am not sure that I understand what the Honourable Member means by his question, but I think I can best reply to the first part by stating the obvious fact that prices are by definition the values of commodities in terms of money; and to the second part by referring to the equally obvious fact that since the prices of some commodities have risen more than others, the relative values of commodities *inter se* do not correspond to the pre-war parities.

(b) I would refer the Honourable Member to paragraphs 50-55 of my speech introducing the Budget for the current year.

(c) I invite the attention of the Honourable Member to the reply I gave to part (b) of Mr. Nabi Baksh Illahi Baksh Bhutto's question No. 5 on the 26th July, 1943. It is not possible to assess the result of each individual measure but the general effect will be apparent to the Honourable Member if

he will follow the course of commodity and bullion prices as reported in the press from day to day.

Dr. Sir Zia Uddin Ahmad: Is not stabilisation of prices one of the foremost duties of the Finance Member?

The Honourable Sir Jeremy Raisman: Yes, I agree.

Dr. Sir Zia Uddin Ahmad: Then what action has he taken as Finance Member in regard to foodstuffs?

The Honourable Sir Jeremy Raisman: There is a special Food Department to deal with the food question and it is a matter in which I naturally take an exceedingly active interest.

Dr. Sir Zia Uddin Ahmad: Will Government consider this fact that by raising the prices of wheat and rice they are devaluating the rupee on account of which the stabilisation of prices is disturbed and it seriously affects the monetary policy of the country, from which the Finance Member cannot keep aloof?

The Honourable Sir Jeremy Raisman: The Government has certainly done nothing to raise the price of wheat as far as I am aware.

Dr. Sir Zia Uddin Ahmad: If any of his colleagues take an action which is contrary to the established monetary policy of the country, then is it or is it not the duty of the Finance Member to step in as a representative of the taxpayer?

The Honourable Sir Jeremy Raisman: I am afraid I cannot discuss the exact relation of my colleagues and myself, but I can assure the Honourable Member that we do endeavour to keep in step in matters of this kind.

Dr. Sir Zia Uddin Ahmad: If the Honourable Member is not prepared to safeguard the interests of the taxpayer, I should like to have an opportunity to lodge a protest on behalf of the taxpayer.

(No answer was given.)

Qazi Muhammad Ahmad Kazmi: With reference to part (b), has the Honourable Member actually examined the rise of prices and has he come to the conclusion that the rise of prices is not at all due to the fall in the value of the rupee?

The Honourable Sir Jeremy Raisman: I think that a separate question has been asked on that point, but to say that the rise of prices is due to the fall in the value of the rupee or to say that the fall in the value of the rupee is due to the rise of prices are merely two ways of stating the same thing. It is the old story of the hen and the egg: which came first?

Qazi Muhammad Ahmad Kazmi: What I want to say is that the rise of prices of different articles is almost on the same level. Then so far as rupee is concerned, it must have fallen down in price.

The Honourable Sir Jeremy Raisman: That is what I deny. It is not the case that the rise of prices *inter se*, as my Honourable friend puts it, is on the same level. There are remarkable inequalities in the advance in prices, and, therefore, they cannot be uniformly attributed to a purely monetary cause. For instance, the rise in the price of tooth paste is very different from the rise in the price of sugar or kerosene.

Mr. Jamnadas M. Mehta: Face powder seems to be cheaper in Delhi.

Sir Cowasjee Jehangir: How do you know?

Mr. Jamnadas M. Mehta: Wherever I go I see many ladies using it so profusely and thickly that their skin cannot breathe fresh air.

NON-CONVERSION OF PAPER CURRENCY INTO SILVER RUPEE.

111. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable the Finance Member please state if it is or it is not a fact that during the last Great War (1914-18), the Government of India had taken steps to continue the conversion of the paper currency into silver rupee?

(b) Is it or is it not a fact that during the course of the present war that conversion has not been maintained? If not, how long was it maintained?

(c) What are the reasons for this departure?

(d) Have the high prices of commodities prevalent in the country been to any extent due to this inconvertibility? If so, to what extent?

(e) In view of the adverse effects of the inconvertibility on the prices of commodities, do Government propose to consider the advisability of taking steps for restoring it? If not, why not?

The Honourable Sir Jeremy Raisman: (a) Yes; currency notes remained convertible into silver rupees during the last Great War.

(b) and (c). Reserve Bank notes are still convertible into rupee coin. The Government of India one rupee notes are, however, legally the equivalent of rupee coin under the Currency Ordinance of 1940. It was decided to issue one rupee notes to supplement the rupee coinage, an increased absorption of which took place as a result of war conditions and to make them the legal equivalent of rupee coin in order to conserve stocks of silver, which has assumed far greater importance to war industries than during the last war.

(d) This is a matter of opinion. But I may say that Government do not consider that the price level has been affected to any appreciable extent by reason of rupee notes having been made the legal equivalent of rupee coin.

(e) Does not arise.

Qazi Muhammad Ahmad Kazmi: With reference to part (b), the Honourable Member has stated that notes above the value of one rupee notes are still convertible into silver rupee. May I know if the Reserve Bank is bound to give silver rupees in return for these notes?

The Honourable Sir Jeremy Raisman: I said no. For that purpose one rupee notes rank the same as rupee coins.

ADVISABILITY OF RESTORING OLD STANDARD TIME.

112. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable the Home Member please state which factories (and in which part of the country) were adversely affected by the former standard time which used to be observed in India?

(b) What is the number of such factories, and what is the estimated amount of loss to those factories caused by the keeping up of the standard time?

(c) Do Government propose to consider the advisability of restoring the old standard time? If not, why not?

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

WORKING OF THE INDIAN NATIONAL WAR FRONT.

113. *Dr. Sir Zia Uddin Ahmad: (a) Will the Honourable Member for Information and Broadcasting please lay a statement about the working of the Indian National War Front?

(b) How much money did the Government of India spend on this National War Front?

(c) What has been its achievement?

The Honourable Sir Sultan Ahmed: (a) A statement regarding the work of the National War Front during its first year is being prepared and will be laid upon the table of the House shortly.

(b) The statement will also contain the amount spent.

(c) The achievement of the National War Front or any other propaganda organisation must necessarily be a matter of opinion on which Members should judge for themselves.

Dr. Sir Zia Uddin Ahmad: With reference to the reply given to the last part of my question, I would like to mention that every district officer has invented his own method of propaganda and some of these methods are very very intelligent. May I ask the Honourable Member whether he will not receive a report of the work done by various provinces and various district officers and then express his opinion as to which of them proved to be the most effective methods. In Aligarh I know the propaganda is being carried on by barbers and astrologers and that is much more effective than speeches.

(No answer was given.)

Sir Cowasjee Jehangir: May I ask the Honourable Member whether it is not a fact that these War Fronts are non-official bodies?

The Honourable Sir Sultan Ahmed: Yes.

Mr. H. A. Sathar H. Essak Sait: Arising out of part (b) of the question, can the Honourable Member tell us the amount spent on this National War Front?

The Honourable Sir Sultan Ahmed: It would be more useful if that was found in the statement. I can give the amount, not the details. The total amount is most likely—I am not quite sure—about 33 lakhs.

REPRESENTATION FROM INDIAN LIFE ASSURANCE COMPANIES FOR FIXATION OF A MAXIMUM TAXATION LIMIT ON INCOME.

114. *Mr. K. C. Neogy: Will the Honourable the Finance Member be pleased to state whether he has received any representation on behalf of the Indian Life Assurance Companies praying for the fixation of a maximum limit for the taxation of the income of such Companies for the duration of the present War? If so, what action is proposed to be taken thereon?

The Honourable Sir Jeremy Raisman: Yes. The matter is under my consideration.

Mr. K. C. Neogy: Has the Honourable Member's attention been drawn to the observation in *Capital* dated 15th July, 1943, that if the present rates of taxation continued, it would become difficult for the Companies to meet their obligations to their policy-holders?

The Honourable Sir Jeremy Raisman: I have seen that statement made in several quarters, and the whole question is at present under consideration.

Mr. K. C. Neogy: Having regard to the gravity of the matter, may I hope that the Honourable Member will arrive at a quick decision?

The Honourable Sir Jeremy Raisman: I hope to arrive at a quick decision, but I must point out that the matter is one which would require legislation in order to be adjusted; it could not be done at any moment.

POSTPONED QUESTION AND ANSWER

COLLABORATION BETWEEN THE CIVIL AUTHORITIES AND THE AIR FORCE EMPLOYED FOR MACHINE-GUNNING SABOTEURS OF RAILWAY LINES DURING LAST DISTURBANCES.

33. *Mr. K. C. Neogy: (a) Will the War Secretary be pleased to refer to the supplementary question, asked by me in the Legislative Assembly, in connection with starred question No. 67 of the 12th February, 1943, and state whether in so far as the Air Force was employed for the purpose of machine-gunning the saboteurs of railway lines during the disturbances in August 1942, as mentioned by the Honourable the Home Member, the Force was acting in collaboration with the civil authorities concerned?

(b) Will the Honourable Member be pleased to refer in this connection to the starred question No. 457, asked by me in the Legislative Assembly on the 31st of March, 1943, regarding machine-gunning on a mob from the air near Ranaghat Railway Station in Bengal and give a complete answer thereto?

Mr. C. M. Trivedi: (a) and (b). I would refer the Honourable Member to the statement which has been laid on the table in reply to his starred question No. 457 asked on the 31st March, 1943.

Mr. K. C. Neogy: I have seen that statement. Will the Honourable Member please enlighten the House on the question as to whether it is a fact that the magistrates have a definite part to play in connection with the employment of troops, particularly land troops, in aid of the civil power; and that the magistrates have absolutely no function to discharge if the air force is similarly employed in aid of the civil power?

Mr. C. M. Trivedi: That is correct.

Mr. K. C. Neogy: Has the legal aspect of the matter been examined?

Mr. C. M. Trivedi: Yes, Sir.

Mr. K. C. Neogy: And may I know what the opinion of the Law Department is on this particular point?

Mr. C. M. Trivedi: I think the procedure adopted is quite correct.

Mr. K. C. Neogy: Will the Honourable Member be pleased to lay on the table the opinion of the Law Department on this particular point?

Mr. C. M. Trivedi: I want notice of that question.

Pandit Lakshmi Kanta Maitra: The Honourable Member said that the District Magistrate had nothing to do with the Air Force in the matter of machine-gunning from above . . .

Mr. C. M. Trivedi: Air action is taken on the request of the civil authorities. What I understood my Honourable friend, Mr. Neogy, to ask me was whether a magistrate would accompany an aircraft, and it was in that sense that I said that a Magistrate had no part to play in connection with aircraft action.

Pandit Lakshmi Kanta Maitra: What part do the liaison officers, to which reference has been made in his reply today in connection with this firing problem, play?

Mr. C. M. Trivedi: The air action to be taken was settled in consultation with the Civil Government and the Civil Government's Liaison Officer.

Pandit Lakshmi Kanta Maitra: But in the particular case firing was resorted to from the air and there is no indication in the reply to show that there was anything like consultation with the Civil Authorities either on the spot or at the headquarters in Calcutta.

Mr. C. M. Trivedi: Sir, Aircraft action was taken in consultation with the Civil Authorities.

Mr. K. C. Neogy: Does it not amount to this that the Air Force was given a blank cheque?

Mr. C. M. Trivedi: No, Sir. Definite instructions were issued to the Air Force, as I have already referred to these instructions in the statement I have laid on the table.

Mr. K. C. Neogy: Will the Honourable Member please state whether the Civil Authorities had any opportunity of going into the particular case referred to by me in my question, before the aircraft was permitted to fire upon an innocent crowd of people?

Mr. C. M. Trivedi: The aircraft took action in accordance with the general instructions issued in consultation with the Civil Authorities.

Mr. K. C. Neogy: That is what I mean by a blank cheque.

Pandit Lakshmi Kanta Maitra: Does a part of the general instructions include the firing on innocent coolies working on the railway lines? Will the Honourable Member say whether the Civil Authorities gave directions that coolies actually working on the railway lines should be fired at?

Mr. C. M. Trivedi: I have already quoted the instructions in reply to part (d) of question No. 457.

Qazi Muhammad Ahmad Kazmi: Has the Honourable Member got any details of the actual plans of the Civil and Military Authorities regarding the shooting by the aircraft and if such information is available has it been seen?

Mr. C. M. Trivedi: I have already said that the general plan of action was settled by the Civil and Military Authorities.

Qazi Muhammad Ahmad Kazmi: Was that in writing or was that in words?

Mr. C. M. Trivedi: Instructions were issued in writing.

Sardar Sant Singh: With reference to the plan, was it recorded in some official record?

Mr. C. M. Trivedi: I have not seen the local official record.

Mr. K. C. Neogy: With reference to the statement made by the Chief Minister in the Bengal Legislature that he knew nothing about this incident until long after it had happened, will the Honourable Member be pleased to explain what he means when he says that the discrepancies in the Chief Minister's statement may be due to a misunderstanding of the material laid before him? Can the Honourable Member tell me whether any material was laid before him and what it was?

Mr. C. M. Trivedi: Sir I have based this part of my answer on the report received from the Bengal Government.

Mr. K. O. Neogy: We know that there has been a dual Government in Bengal and its black portion does not know what the white portion does.

THE INDIAN BOILERS (AMENDMENT) BILL.

The Honourable Dr. B. R. Ambedkar (Labour Member): Sir, I move:

"That the Bill further to amend the Indian Boilers Act, 1923, be taken into consideration."

This measure is a very simple measure. It is a non-controversial measure and it does not involve any matter of principle. Having regard to these considerations, I do not propose to deal at any very great length in explaining the provisions of the Bill. It will be sufficient if I tell the House the circumstances which have led Government to bring in this amending Bill. Briefly, the circumstances are these.

On the 23rd February 1942 there occurred in a mill in Bombay a boiler accident which resulted in a very serious loss of life. When this accident occurred an enquiry was made by the Government of Bombay in order to ascertain the cause of this accident. It was found as a result of the enquiry that the explosion was due to something that was wrong in the apparatus which is called an "economiser". To put it specifically, it was pointed out that the tubes of the economiser, which I understand are technically called "feed pipes", had been weakened as a result of long internal corrosion. This result of the enquiry came as a matter of surprise to Government because under the Indian Boilers Act, 1923 there is a provision made for the Boiler Inspector to regularly inspect boilers and issue certificates that the boilers were in working order. The question arises as to how the Boiler Inspector permitted himself to issue a certificate knowing that the feed pipes of the economiser had become unfit for work. It was then found out that having regard to the regulations issued under section 28 of the Indian Boilers Act, it was not the duty of the Boiler Inspector to examine the feed pipes or any other auxiliary apparatus that was connected with the boiler, and it is because of this fact that the feed pipes were not examined in the case of this particular boiler which exploded. It is to remove this lacuna that the present amending Bill has been brought in.

The present Bill makes two amendments. The first amendment is to introduce a new clause (cc) to section 2, which is an interpretation clause. It adds a new term called "feed pipe" and defines what is a feed pipe. The second amendment is to enlarge the scope of what is called a "steam-pipe". According to the law as it stands to-day, the steam-pipe means the main pipe only and under the amendment the steam-pipe will now include not only the main pipe but also the feed-pipe. After this amendment has been carried, it would be possible for Government to amend the regulations framed under section 28 in order to make it obligatory upon the Boiler Inspector not only to examine the steam-pipes but also the feed-pipes. It is because of this that the present Bill has been brought in. Sir, I move that the Bill be taken into consideration.

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

"That the Bill further to amend the Indian Boilers Act, 1923, be taken into consideration."

Mr. C. G. Miller (Bengal: European): There is one small point on which I would seek enlightenment from the Honourable Member. It relates to the system of feed-pipes known as the economiser. This is an adjunct to but not an essential part of a boiler and I take it that the Inspector would not be legally entitled to refuse a certificate for a boiler being in good condition because of there being some defect in the feed-pipes provided the owner undertook to disconnect the feed-pipes?

The Honourable Dr. B. R. Ambedkar: My friend will understand that it is not possible for me to give a categorical answer, but as I am advised, he is quite correct in making the assumption that he has made.

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

"That the Bill further to amend the Indian Boilers Act, 1923, be taken into consideration."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Dr. B. R. Ambedkar: 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 RECIPROCITY (AMENDMENT) BILL.

Mr. President (The Honourable Sir Abdur Rahim): Honourable Dr. Khare—Item No. 3.

Sir Henry Richardson (Nominated Non-Official): Sir, I rise to a point of order before the Honourable Member moves the motion standing in his name. We have received last night at 10 o'clock certain amendments to the Bill the consideration of which the Honourable Member is about to move. I want to know whether these amendments were received in the office at the proper time, which I think should be 10 o'clock on Tuesday morning, that is to say, 32 hours before we actually received them.

Mr. President (The Honourable Sir Abdur Rahim): I think the Standing Orders require two days notice. I suppose the amendments were circulated within less than two days time.

Sir Henry Richardson: The amendments were circulated at 10 o'clock last night.

Mr. President (The Honourable Sir Abdur Rahim): Which amendments is the Honourable Member referring to?

Sir Henry Richardson: There are five of them and we received them last night at 10 o'clock.

Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan Urban): May I just point out that the Bill was introduced on the 26th.

Mr. President (The Honourable Sir Abdur Rahim): I understand that the amendments were only received yesterday in the office, some time yesterday.

Sir Syed Raza Ali: The Bill itself was introduced on the 26th July, 1943. My Honourable friend, Sir Henry Richardson, knows but too well that an important meeting of the Committee that was called . . .

Mr. President (The Honourable Sir Abdur Rahim): Notice of the amendments might have been given on the 27th.

Sir Syed Raza Ali: When the Session is just starting it is very difficult. May I suggest a way out? My Honourable friend, Sir Henry Richardson, would, I hope, be only too willing to waive the plea of want of time, but if he is not prepared to do so and if he insists on his pound of flesh, the best thing would be to adjourn the debate to-day and take up the Bill on another day. Some of the amendments of which I have given notice raise questions of substance.

Mr. President (The Honourable Sir Abdur Rahim): I quite follow. If it is going to cause any inconvenience to the House, because they are all substantive amendments, I think the House ought to have time. Unless the House is prepared to go on with the Bill now, I would not waive the Standing Order myself.

The Honourable Dr. N. B. Khare (Member for Indians Overseas): I stood up in time as regards the point of order. I submit whether an amendment is in order or not can only be considered when the amendment is actually moved and not before that. I have risen only to move that the Bill be taken into consideration.

Mr. President (The Honourable Sir Abdur Rahim): I suppose there will be time when the amendments are moved.

The Honourable Dr. N. B. Khare: I have not yet brought in my motion that the Bill be taken into consideration, and before that, the Honourable Member got up and raised this point of order.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): The Bill itself has not been before the House for five days which is the usual rule. If that defect is condoned, I do not know whether the other defect should not be condoned.

Mr. President (The Honourable Sir Abdur Rahim): When was the Bill introduced?

Dr. P. N. Banerjee: On the 26th July.

Sir George Spence (Secretary, Legislative Department): Only three days are required.

Sir Henry Richardson: The Bill that is coming up before the House—the reason for it is because of bad drafting. But the Honourable Member wants to run the risk again. My whole point is that the amendments must be in time.

Dr. P. N. Banerjee: In that case you ought to have objected to the Bill being taken up for consideration before five days are over.

Mr. President (The Honourable Sir Abdur Rahim): Under the circumstances, as objection has been taken I think the motion must stand over. Honourable Dr. Ambedkar.

THE MOTOR VEHICLES (DRIVERS) AMENDMENT BILL.

The Honourable Dr. B. R. Ambedkar (Labour Member): Sir, I move:

"That the Bill to amend the Motor Vehicles (Drivers) Ordinance, 1942, be taken into consideration."

"This is a simple measure. As the House will remember, there have been several Ordinances by which the services of several persons have been requisitioned by Government.

An Honourable Member: How many in all?

The Honourable Dr. B. R. Ambedkar: I am afraid I have not got the information but I think the general fact is quite well known. The Ordinance which requisitions the services of motor drivers is one of those. After the Ordinance was passed it was discovered that there was one provision which was present in other Ordinances, but was absent in the Motor Drivers Ordinance. That provision was that there was not anything in the Ordinance requiring the owner to re-employ a motor driver after his services were dispensed with by the authority which had requisitioned his services. It is to fill this gap that the present Bill has been brought in. The purposes of the amendment are three-fold. The amendment declares the employer's liability to re-employ a driver where his services have been dispensed with by Government. Secondly, it lays down a method for the settlement of disputes as to the liability of the employer. The Bill provides reference to authority nominated by the Provincial Government on their behalf; and thirdly, there is a penalty for non-compliance with the orders passed by the authority. Other provisions in the Bill relate to the limitations on the right of employment which has been given to a motor driver and they are two-fold. In the first place, a motor driver must have been in continuous service for a period of six months before he can claim the right to re-employment. Secondly, he must have applied for re-employment within two months from the date of discharge from the national service. These conditions being satisfied, this present Bill puts him on the same level with other persons whose services have been requisitioned. I have nothing more to say with regard to this Bill. With these remarks, Sir, I move.

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

"That the Bill to amend the Motor Vehicles (Drivers) Ordinance, 1942, be taken into consideration."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): Clause 2.

Sir Cowasjee Jehangir (Bombay City: Non-Muhammadan Urban): Sir, this is the main clause of the Bill, clause 2, so far as I can make out. I see that the reason for the Bill is to find employment for such motor drivers as may have been requisitioned by Government for war purposes and

the attempt is to make the previous employer employ that motor driver under two conditions, provided he has been in the employment of the original employer for six months and he applies for employment within two months. But, Sir, if that motor driver had become unfit for service and he applies for re-employment, the original employer has only one remedy and that is to go to an authority that will be appointed by the Local Government to arbitrate the matter. In the first place, the employer is deprived of the services of a driver who is a rare commodity in these days of great demand for motor drivers and then when motor drivers are to be found in large numbers, fit, efficient and well trained, the owner is made to take a man who may have become inefficient due to the strenuous services he may have had to perform and when he refuses he has to go to a court of arbitration. Now, there is nothing in the Bill which shows what sort of a court of arbitration is to be appointed or who is to be appointed and what are the measures the previous owner has to take and what amount of inconvenience he will have to suffer, what it will cost him to prove that the motor driver is inefficient or has become inefficient. I think that is putting too much of a burden on a man who willingly gives up the services of an efficient motor driver and I would ask the Honourable Member to make these points more clear in the Bill and not leave them for the Local Governments to decide later on. I may point out to the Honourable Member that if the previous employer desires to dodge the provisions of this Bill he may be able to do so. What is required is only a month's notice for dismissal, unless there is a contract. He will not contest the application for re-employment. He will re-employ him and within a short time give the driver a month's notice and there is no remedy in this Bill for such a step taken by a dishonest employer. These are two defects in the Bill which I think ought to be remedied. It is too small a measure most probably to go to a Select Committee. If the Honourable Member will take these points into consideration, he may take time over it. I think the Honourable Member will be doing well by the public and this Honourable House.

The Honourable Dr. B. R. Ambedkar: With regard to the observations which have fallen from my Honourable friend, Sir Cowasjee Jehangir, I am bound to say that he has really given a very big and a dark colour to what is likely to happen when an employer is called upon to reinstate his former driver. He seems to think that this matter, once it becomes a subject-matter of dispute, would assume a form which lawyers call a long civil suit. But I am sure it will be shorter than a shortcoat. We have made provision that the Provincial Government will appoint an authority and I have no doubt that that authority will be an authority which would be satisfactory to both sides.

Sir Cowasjee Jehangir: How are we to know that?

The Honourable Dr. B. R. Ambedkar: We must trust the Provincial Government to do its best.

Sir Cowasjee Jehangir: Does not the Honourable Member know that when such an authority is appointed, the rules and regulations are very elaborate and that it always causes considerable inconvenience, however simple the issue may be.

The Honourable Dr. B. R. Ambedkar: It cannot be so inconvenient as to make it difficult for people to settle the matter expeditiously and I therefore think that there is really no very great substance so as to compel me to withhold this measure. I think the points that may arise will be points of very small dimensions which could be settled without much difficulty or worry to either side.

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.

Clause 3 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Dr. B. R. Ambedkar: 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 MINES MATERNITY BENEFIT (AMENDMENT) BILL.

The Honourable Dr. B. R. Ambedkar (Labour Member): Sir, I move:

"That the Bill to amend the Mines Maternity Benefit Act, 1941, be taken into consideration."

It might be desirable if I explain to the House why this amendment has become necessary. Under the Mines Maternity Benefit Act, a woman working in the mine is entitled to maternity benefit for a period of 8 weeks, at the rate of 8 annas per day. This period of 8 weeks is divided into two parts of four weeks each, one part preceding delivery and another part succeeding delivery. The four weeks before delivery is a period of optional rest during which a woman may work and get full wages or absent herself and get the maternity benefit. With regard to the four weeks succeeding delivery, it is a period of compulsory rest during which the woman must not work. In fact it is unlawful and criminal for her to work, and be content only with the maternity benefit. Section 5 of the Maternity Benefit Act provides for the payment of maternity benefit and if Honourable Members will refer to the words as they stand in line 9 of that section, they will find that the words as they stand are 'absent from work'. Now, it has been suggested that these words, particularly 'absent from work' or rather 'from work' are words which are ambiguous and I will briefly explain to the House why it is suggested that these words 'from work' introduce a certain amount of ambiguity.

It is said, suppose the mine was closed by the owner on a particular day, would the woman be entitled to maternity benefit? It is suggested that she would not be, because the implications of the words 'absent from work' mean that there is work, but when a mine is closed there is no work. Therefore, the existence of the words 'from work' has introduced this ambiguity. I have compared section 5 with the five different Maternity Benefit Acts which have been passed in the different provinces and I find that these words 'from work' do not exist. Consequently, it has become necessary to remove this ambiguity by removing these words. The amendment is sought to be carried out by two different amendments. One is to delete the words which have caused this ambiguity from section 5 and make the section read to the effect that 'for every day during the four weeks preceding delivery the woman would be entitled to maternity benefit. With regard to the days on which she chooses to attend—and as I told the House, the four weeks preceding delivery are periods of optional rest when she may choose to go and earn her full wages or stay at home and be content with maternity benefit—we have added a proviso that she shall not be entitled to any maternity benefit at all. With these words, I move.

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

"That the Bill to amend the Mines Maternity Benefit Act, 1941, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Dr. B. R. Ambedkar: Sir, I move that the Bill be passed.

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

"That the Bill be passed."

Mr. N. M. Joshi (Nominated Non-Official): Sir, I feel that the Honourable the Labour Member has done well in bringing forward this legislation in order to correct what I might call a mistake of the Act. But, Sir, I would like to

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ask the Honourable Member for some information regarding what his Department is doing to remove the greater evils that at present exist in the mining area and from which the miners suffer. We are dealing with the problem of helping the women miners who work in the coal area, but recently I read in the papers that the Government of India is considering the question of allowing women to go under the mine and work which is prohibited under the law. I am told that the Government of India is considering this question. I would like the Honourable the Labour Member to consider, in the first place, why shortage of labour has taken place in the mining area. My own information is that the miners at present suffer very much on account of the low wages which they are being paid by the owners. The wages in the mining area have been very low for a long time and the miners have suffered very much. Their standard of life is very low. The Royal Commission on Indian labour had recommended that the question of wages should be considered. Besides the wages being very low, the miners, especially in coal mines, suffer on account of the inadequacy of the dearness allowance paid.

Mr. President (The Honourable Sir Abdur Rahim): I think the Honourable Member is going into questions which do not arise.

Mr. N. M. Joshi: I simply want the Honourable Member to tell us whether he proposes to take up this important question.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has no business to ask him now.

Mr. N. M. Joshi: I am not making a long speech. The Honourable Member has done well in bringing forward this measure. At the same time, he should take up the bigger questions very soon.

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

"That the Bill be passed."

The motion was adopted.

THE RECIPROCITY (AMENDMENT) BILL—contd.

Mr. President (The Honourable Sir Abdur Rahim): I wish to inform the House that I was under a mistaken impression that the copies of the Bill the consideration of which was sought to be moved by Dr. Khare had not been supplied to the Honourable Members in time. A statement was made by Dr. Banerjee that 5 days notice should be given. That is not correct; only three days notice is required. Copies of the Bill had been supplied three days before now. That being so, Dr. Khare was perfectly right in insisting that he should be allowed to move for consideration of the Bill.

As regards the amendments, notices were not given two days before today. Therefore, these amendments will stand over. I will allow Dr. Khare to move for the consideration of the Bill and the Bill will be considered clause by clause not today but on another day. Dr. Khare can now go on with his motion.

The Honourable Dr. N. B. Khare: Sir, I move:

"That the Bill to amend the Reciprocity Act, 1943, be taken into consideration."

In moving this motion, I will not take much time of the House because the principle underlying this amending Bill has been accepted by the House so late as the last Budget Session. Recently, when it was thought that there was a possibility of applying this measure to the nationals of South Africa, it was found that this measure was defective and imperfect, it was therefore necessary to amend it. The principal section which we seek to amend today is only declaratory in nature. We had been given no power to impose specific disabilities on the subjects of those territories living in India. It was doubtful also whether section 6 would give effective power to Government to make rules. It was thought, therefore, desirable to amend this Bill and bring a measure before the House so that the intentions of giving power to Government might be fulfilled without any lacuna being left behind. In pursuance of that desire, I have got this Bill before the House. I do not think it is necessary to say much on this point and waste the time of the House. I, therefore, commend this Bill for the acceptance of the House.

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

"That the Bill to amend the Reciprocity Act, 1943, be taken into consideration."

Sir Syed Raza Ali: Sir, since the motion has been made by the Honourable Member I would like to make a few remarks on this subject. Sir, this Bill has not been tabled for consideration a minute too soon. As the Honourable Member pointed out, this Bill is the result of certain legislation that was passed by the Union Government after this House adjourned after the Budget Session in April last. One would therefore expect, one would have expected, I should say, the Government to make a clean breast of the whole thing and explain fully the circumstances which had led them to bring forward this amending Bill. Instead of that the Government have adopted a very dubious, a doubtful and, I am sure, objectionable course in making an allegation in the Statement of Objects and Reasons appended to this Bill which would require a careful analysis because that makes a reflection on the capacity not only of the Select Committee to which the original Bill was referred in February last but also on the capacity and ability to judge of important questions on the part of this House itself. May I, Sir, invite your attention to the Statement of Objects and Reasons? It says "the Reciprocity Act No. IX of 1943 as it stands is virtually unworkable in practice". This means that the measure was drafted, considered and passed by people who did not know anything about their own business, including the Government. (Interruption.) Well, so far as the Government are concerned, they have not got much reputation to lose. But certainly there are some of us who are jealous of such little reputation as we might possibly have. May I, Sir, in this connection invite the attention of the Honourable Member to the Report of the Select Committee to which the original Bill was referred? Sir, that Report is signed by two Honourable Members sitting on the Treasury Benches, one is Sir Sultan Ahmed and the other was Mr. Aney who was then Member in charge of the Overseas Department. Both of them signed the Report of the Select Committee dated 18th February, 1943. Not only that, Sir, there is something more. The Secretary to the Department, Mr. Bozman, who I am sorry is not present here today, and who has been associated with this Department for a number of years and whom some of us look as an expert adviser, was present throughout the meetings of the Select Committee. There is something more to follow. There is a Government draftsman, who is generally believed to be an able man and who, so far as I know, is a competent draftsman. Mr. Bartley was present at the meetings of the Select Committee throughout. Not a single objection was taken on this score either by the Honourable Mr. Aney who was in the Chair or by Mr. Bozman or by the Government expert.

Now, Sir, I must say in fairness to Sir Sultan Ahmed that he was not present that day, he being out of the station. All the same, here is this document signed by the then Law Member. If the measure was so defective and so hopeless and so faulty as to be unworkable in practice, was it not the duty of the Law Member after reading the report to tell us that the whole thing was a rotten measure and will not work?

Mr. President (The Honourable Sir Abdur Rahim): That is the reason why they have brought forward this amending Bill.

Sir Syed Raza Ali: No, Sir. The reason why this amending Bill has been brought is very different and that I will state presently. I do not want to kick a dead horse. May I make a reference to the speech of the Honourable Member who was in charge of the Bill on 3rd March, 1943 when the original Bill was under consideration? Mr. Aney having resigned, the Government spokesman was Mr. Bozman, and this is what he had to say on the merits of the Bill, which is now alleged by Government to be unworkable in practice. Mr. Bozman pointed out in the course of his speech "as a retaliatory Bill it is to be regarded with care and, when it becomes an Act, to be administered with care." May I ask the Government Benches if a Bill is unworkable in practice, how can you possibly work it with care. If it is unworkable, you cannot make any use of it. This is playing with words. Mr. Bozman went on to say, "I must, I submit, be Government's care to see that when this Act is applied no such adverse effects shall be caused to India by its application". On that day

Mr. Bozman was clearly of opinion that the Bill could be made use of and it could be applied, but on account of certain reasons it would be the duty of the Government to act with care. When did they discover that the Bill was unworkable? My submission is really this. The Government these days have a tendency to find scapegoats. When they blunder, when they err, when they make mistakes, they excuse themselves by laying the blame at the door of somebody else. That is exactly what the Government of India seem to have done in the present case. On 3rd March, this measure was a perfectly good measure capable of being put into practice, its provisions could be applied, and the only exhortation that was made was that the provisions should be used with care on the part of the Government. Today it is found to be unworkable in practice. That is a reflection on the Committee to which this Bill was committed and also to this House. On behalf of this House it is my duty to lodge a protest against the manner in which the Government have acted in using those words in the Statement of Objects and Reasons.

The Honourable Sir Sultan Ahmed (Member for Information and Broadcasting): May I know whether the Honourable Member feels that the Act as it stands is workable? Whoever may be responsible for it is immaterial, but is it workable on merits?

Sir Syed Raza Ali: We are arguing in a vicious circle. If it is unworkable why did the Government spokesman not say so? What was he doing between 19th February and 3rd March. I am really surprised at the courage of my Honourable friend in putting that question to me. Government Members know that it is unworkable and inapplicable and that it will not be put into practice and yet they put their solemn signatures to it. Is this the way in which members of any Government are expected to act? Is this the way, if I am not too personal, in which the late Law Member and the present Information Member as a responsible Member of Government is expected to act?

The Honourable Sir Sultan Ahmed: Sir, my answer to that is that I am not responsible at all. I was not there to begin with. My Honourable friend, Mr. Aney, was presiding and not I. There is no reflection on anybody. My friends were all members of the Select Committee. If there is any reflection at all, it is a reflection on the Act as it has been passed.

Mr. President (The Honourable Sir Abdur Rahim): The whole House is responsible for the Act. But the Honourable Member has dealt with that point long enough and he had better deal with the Bill now.

Sir Syed Raza Ali: As to the reasons, the real reason is that public opinion has been very much stirred on account of happenings in South Africa and anti-Indian discriminatory legislation being passed by the Union Government. Irresponsible though this Government may be, they also feel that the time has come when they must do something in order simply to justify their existence if for nothing else. Public opinion in this country has been stirred from corner to corner and from province to province; and I must acknowledge that my Honourable friend Dr. Khare has acted in a reasonable manner, both as an Indian and as a Member of Government, which would commend itself to the public. He called a meeting on the 7th of this month which he wanted to be very representative. Unfortunately the meeting did not prove to be as representative as he or others would have wished, but all the same it was a representative meeting on the whole. It is not for me to disclose what happened at that meeting but I am sure I can say this that this present measure is the result of the advice given in a very unequivocal, strong and definite manner to the Honourable Member by those who were present there. But the better course for Government would have been, instead of making a scapegoat of somebody else, to acknowledge this fact and say what has led Government to amplify and amend Act IX of 1943.

The Bill contains six or seven clauses but there are two main points on which we should be quite clear as to what our policy is going to be. One is the date on which this Bill would come into force. The original Bill gave power to notify a date when the provisions of the Bill would be put into force by

[Sir F. E. James.] There was no possible shadow of doubt whatever about it. Those who gave that advice at that time I think were responsible for the unanimous verdict of the intelligent Members of this House recommending that the Bill as then amended be adopted. We need not waste time on the events of past history.

Here is a Bill which we regard this time will be workable. If not, the House will demand Dr. Khare's head on a charger and that with some justice.

An Honourable Member: They will send him to Ceylon.

Sir F. E. James: (But from my own reading it looks a very considerable improvement on the previous measure. But I am bound to say I feel embarrassed, when I remember coming away from the Select Committee after we had laboured many hours on the original Bill with the gratifying feeling that our duty had been done, only to find that we had made a mess of the thing and that we had misled the House into doing so.

It is a sad commentary on the position in the Empire today that a Bill of this nature should be considered necessary by this House, or by any Parliament in the Empire. In company with some Members of this House I recently paid a visit to the Middle East where we had the great privilege of visiting many of the Indian units which have been gaining for themselves great honour in the battlefields of Africa. We talked to many commanders of divisions and corps. We talked to the Commander-in-Chief of the Middle East. We talked to some of the Commanders in the Tripolitania area where the Eighth Army was fighting. We heard one unanimous view that the Indian units in the divisions in which they served were second to none, second to none of the Dominions, second to none of the other units from the different parts of the Empire which had taken part in these great and historic campaigns. That being so, what a tragedy it is that this House should be asked to enact a Bill with one intention, namely, to apply in a retaliatory manner those measures of discrimination in this country which are unfortunately imposed upon Indians in other parts of the Empire. I feel strongly that this method of approach to what is a difficult problem in certain parts of the Empire is not the right method and will never produce a lasting solution. We in our Party cannot complain of the desire of the House to place on the Statute-book a Bill of this character. At the same time we also feel equally strongly that the solution to these great imperial racial problems lies not in retaliation, not in provocation and subsequent retaliation, but in other methods under which the weapons that we are now placing in our hands are sheathed, and in their place consultation and conciliation are employed.

Pandit Lakshmi Kanta Maitra (Presidency Division: Non-Muhammadan Rural): And supplication.

Sir F. E. James: While we are therefore at one with other Parties in the House in accepting the principles of this Bill and in seeing that it passes through its various stages in this House, we would like also to say here, and if we can make our voice heard in other parts of the Empire also that this is not the end of the matter and should not be the end of the matter, that if the Empire is to continue to exist as an association, a free association of peoples of different races, a solution must be found in a different way. No one can complain that Indian public opinion feels that it has been provoked too long and that it must take into its hands a method, the weapon of retaliation; still a solution will not be found in that way. Therefore, I hope that in the discussions on this Bill and possibly in the discussions on the Resolution concerning South Africa to-morrow or the day after, some of my colleagues will, with us, direct their attention to some other way in which possibly these difficult problems in the various parts of the Empire may be better solved and solved in a more lasting and satisfactory manner. Having said that, on behalf of my Party I support this Bill and hope that the House will pass it with unanimity.

Mr. Muhammad Nauman (Patna and Chota Nagpur cum Orissa: Muhammadan): I am glad that the Honourable Dr. Khare is bringing up this Bill at the time moment, although it is still late enough. I would not have intervened

in this debate but for certain remarks which my Honourable friend, Sir Frederick James, made just now, and I must confess to a feeling of surprise that, in spite of the fact that he and his Party would support the Bill, he was rather reluctant in the support and he did not think that the approach was very correct.

Sir F. E. James: May I say I did not say that? I said that it would not provide a lasting solution.

Mr. Muhammad Nauman: In his opinion this is not a solution and the method of retaliation might provoke the Governments of the Dominions and we may not prove sufficiently strong to impose our decisions on them or retaliate in the manner in which we would like to. I think the only deficiency which may be with us is that we are not as yet an independent nation, to compel others to give us the same treatment as we give them in this country. This Bill does not propose any very strong measures of retaliation but only says that we will try to treat those people in the same manner in which they give treatment to us in their parts of the Empire. I would just remind the House as to how we have been treated all along. We have been making requests not only to the Dominion Governments but also to His Majesty's Government to interfere in the matter and they never thought it necessary to do so, for their own reasons. I wonder whether this approach even will be of as much use as we would have liked it to be. I think that is the minimum we could do at this moment and I hope that this will at least convince the Dominion Governments that we are preparing ourselves to a stage where we may be compelled to adopt methods by way of legislation. With these few remarks, I support the present Bill.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, the first question that arises is whether we should or should not congratulate the new Member who is piloting this Bill. For my part, I would not be very enthusiastic at this moment but would wait and see what his policy is going to be. I put a specific question to him the other day asking what his policy would be. I pointed out to him that the policy of the Government has been most defective and suicidal to the interests of the nationals in South Africa and I also pointed out that up to now the Government has remained more or less impotent to help the nationals of India on this point. We read in the papers that even the Secretary of State, Mr. Amery, expressed that he and the British Government could not interfere in the matter. I put a question on that also and his reply to that was not definite. The Honourable Member said that he does not know that. We want a real remedy and, therefore, I have been asking the Overseas Member to adopt his own policy, because the other policy has failed. Therefore I think I would not admire his wisdom of pressing today that this Bill should be discussed. He should have waited till tomorrow's discussion and then he would have seen the imperfections in this Bill. Several matters will be suggested to him tomorrow and it would be in the fitness of things that they should be considered and then suitable modifications could be made in the Bill. It may be necessary then to ask the Chair to either waive the Standing Order or to allow sufficient time for further amendments to be made.

Mr. President (The Honourable Sir Abdur Rahim): Amendments can be put in when the time comes. The Honourable Member can go on with his speech.

Mr. Lalchand Navalrai: I am telling the Honourable Member that he is too hasty in asking us to discuss the Bill today.

Mr. President (The Honourable Sir Abdur Rahim): I have allowed the motion to be moved today.

Mr. Lalchand Navalrai: I am conscious of that. I am telling him that he should not have asked for it.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better go on with his speech.

Mr. Lalchand Navalrai: The point that has to be considered is what has happened up to now and whose fault is it that the Bill which has been passed, namely, the Deshmukh Act

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

STATEMENT OF BUSINESS.

The Honourable Sir Sultan Ahmed (Leader of the House): With respect to the business of the House from Monday next, for Monday, Tuesday, and Wednesday next week there will be a combined list of business comprising the outstanding legislative business of the Session, that is to say, any items on today's list which remain to be disposed of and the consideration and passing of the War Injuries Compensation Insurance Bill and the Delhi University Bill as reported by the Select Committee and also, subject to your consent, under the proviso to Standing Order 58, the Honourable the Commerce Member's Resolution recommending participation by Government in a contemplated scheme for the relief and rehabilitation of areas devastated by the war. On Thursday the war situation will be discussed on a formal motion by myself; and Friday, as Honourable Members are aware, has been allotted for non-official Resolutions. This will leave the Food debate outstanding. We understand that there is a general feeling that one day will be insufficient for the discussion of the food situation and I would ask you, Sir, to direct the Assembly to sit for the transaction of official business on Monday, the 9th and Tuesday, the 10th August. The business for these days will be any items on the list for Monday, Tuesday and Wednesday next week which are not disposed of on those days, followed by the Food debate; that is to say, the House will get two full days for the Food debate if the business for Monday, Tuesday and Wednesday next week is disposed of on those days, and otherwise two full days less the amount of time occupied in completing that business.

Sir Cowasjee Jehangir (Bombay City: Non-Muhammadan Urban): Mr. President, the Honourable the Leader of the House most probably has naturally suited his own convenience but I am afraid he has forgotten the very important fact that the Food problem is the most important problem to be discussed in this House. Legislation in my opinion is of secondary importance compared to the food problem. To have postponed the discussion of the food problem right to the end of the Session, in my humble opinion, is not doing justice either to Government or to this House and I would therefore suggest that the food problem should take precedence over all legislation and should be discussed as soon as possible. I would suggest that the food problem should be discussed on the 4th as was originally arranged. Legislation can wait. Let us get over this most important question. I would most respectfully urge that the Leader of the House should take this point into consideration.

The Honourable Sir Sultan Ahmed: There would have been no objection at all but as we are allowing two days for the discussion of the food situation, that is the reason why we have fixed the 9th and 10th. Otherwise, if it is to be only one day, then our original proposal may stand but I am sure it is the wish of the House that the discussion should be for longer than one day.

Sir Cowasjee Jehangir: Why not the 4th and 5th. Why should legislation take precedence over this very important question?

The Honourable Sir Sultan Ahmed: Because I have made inquiries and it will be difficult to disarrange the plan for the discussion of the war situation. The secret session has been fixed for the 5th of August.

Sir Cowasjee Jehangir: Then let the 3rd and 4th of August be fixed for considering the food situation.

The Honourable Sir Sultan Ahmed: I fear, so far as we are concerned, the utmost that we could do has been done by us. We want to have a full discussion of the food situation. But perhaps my Honourable friend wants that discussion to take place earlier and thus become free and go away. He does not want to take part in the legislative business.

Sir Cowasjee Jehangir: But that is no reason why the House should be kept waiting.

Mr. President (The Honourable Sir Abdur Rahim): I direct on the desire of the Leader of the House that the Assembly shall sit on the 9th and 10th of August.

As regards the Resolution recommending participation by Government in a contemplated scheme for the relief and rehabilitation of areas devastated by the war, the Standing Order requires 15 days' notice. But under the circumstances I should be prepared to accept shorter notice if I do not find that it will interfere in any way with the convenience of the House.

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

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

THE RECIPROCITY (AMENDMENT) BILL—contd.

Mr. Lalchand Navalrai: Before the House rose for Lunch, I was saying that this subject was very important and also a very vexed one. The Honourable Member for Overseas Department is more or less on his trial to show us what drastic measures he is going to take. The former Government failed to do anything. Though I greeted the Honourable Member from a distance, yet I knew him as my colleague on this side of the House. I also know that the Honourable Member will do justice to this matter. I have no doubt about that. It is a question on which, I must acknowledge that the Honourable Member has taken a good step in the very beginning. As soon as he has taken charge, he has taken the matter into his hands. This was the most important item of his portfolio. Having taken it, I was also glad to see that he called certain gentlemen interested in the matter in a conference and now he has introduced this Bill. Therefore from what I know of him and from his work when he was on this side of the House, I am certain that he will not leave this subject half done. He will try his best to see that what is necessary must be done, no matter if we are going to have retaliatory measures. Any measure which can help our nationals should be done by the British Government. Now, I will leave the matter there because we are going to hear so much about this tomorrow. Not only that, the Honourable Member will have to implement this Bill. There are many more points which will be brought to his notice tomorrow. He will have to consider all of them. He will have to use not only statutory powers but also executive powers. I hope whatever he can do, he will do.

With regard to the unworkable nature of the former Bill, I do not want to waste much of the time of the House. After all it is a matter which was done in good faith. I know it will be ungenerous and I think we will be ungrateful to Dr. Deshmukh who took the trouble of rousing the Government and forcing on them this Bill which the Government would not otherwise have cared to. In that respect I thank him very much and he also deserves the congratulations of this House. So far as the unworkability of the Bill is concerned, I do not agree. The Bill gave powers to the then Government to do what they could. If that Bill had been implemented and the rules had been made thereunder, by this time something would have been done. We know that the former Government were feeling that they could not do anything in the matter. So they were not taking up the matter in the manner in which they should have done wholeheartedly and find out some measures to meet the situation. Therefore, I should say at once that the former Act was not unworkable. If the Act had been implemented, we would have got many ways of meeting this question. But as the intention was not to work it out, therefore it was that they made no rules, they kept quiet until the Honourable Member has got into this Department and he has seen that the Bill should be implemented and something should be done. For that, we are also thankful again to the nationals outside who have been carrying on a persistent agitation from time to time and who have been rousing us. We have every sympathy for them. The officers and

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nothing was done. The Pegging Act was passed, the agitation was started and we were advised to sit quiet in times of war and not alienate the feelings of those whom we were helping. The people whom we were helping and for whose security we shed our blood should go on doing what they like and we should not mind it; we should go on helping them! This sort of philosophy of suffering comes down from Mahatma Gandhi and now from the Indian Government Members when it is a question of the welfare of Indians. It is simply shocking, it is a matter for surprise. After passing this Act the Union Government did not sit quiet; it carried on its policy of ousting and expelling the Indians from their residential houses and from the shops where they were carrying on their business. They went to this extent, that if any Indian formed a part of a corporation of which other European members were the partners . . .

The Honourable Dr. N. B. Khare: On a point of order; all this can be said to-morrow.

Mr. Govind V. Deshmukh: I have said that I have congratulated you.

Sir, it is a good thing that my friend has brought this Bill. He would have been failing in his duty, when the South African Government had gone so far, if he sat quiet. Under the Pegging Act, they have started prosecutions. They do not allow the Indian any ease or rest. What excuse could this Government have had if they did not proceed in the matter? Dr. Khare would have been condemned by meetings from the public platform and the press. As I said in the very beginning, I was . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not repeat what he has said.

Mr. Govind V. Deshmukh: I want to say what they could do and why some of the amendments should be accepted.

Mr. President (The Honourable Sir Abdur Rahim): The amendments will not be considered today.

Mr. Govind V. Deshmukh: Then, Sir, as I have said, it will be a good thing if the House supports the motion for consideration of this Bill.

Mr. Hooseinbhoj A. Lalljee (Bombay Central Division: Muhammadan Rural): I rise to congratulate the Mover, the Honourable Dr. Khare. We must acknowledge that it is the first occasion on which the Government of India have risen to the occasion in time. This Bill has been on the anvil for more than two years and every time an attempt was made to bring it before the House, my friend Mr. Deshmukh was prevailed upon by the Treasury Benches not to move it, not to insist upon it. The excuses were that we were in the war, that Field-Marshal Smuts was very busy with the Prime Minister of Great Britain discussing the war situation in Africa, and that he was doing all he could for the war and that we must help him; consequently he did not press for the Bill. But things went the other way about. We were only concerned with the war and not the Field-Marshal and when we brought in this Bill we were told by the Treasury Benches that they were in full sympathy with us, and that we should pass it in a manner that would not give them any provocation lest I feel now that they feared that the Field-Marshal make a treaty with Germany. However, Sir, when this Bill came before this House we always believed that Government, as invariably they have been so far as overseas questions are concerned, would be in full sympathy with us. But I never believed that all throughout there was the same objection which kept the Bill from coming before the House for two years, *viz.*, that this Bill should not go through or should not be effective during the war, or probably at any time.

The charge has been laid that the Bill is unworkable. We have been always very fortunate to have 90 per cent. gentlemen on the Treasury Benches who are eminent lawyers. It has always been the practice of the Government of India to have such men, who are supposed to be the intelligentsia of the people, and who are expected to be relied upon to indicate correctly what the sentiments of the people are and what they desire. Well, this Bill has passed

THE RECIPROCITY (AMENDMENT) BILL

through their hands as Treasury Benchers and I am sure because it involves a question of Indians overseas and of things beyond Government of India sufficient care was taken in the Executive Council as well to see that it did not provoke Field-Marshal Smuts and that at the same time something was done as an eye-wash to pacify Indian public opinion. I am really very sorry that under such circumstance the charge should have been framed against this House that it passed a Bill that was unworkable, in other words that it was eye-wash. My friend Mr. Jamnadas Mehta said something about face powder. I do not know whether that was also at that time also very cheap and it was applied throughout as a white wash in this House. Whatever it is, our feelings are very bitter.

Mr. Jamnadas M. Mehta (Bombay Central Division: Non-Muhammadan Rural): I never said that face powder was applied by the Honourable Members of this House.

Mr. Hooseinbhoj A. Lalljee: It may be that somebody else did. But we feel very bitterly about it, since during the war when we show consideration for nearly two years, being deadly and mortally afraid of displeasing Field-Marshal Smuts, that on the other hand that very Field-Marshal passes laws after this law has been passed, and still our Government sits still until the public raised their protest and until we had an Honourable Member who fully sympathised with the people's aspirations. Then it was that this Bill has been now brought forward. We want an explanation to that.

Then, Sir, we are told that rule-making power has again to be given to the Government. My friend, Mr. Deshmukh has told us that we suspected, and we still suspect—and let my friend Dr. Khare take a real example from what has happened to this Bill if he is really acting according to the wishes of the people of the country, and I hope that he will make proper provision for rule making and the rules will come into force as soon as possible.

With these words, Sir, I once more congratulate Dr. Khare of being able to realize with the people of this country from one end to the other—not the little conference that we had; it was a formal conference and quite nice; I was one of the members—that during the war when our Government has kept us out for over 2 years from doing anything with regard to this matter and when Field-Marshal Smuts is now attacking us irrespective of the condition of the war and treating us like pariahs, that something should be done without any further delay.

Sir F. E. James (Madras: European): Sir, the introduction of this Bill illustrates two very valuable facts. The first is that even the most intelligent of men can be misled into making mistakes; and the second is that this House is always able to correct any sins of omission or commission of which it may have been guilty.

I do not congratulate my Honourable friend, Dr. Khare, on this Bill, because he is only doing what he should have done. If this Bill is passed praise should go to my Honourable friend, Mr. Deshmukh, who was really responsible for fostering a measure based on principles to which this House has agreed. I was a little surprised when I learnt that the Bill that this House passed on a previous occasion was in fact unworkable. A number of intelligent Members of this House sat for some time and considered the previous Bill and they signed a unanimous Select Committee Report. The last sentence of that Report reads:

"We think that the Bill has not been so altered as to require republication and we recommend that it be passed as now amended."

Naturally the House would accept a report of that kind. What the Committee should have said was: "We think that the Bill as now amended is unworkable: we recommend that it should be thrown out of the window." Therefore the House is certainly not to blame in assuring that the Select Committee had considered the Bill and found that it was workable. I do remember, I cannot go into the discussions of the Select Committee obviously, that the point as to the workability of this Bill was raised at a certain stage in our discussions and that we were assured on the best available authority that

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the authorities there in South Africa have all been against our nationals. I submit that the former Bill could have been worked. But that is past now. What this Bill wants now is this. Clause 5 substitutes a new section for section 6 of Act IX of 1943. It says:

"The Central Government may, by notification in the official gazette, make rules for carrying out the purposes of this Act."

This is again a power that is being given to the Government and the only consolation we will have is that the Honourable Member is in a mood to see that the rules are carried out. That is the only consolation we have. From past history we are disappointed. Even the former section gave power to the Government to make rules. Now the rules which are to be made are "in particular and without prejudice to the generality of the foregoing power, rules made under this section". The Rules will provide:

"(a) for the setting up of machinery to ascertain the disabilities in respect of any of the matters specified in section 3 to which persons of Indian origin are subject in any British possession."

Now this could have been done before. Not that there was any statutory impediment in doing that. They could have passed this rule. The second provision is:

"for the establishment of a suitable agency to administer the rules and for defining its functions and powers."

This also could have been done by the former Government. The third provision is:

"for specifying the disabilities that shall, when a direction has been made under section 3 be imposed in British India on persons not being of Indian origin who are domiciled in any British possession and for the imposition on them of the disabilities so specified".

Now, Sir, this also could have been done departmentally. Of course a specific provision is being made in clause 5, with regard to the condition of those domiciled in the British possession who are members of the armed force. For them power is being asked to be given and we have no objection to that. Therefore these rules, I submit, may be made but we do not agree that these are the only rules to be made. There may be other suggestions tomorrow and other rules may have to be made. We want to strengthen the hands of the Honourable Member so that this subject may be properly dealt with.

Then, Sir, I will only refer to what Sir Frederick James said with regard to other measures that should be adopted. I agree with him that if this matter can be settled in a compromising and conciliatory spirit that would be best for both countries. But we know the facts and the facts are that they are immovable on this point. The authorities there do not care for anything and every day they are passing their Acts to the prejudice of our countrymen. We have on our part tried the method of conciliation and when we fail in that we are forced to adopt this retaliatory measure, and the Honourable Member also sees no other alternative but to pass this Bill. In the end I wish to point out that the measure should not be such as to be unworkable but should be thorough and complete.

Sir Cowasjee Jehangir (Bombay City: Non-Muhammadan Urban): Sir, I rise to support this Bill but in doing so I should like to sound a note of warning of the actual position in which India stands. This is not a new question. It has agitated public opinion in this country for the last 30 or 35 years. We have had debates in this House on the question of the treatment of Indians in South Africa on more than one occasion. Now things have unfortunately come to a crisis in war time. I was hoping that if the South African Government felt that it was necessary to take further steps against the Indians in South Africa they would have had the patriotism and common sense to wait till after the war. But they have thought otherwise and I consider their action against Indians during war as unpatriotic to the commonwealth of nations of which they are members and, according to General Smuts, proud to be members. But we must not forget the very difficult position in which India is placed and I should like to emphasise the ineffectiveness of this Bill. To

me it appears merely a gesture of resentment. We will pass it but what is the effect of it going to be? We can have gestures of resentment in other ways; there have been public meetings throughout India and what is much more important is that throughout the period of agitation during the last 35 years we have had the support of the Government of India from the time of Lord Hardinge. This is one of those questions on which India is practically agreed; all sections of public thought are agreed and Government are agreed. What other steps can we forge to bring South Africans to their senses? This Bill provides for rules to be made by Government the result of which would be the same treatment to South Africans in India that they mete out to Indians in South Africa. That is the long and short of this Bill. I am told there are one hundred South Africans in India as against hundreds of thousands of Indians in South Africa. Suppose we did impose the strictest restrictions on these hundred South Africans, is it going to have the slightest effect on South Africa? These one hundred South Africans will leave India; they are connected, I am told, with one business firm in Calcutta and they will just wind up and go away. Some may remain under the plea that they are Englishmen but all admittedly South Africans will leave the country. What is the effect of that going to be?

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): Sir, may I interrupt the Honourable Member just for a minute? It seems to me that his remarks are based on the assumption that this Bill is going to be used against South Africans. I wonder if he has got any assurance from Government or from the Honourable Member in charge to that effect, because that would very much simplify matters and enable us to understand the position.

Sir Cowasjee Jehangir: I am not doubting the honesty of Government, specially when we have Dr. Khare with his previous history behind him as the Member in charge. I take it that Government will make full use of this Bill and will do all that they can to see that India does exert her very best efforts to bring South Africa to her senses. And the past history of Government's actions show that we need not doubt that position.

Nawabzada Muhammad Liaquat Ali Khan (Rohilkund and Kumaon Divisions: Muhammadan Rural): We should doubt it.

Sir Cowasjee Jehangir: Why should we doubt it? Here is Dr. Khare who has brought forward this Bill and who is going to make these rules, and there is my Honourable friend the Nawabzada and others to see that these rules are as effective as they possibly can be.

Nawabzada Muhammad Liaquat Ali Khan: If we were in a position to see that there would be no necessity for rules.

Sir Cowasjee Jehangir: I wish that was true and that we had real Swaraj, and my friend the Nawabzada was on the Treasury Benches to take such action as would bring South Africa to its knees. But I doubt whether we will be in that position because India is in a difficult situation. India has thousands of her people in South Africa but there are only a hundred South Africans here. And India's relations with South Africa are of such a character that if any reprisals are thought of, the damage will be much greater to India than to South Africa. I am of opinion that the only method of bringing South Africa to her senses is trade retaliation. Treating the hundred South Africans in some way or another is not going to be of much use, but the only method which will make them wake up and think is trade retaliation. And there one has got to consider who is going to be damaged more, India or South Africa? And that is the only effective manner in which South Africa or any other country in this materialistic age can be brought to its senses.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): Is not the Honourable Member somewhat too optimistic? India is a part of the British Empire and South Africa is part of the British Commonwealth. There is difference between Empire and Commonwealth, and India cannot retaliate.

Sir Cowasjee Jehangir: Human nature does not change, do what you like. It is your strong arm that is going to be effective. No amount of words on public platforms, no amount of words in this Assembly is going to be of any

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use. It is your strong arm, and the only manner in which you can show your strong arm is, as far as I can see by trade retaliation. I am of course expressing my own opinion.

Dr. P. N. Banerjee: You are in favour of violence.

Sir Cowasjee Jehangir: Yes, always. I am not in favour of non-violence. I do not believe in it because it is against human nature, and I do not believe in non-violence because Providence made violence. Providence gave my friend, Dr. Banerjee, two hands to use; God gave my friend, Dr. Banerjee, a tongue to speak, and he gave him two legs not only to walk but to kick, and what Providence did no man is going to undo. When my Honourable friend, Dr. Banerjee, was a baby and something was done which he did not like, what did he do? I bet he used his hands first and his teeth when they began to grow. That is what Providence did and no man on earth is going to undo it. It is no use talking to me about non-violence. I definitely say that if I could use violence against South Africa I would do it, provided it will not go against our countrymen there.

Mr. Deputy President (Mr. Akhil Chandra Datta): No more discussion about non-violence please.

Sir Cowasjee Jehangir: Sir, I was interrupted by a member of your own Party. If you will kindly stop him from interrupting me.

Mr. Deputy President (Mr. Akhil Chandra Datta): You have already said enough about non-violence.

Sir Cowasjee Jehangir: Sir, I am quite prepared to go in for violence if it is going to be effective, but I am not going to do so if it is going to do harm to my own countrymen. In regard to trade relations, we have hundreds of thousands of our countrymen there and, unfortunately, we cannot go in for such measures as we would like to without doing them harm. Therefore, we are in a very difficult position. I say to the Honourable Members, with a full sense of responsibility, that when this Bill is passed, it will merely be a gesture of resentment; they should not expect too much from it and from the rules that may be framed under it, because it is the intrinsic position of India *vis-a-vis* South Africa that is difficult. But the time may come, and I hope and pray that it will be not far distant, when India will be strong enough, powerful enough to make its words more effective than they are today, words behind which there is a real sanction, words which will carry with it the weight that they deserve to carry coming from a country with a population of four hundred millions. That position has not been attained today and, God willing, it may be attained if our countrymen choose that it shall be attained, but not as they are going on today because in that way those days will never come. But if our countrymen choose that they shall come by unity, by genuine strength—then we will have our say with South Africa on equal terms, and not till that day. And, therefore, I warn the House not to attach too much importance to gestures of resentment like these.

The Honourable Dr. N. B. Khare: Sir, I must say that I am feeling a debt of gratitude for the kind references made to me before this House from all sides. So much so that my Honourable friend, the Member from Sind, also paid me in his afternoon speech great credit for my action in introducing this Bill. In the morning, before lunch, he definitely said that he did not want to congratulate me but when he comes after lunch he forgets what he said in the morning. I think, the lunch did the trick.

Mr. Lalchand Navalrai: Was it better sense, or no sense?

The Honourable Dr. N. B. Khare: Absence. But, Sir, although I thank the Members from the bottom of my heart, I neither deserve any credit nor do I claim it. The whole credit for acceptance of the principle of reciprocity by this House goes to the Honourable Member from Nagpur, Mr. Govind V. Deshmukh and I give it to him. At the same time, the credit for bringing this Bill before the House so quickly goes to the Government.

Sir: Government is blamed always when things are done slowly; it is said that it is a slow bureaucratic machinery. And, Sir, as was seen in

the morning, when things are done very quickly—for we gave just three days notice for bringing forward this Bill—we are also taken to task for not giving sufficient time, so much so that obstructions were raised for its passage from some quarters.

Generally, on this Bill no adverse comments have so far been made, and there is no time to make them now, I believe, and that shows that the Bill is good. A Member, I do not see him in his seat now, when he rose up to speak in his formidable manner, in his grave manner, and words began to fall from his lips in a slow measured tone and in a deliberate manner and he began to make grave charges against the Government, my heart began to freeze within myself. I thought before long I would be converted into ice-cream! But, Sir, ultimately I found that in spite of all his formidable manner there was no substance in his charge. He let down from his lips some words as 'objectionable', 'dubious' and 'that Government should make clean breast of it'. But there is nothing of which the Government have to make clean breast of; they have been quite straightforward and frank. As far as I know, the assent of the Viceroy was received sometime in the 1st week of April. It is July now and it is the first Session after that and if Government brings forward a measure to correct the inaccuracies in the Act as quickly as that, I think the Government ought not to be blamed for it, but should be given credit for it.

Sir, much was said about the attitude of the Government towards the original measure of which this Bill is an amendment. Some said that the Select Committee was to blame and some said that the House was to blame. I think that in this matter nobody is to blame at all. If any reflection is to be made against anybody it is against human frailty. We are all human both in the Government as well as in the Assembly.

Sir, doubts have been raised on the floor of the House about the efficacy of the Bill. I grant that. There is no doubt that if the Bill is passed it will make no impression. It is patent to anybody. Emphasis has also been laid on the fact that retaliation should not be made a weapon for a permanent solution of this vexed problem. I grant that. After all, it is proper to say that questions arise between man and man and country and country which by representation and conciliation could be settled. But if all these things fail, then what would my Honourable friend suggest in place of retaliation? May I ask him whether submission is always the way and what should be done after negotiation and representation have failed? I hope that things might change and that the tempest which has arisen might settle down. I do not know. The future alone can say.

Some misgivings have been expressed by certain Honourable Members about the honesty of Government. My Honourable friend, Mr. Deshmukh, said that when the Government allowed this Bill to be passed in the last Session it was dishonest.

Mr. Govind V. Deshmukh: I said it was either stupid or dishonest. I did not say it was stupid.

The Honourable Dr. N. B. Khare: That is the Honourable member's opinion. But Government has not been dishonest. I say when the Government took the first opportunity they could take to remedy the defect, I think it is not dishonesty at all, but it is rectitude, or promptitude if I may say so.

Amendments have been moved to compel the Government to do certain things specifically and within a certain time. There should be no necessity for it. I am sure we will frame the rules as soon as possible. Nobody should have misgivings about it.

I think I should not speak much more on this point and I commend the motion for the acceptance of the House.

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

"That the Bill to amend the Reciprocity Act, 1943, be taken into consideration."
The motion was adopted.

[Mr. J. D. Tyson.]

and of the trader and of the public and which we think will also be particularly useful for any expansion of the export trade of India after the war, can in the long run only take place if quality control is to an increasing extent self-supporting. The Government are prepared to bear the cost of quality control for so long as the graded commodity is establishing itself in the market but once the graded commodity has established itself in the market as a graded commodity and is valued by the public, because they know that they are getting a commodity of guaranteed purity and guaranteed standard, we feel that the further development of grading with respect to that commodity and the maintenance of grading with respect to that commodity should be borne by the commodity itself, setting free Government money for the application of marking and grading to other commodities.

The House will, I hope, appreciate that this is simply enabling legislation that I am moving at the moment, and, in asking the Legislature to amend the Act to give Government power to recover these charges, I wish to repeat on the floor of the House the principles by which Government intend to be guided in imposing the levy on any particular commodity at present subject, or later to be made subject, to the *Agmark* system. I repeat that we recognise that the graded product must be given time to establish itself in the market. We, therefore, propose, as the Statement of Objects and Reasons says, to recover the cost of quality control only in the case of commodities the grading of which has so established itself that there is a steady demand for the graded products; and, in such a case we propose to fix the rates of recovery in consultation with the trade concerned and to fix rates sufficient only to cover the expenditure incurred by Government on quality control. In other words, we do not intend to fix rates to make a profit for Government. We have consulted Provincial Governments and the principle of the proposal has been almost unanimously accepted by them.

The House will see that the amendment also covers recoveries for publicity carried out for any particular *Agmark* commodity. Publicity of this kind is not normally the function of Government and we would not propose to undertake it unless the particular trade interested in the commodity in question, perhaps having no organised publicity of its own, agreed generally to central publicity on behalf of a particular *Agmark* commodity or group of commodities. We do not want to butt in where people have their own publicity organisation but we thought it might be useful to take power to assist in publicity for individual commodities if the trade concerned considers it to be helpful.

In conclusion, I would remind the House that of the various classes of commodities covered by the schedule to the parent Act only some are at present subject to the *Agmark* system, the system of grading and marking. The trades concerned, the producers and dealers, will of course be consulted before the Act is applied to any of the remaining commodities in the Schedule. That is the existing practice and there is no intention of departing from it. Even when a commodity is brought within the system of grading and marking, the employment of the *Agmark* system is entirely voluntary for the producers or the traders in that particular commodity. No one is compelled to grade or mark his product merely because we make the Act applicable to that particular product. Finally, the recovery which we now seek power to make will be made only from those producers or dealers who voluntarily come into the *Agmark* system in respect of the commodity in question. There is no question of a compulsory levy on the trade as a whole or a compulsory levy on all commodities that are graded under the Act. We shall treat each commodity separately as occasion arises and I would add that the safeguard that exists for the dealers in any particular trade is that we can only hope to recover the costs of quality control if the article that is graded can bear the extra burden. Sir, I move.

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

"That the Bill further to amend the Agricultural Produce (Grading and Marking) Act, 1937, be taken into consideration."

Mr. E. L. O. Gwilt (Bombay: European): I shall be grateful if the Honourable Member will give me some information, or a little more information, about

the amount of money which is going to be spent in publicity. He has made it clear that the Bill is to enable Government to recompense themselves for money spent on publicity in respect of a particular agricultural product and I would like to ask him whether that means that if eggs, for instance, are going to be "Agmarked", it is those people who voluntarily offer their eggs for marking and grading that will pay for the publicity in respect of their own particular product. I take it that there is no intention of treating it as a general overhead amongst all the agricultural producers who are contributors to the scheme.

The other point is also in respect of publicity. Government, I believe, spends money on advertising the name "*Agmark*" itself, not necessarily on any particular product. I would like to hear from the Honourable Member how the money is to be recovered on an advertising scheme of that nature.

The third point is in respect of Inspectors. The Bill, or rather the Act, provides for Inspectors and I shall be grateful if the Honourable Member will tell me how these Inspectors are appointed and how in practice they have carried out their duties.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): In the Statement of Objects and Reasons, it is stated that the expenditure falls under two heads, namely, expenditure in connection with the preparation of labels and expenditure on the supervision of grading. Further on I find that another expenditure is mentioned, that is the testing of samples. This is also the third object under this head. Is it meant to be a sort of a cess or a new tax on the consumers as I know that every tax or cess that has been levied by the Government falls ultimately on the consumers. The traders do not care for such taxes at all. They know that ultimately they can raise the prices and there will be no difficulty for them. Besides, is the Imperial Council of Agricultural Research not competent to deal with this question and to take up the expenditure? The Government of India and the public are to a certain extent a sort of subscribers. So, why this new cess or tax is being proposed under this Act? I am afraid it is a sort of back-door income which the Government wants to have again from the consumers. There is nothing more that I have to say now, but when we come to clauses I may have something to say. I repeat that this cess or tax should not be in the form as is mentioned in the Statement of Objects and Reasons so that the public may be saddled by it.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Sir, may I ask two questions? In the first place, agriculture is a provincial subject and I wish to know whether the Provincial Governments will be associated with the work of administering this Act. Secondly, this Act will affect agriculturists, traders and consumers. Will the representatives of agriculturists, traders and consumers be associated with the work of administering this Act? These are two questions on which I wish to have information.

Mr. J. D. Tyson: Sir, I am grateful to Honourable Members who have intervened in the debate to ask questions designed to clear up the position. I will do my best to answer them. I understand Mr. Gwilt's question to be whether the money which will be collected under this amended Act for publicity will be devoted to publicity for *Agmark* products as a whole or will be confined to publicity for specific commodities. The answer is that publicity for *Agmark*, such as one sees in posters or which one did see before the paper shortage discouraged them, is done by the Marketing Department. It is not proposed to make any recovery from the trade on that account. What we had in mind—and it is a matter that may never arise—was that if some particular trade, not very well organised, wanted to come under the *Agmark* Act and said that they wanted some publicity for their commodity, then the Central Government would be prepared to help them on a "no cost" basis to Government. They would get the benefit of all the publicity that the Government does for *Agmark* products as a whole, but if it came to a question of doing special publicity for one commodity—let us say eggs as eggs have been quoted—if it came to a question of doing special publicity for *Agmark* eggs, then the trade concerned would finance that publicity and Government would not themselves launch publicity

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

The Honourable Sir Asoka Kumar Roy (Law Member): Sir, I move:

"That the Bill further to amend the Code of Criminal Procedure, 1898, be taken into consideration."

The case for the Bill is fully explained in the Statement of Objects and Reasons. Honourable Members are aware that British Indian Courts have frequent occasion to issue commissions for the examination of witnesses residing in Indian States. Such commissions are issued to the Political Agent for the State concerned. As the law stands at present the Political Agent is required to execute the commission himself or to have it executed by an officer subordinate to him. The Political Agent and his officers have no power to compel the attendance of any witness and the co-operation of the Darbars is not always forthcoming. Even when the witness is ready to appear, much inconvenience is caused when the witness happens to reside at a distance from the headquarters of the Political Officer.

In these circumstances Political Officers on occasions send commissions to a State Court for execution. This practice has no legal authority and evidence taken on commission by a State Court is not legally admissible in the British India Courts. Honourable Members realise that such a state of affairs is undesirable and should not continue. The present Bill proposes to empower the Political Agent to forward a commission issued to him by a British Indian Court for execution by a State Court recognised by the Crown Representative for this purpose. The Bill does not render the Political Agent incompetent to execute the commission himself or through a subordinate of his own. It merely renders legally available the alternative of sending the commission for execution by a State Court recognised for the purpose. Honourable Members will have observed in the Statement of Objects and Reasons that a similar Bill which was introduced in and passed by the Council of State in 1921 evoked some opposition in the Assembly and was allowed to lapse. I ought to tell Honourable Members some of the facts regarding the previous Bill.

That Bill was introduced on the 19th September, 1921, in the Council of State and was passed by the Council of State. The matter came before the Legislative Assembly on a motion for consideration of the Bill as passed by the Council of State. On that occasion there was opposition by Sir Hari Singh Gour and he took two points. He raised the question as to the procedure which would be followed by a State Court in executing the commission, and he further raised the question as to how a witness giving false evidence on a commission executed by the State Court could be dealt with. As to the first point, it is quite clear that the matter would be regulated by the law of the State and I have no doubt that in all States whose Courts are found to merit recognition by the Crown Representative for the purpose in view the same procedure would be followed as obtains in British India. On the second point, the false witness would be punishable by the State Court in accordance with the law of the State. I cannot feel that any legitimate objection to the Bill can be based on either of these points. I should emphasise that this is merely an enabling provision. A Commission for the examination of witnesses is a matter in the discretion of the Courts. Examination of witnesses on commission is an exceptional procedure necessitated by the desire on the part of the Legislature to promote the ends of justice. When you have commissions for the examination of witnesses residing within the jurisdiction of a State, you necessarily must be to some extent in the hands of the State Courts. Honourable Members are aware that commissions out of jurisdiction are as much known to English law as to the Indian, and I do not think that the evidence of a witness recorded out of jurisdiction is inadmissible merely because the foreign court has a procedure of its own or because the court issuing such a commission cannot touch the witness so examined if he is found at the trial to have perjured or prevaricated. Honourable Members are all aware that the examination of a witness on commission can never be as satisfactory as examination in court. But all countries recognise the

desirability of having commissions for examination of witnesses outside their jurisdiction. All countries recognise the difficulty caused by a material witness being in such a place that his attendance cannot be compelled by a court. It is then that a commission for the examination of the witness becomes necessary. Honourable Members who have read the Bill and the Statement of Objects and Reasons will realise that this Bill is really intended to facilitate the examination of witnesses on commission—witnesses who reside in Indian States and who cannot be compelled to come to the British Indian courts for the purpose of giving evidence. With these words I move. I ought to mention that I have received to-day notice of an amendment for reference of this Bill to a Select Committee. I may say that I am prepared to accept the amendment if the House so desires, so that all questions which might be raised by Honourable Members could be thoroughly examined and thrashed out in the Select Committee. Notice of the amendment was received by me to-day but I am making no point of it. I am prepared to accept it if it is allowed to be moved. That is all I have to say.

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

"That the Bill further to amend the Code of Criminal Procedure, 1898, be taken into consideration."

As no objection is taken, I allow the amendment to be moved.

Mr. H. A. Sathar H. Essak Sait (West Coast and Nilgiris: Muhammadan): Since no objection has been taken, you will permit me to move my amendment even though the notice is not within time. I move:

"That the Bill be referred to a Select Committee consisting of the Honourable the Law Member, Sir George Spence, Sardar Sant Singh, Mr. Lalchand Navalrai, Rao Bahadur N. Siva Raj, Mr. P. J. Griffiths, Syed Ghulam Bhik Nairang, Mr. Muhammad Azhar Ali and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the committee shall be five."

Since this amendment has been accepted by the Government I need not dwell at length on the necessity or the need for moving this amendment. The Statement of Objects and Reasons states that a similar Bill was introduced in this House in 1921 and that the House was not in a mood to pass it as it was introduced. The Bill then lapsed. Surely, when the Government were introducing a Bill in this House which formerly had been negatived by this House or this House had not accepted, they should have given us time to consider the Bill very carefully, but I am sorry that Government made this motion for consideration straight away. However, they have seen wisdom and are agreeing to Select Committee. Therefore I move.

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

"That the Bill be referred to a Select Committee consisting of the Honourable the Law Member, Sir George Spence, Sardar Sant Singh, Mr. Lalchand Navalrai, Rao Bahadur N. Siva Raj, Mr. P. J. Griffiths, Syed Ghulam Bhik Nairang, Mr. Muhammad Azhar Ali 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 adopted.

THE AGRICULTURAL PRODUCE (GRADING AND MARKING) AMENDMENT BILL.

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

Sir, I move:

"That the Bill further to amend the Agricultural Produce (Grading and Marking) Act, 1937, be taken into consideration."

In commending this short Bill to the House I have little to add to what has been said in the Statement of Objects and Reasons. The principal object of the Bill is to ensure that Government have power to make recoveries in suitable cases, from the trade concerned, of the cost of "quality control", that is to say, cost of sample-taking and testing. Control of this kind is very necessary in the interests of the public and in the interests of the dealers under the "Agmark" system. At present expenditure on quality control is borne entirely by the Central Government and there is no power to recover cost of quality control from the trade concerned even where the trade is willing to bear the cost. The expansion of the Agmark system, that is to say, the system of grading and marking agricultural produce, which we think is in the interests of the producer

[Mr. J. D. Tyson.]

for that purpose but would have to work with the people who deal in that commodity and draw up a scheme of publicity with them and agree with them as to the cost of such a scheme. And I may take this opportunity of saying that in administering the *Agmark* Act Government are very dependent upon the co-operation of the trade in each commodity. Without that co-operation and without our arranging the grading and standardization and the rules, to fit the views of the trade, we could not possibly expect anyone to participate in exploiting the *Agmark* system. We cannot get on without the co-operation of the trade in each commodity that comes up under the system. So the answer, I think, to Mr. Gwilt on that point is that we do not at present recover the cost of publicity for *Agmark* as a whole from any trade at all and we do not propose to do so. Only if those connected with some individual commodity approach Government, then we will arrange a scheme with them and recover the cost.

As regards the inspecting staff for carrying out quality control, arrangements differ naturally with the different commodities. We want different kinds of staff for dealing with Ghee, perhaps, than we want to deal with fruits. Then, again, it is not only a matter of the inspecting staff but very often you require laboratory staff as well. I can say straight away that as regards laboratory staff we naturally have duly qualified chemists and duly qualified assistants. The qualifications of Inspectors differ. I have only got details about one set of Inspectors. Those who inspect *sann* hemp. There are seven of them and the basic qualification is a degree *plus* experience and knowledge of fibres and they work under a Chief Inspector. I may say generally, with regard to the quality control of *Agmark*, that we have had no complaints about the quality of the Inspectors. We have had some complaints that there are not enough of them and that is one of the reasons why we should like to have more money,—to have more Inspectors to assist in this control.

Then, Mr. Azhar Ali seemed a little doubtful about the kinds of expenditure that there are. There is already some very small expenditure recovered from the commodities that come under the scheme, such as the cost of the labels that are pasted on the graded product to show that it is an *Agmark* product and what its grade is and the cost of the stencils and apparatus required for making these labels. That is already provided for in section 3(f) of the Rules and is recovered. Over and above that we have to incur expense on staff and equipment to take samples and test them: and if we are approached by the trade in any particular commodity, then they must bear the cost of doing publicity for the *Agmark* products of that commodity. I am afraid it is not practicable to expect the I. C. A. R. to bear this expenditure. The funds of the I. C. A. R. are intended for financing research. This has gone beyond the stage of research. I may say also that this is not an attempt to get what Mr. Azhar Ali called "a back-door income" for Government. I have already said that Government do not wish to make money out of quality control. They only wish to see a source of supply for expanding it in future without calling on Central Revenues. Otherwise, we fear that the desired expansion of the *Agmark* system will be hampered.

Finally, Sir, Dr. Banerjee asked me whether Provincial Governments would be concerned in the administration of this Act. It is a Central Act but we shall certainly hope to have, as we have at present, the assistance of Provincial Marketing officers in helping with quality control. Dr. Banerjee asked me one other question, namely whether representatives of the producers and the traders will be associated in the administration of the Act. Well, I think I have answered that already. They must certainly be associated. People who produce a commodity are associated from the very beginning of the administration of the *Agmark* Act in respect of any commodity because, to put it briefly, we cannot move a step without their assistance. We do not make the Act applicable to any of the scheduled commodities until we have got a pretty fair agreement among the dealers in the trade concerned that it is a desirable and practicable

THE AGRICULTURAL PRODUCE (GRADING AND MARKING) AMENDMENT BILL 201

thing. When we are going to extend the Act to a new commodity, we first of all say, "Will you come along and meet us and advise us as to the grades of the commodity that we should set up and the standards we should demand for the various grades?" And really, from first to last, we have to carry the trade with us.

Dr. F. N. Banerjee: What about the consumers?

Mr. J. D. Tyson: Well, I do not know how we can associate the consumers with it. We publish rules for objection and I suppose the consumers can put in their objections and they will certainly be considered. The consumers, of course, stand to gain by the application of grading, for then they will have an article the purity of which is guaranteed.

Mr. Muhammad Azhar Ali: Now, Sir, the I. C. A. R., has got a big staff for grading and marking of different commodities, it has also a very big office in the Provinces too. Will it not be convenient to transfer this work to them so that no more expenses may fall and the cost may not be realised from the public?

Mr. J. D. Tyson: No, Sir. As I said before, the province of I. C. A. R., as the name itself denotes, is research: and besides, we envisage grading and marking as destined ultimately to cover almost the whole of the production of India and the cost of quality control when things reach that stage will be far beyond anything which could be financed from I. C. A. R. funds.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is: "That the Bill further to amend the Agricultural Produce (Grading and Marking) Act, 1937, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. J. D. Tyson: Sir, I move that the Bill be passed.

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

"That the Bill be passed."

The motion was adopted.

THE INDIAN ARMY AND INDIAN AIR FORCE (AMENDMENT) BILL.

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

"That the Bill further to amend the Indian Army Act, 1911, and the Indian Air Force Act, 1932, be taken into consideration."

Sir, this is a simple and uncontroversial measure, and its purpose is explained in the Statement of Objects and Reasons. Clauses 2 and 3, and 6 and 7 amend the Indian Army Act and the Indian Air Force Act on the lines of the amendment in 1942 of the English Army Act and the English Air Force Act. Under section 50 of the Indian Army Act and section 26 of the Indian Air Force Act, only a court-martial has the power of ordering a penal deduction from the pay of an officer where loss, damage or destruction has been occasioned by the commission of an offence. Clauses 2 and 6 extend this power to the authority dealing summarily with a charge against that officer of an offence. The amendment will place officers subject to the Indian Army Act and the Indian Air Force Act on the same footing as officers subject to the Army Act and the Air Force Act.

Under section 86 of the Indian Army Act and section 91 of the Indian Air Force Act a person charged only with attempted desertion can be found guilty of desertion. We do not consider that this is fair, and following the amendment of the English Acts, clauses 3 and 7 provide that a man charged with attempted desertion cannot be found guilty of the substantive offence of desertion.

Section 103 of the Indian Army Act and section 108 of the Indian Air Force Act already provide for the substitution by the commuting authority in court-martial cases of a valid for an invalid sentence. It is desirable that a similar provision should exist as regards findings. Clauses 4 and 8 therefore provide for the substitution of a valid for an invalid finding.

[Mr. C. M. Trivedi.]

Sections 114 and 115 of the Indian Army Act make certain provisions for the disposal of property of deceased persons. Section 116 at present extends only the provisions of section 114 to the case of lunatics and persons missing on active service. It is desirable that the provisions of section 115 should also be extended to lunatics and persons missing on active service. Clause 5 provides for this. Clause 10 makes a similar provision in the Indian Air Force Act.

When the Indian Army and Air Force (Military Prisons, and Detention Barracks) Act, 1943, Act XIV of 1943, was in passage through the Legislature in March last, the necessity for amending section 116 of the Indian Air Force Act was overlooked. Clause 9, which provides for the communication of certain orders to officers in-charge of Military and Air Force prisons, repairs that omission. Sir, I move:

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

"That the Bill further to amend the Indian Army Act, 1911, and the Indian Air Force Act, 1932, be taken into consideration."

Mr. H. A. Sathar H. Essak Sait (West Coast and Nilgris: Muhammadan): My Honourable friend has been very scanty in the information that he has given us just now. I should like to have some elucidation of clause 8 where he says the substitution of a valid finding or sentence for an invalid finding or sentence is provided. He just read out those words and said nothing in explanation thereof. I hope that when he comes to deal with the clauses he will just explain what he means by them.

Mr. C. M. Trivedi: If the Honourable Member reads clause 8 he will find the meaning very clear. An invalid finding is one which cannot be supported by facts or law, and this clause provides for the substitution of a valid finding for an invalid finding by a commuting authority.

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

Clayuses 2 to 10 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. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That the Bill be passed."

The motion was adopted.

The Honourable Sir Sultan Ahmed (Leader of the House): Sir, as the Honourable the Finance Member has fallen ill he cannot move the motion which stands in his name.

The Assembly then adjourned till Eleven of the Clock on Friday, the 30th July, 1943.

LEGISLATIVE ASSEMBLY

Friday, the 30th July, 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.

ALLOTMENT OF WAGONS FOR COAL AND FOOD GRAINS SUPPLY TO CERTAIN PLACES.

115. *Mr. Amarendra Nath Chattopadhyaya: (a) Will the Honourable Member for War Transport be pleased to state in detail and lay on the table a statement regarding the allotment of wagons for coal supply from the coal fields of Jheria and Ranigunj to Delhi and Bengal, during April, May, June and upto 26th July, 1943?

(b) Did the Honourable Member receive complaints about the scarcity or inadequate supply of coal to Delhi and Bengal during these months, and was coal sold at controlled rates in Delhi and Calcutta and neighbouring districts?

(c) What number of wagons were allotted for transport of wheat, *bajra* and rice from the Punjab, United Provinces, Bihar and Orissa, to Bengal and other provinces, and what quantity of these commodities was transported, province by province, during these months?

The Honourable Sir Edward Benthall: (a) A statement is laid on the table giving the allotments of wagons distributed under the Provincial Quota Scheme to Bengal and the Punjab including Delhi, during April, May and June, 1943. I have not readily available the figures for Delhi month by month in detail.

(b) Yes. Coal was sold at the controlled rate in Delhi, and generally at this rate in Calcutta, where a few cases were reported of rates higher than the controlled rate being charged.

(c) Wagons are not allotted for food grains as they are for coal. Railways were asked to concentrate on movement of food grains, but the actual number of wagons which carried these grains from different provinces to Bengal during the months mentioned are not readily available and cannot be ascertained without undue labour and trouble.

Statement.

No. of wagons allotted under the Provincial Quota System to the Provinces of Bengal and the Punjab (including Delhi).

	Bengal.	Punjab (including Delhi).
April 1943	1,082	240
May 1943	1,739	533
June 1943	2,241	406

Sardar Sant Singh: May I know from the Honourable Member if it is a fact that wagons have been allotted for race-course horses from Bombay to other places?

The Honourable Sir Edward Benthall: Race-course traffic has been curtailed and distance limited.

Sardar Sant Singh: May I know if it is a fact that the restrictions put upon the movement of race-course horses through wagons are very nominal and wagons are still given for that purpose?

The Honourable Sir Edward Benthall: The instructions are that wagons should not be given for that purpose if it interferes with any other important traffic.

Mr. Amarendra Nath Chattopadhyaya: With reference to part (b) of the question, did the Honourable Member receive complaints about the scarcity of coal?

The Honourable Sir Edward Benthall: I have had complaints.

Mr. Lalchand Navalrai: May I know from the Honourable Member whether there is an adequate number of wagons available now and also whether there is an adequate quantity of coal?

The Honourable Sir Edward Benthall: There are inadequate raisings of coal in fields outside the Bihar and Bengal coal fields. There are difficulties in getting an adequate number of wagons for the transportation of coal from the Bihar and Bengal coal fields.

Mr. Lalchand Navalrai: May I know if the Honourable Member possesses a sufficient number of wagons to be able to allot them to the people when they ask for them?

The Honourable Sir Edward Benthall: I may inform the Honourable Member that the scarcity of wagons still persists.

RECRUITMENT OF TEMPORARY ENGINEERS ON NORTH WESTERN RAILWAY.

116. *Mr. Lalchand Navalrai: (a) Further to unstarred question No. 49 and answers thereto in the Legislative Assembly on the 15th March, 1943, will the Honourable Member for Railways be pleased to state if suitably qualified Civil Engineers, as required under the conditions of the advertisement were available in the subordinate ranks of the Railway?

(b) Is it a fact that men of the required or even higher qualifications already in Railway service were barred from open selection and non-experienced officers were appointed?

(c) Why were these temporary Engineers not recruited through the Federal Public Service Commission?

(d) Is it a fact that condition No. 3 of the advertisement stated that the possession of practical experience would be desirable? If so, why were the qualified Civil Engineers in the subordinate ranks of the Railway, who had practical experience ignored?

(e) Was it laid down in the advertisement that a higher initial salary not exceeding Rs. 450 per mensem would be allowed to any candidate holding special qualifications and practical experience? Was any consideration given by the Selection Board or the General Manager to the appointment of any person on higher pay?

(f) How many men were recruited on the initial salary of Rs. 350 per mensem after three months' training, and how many were recruited on a higher initial salary not exceeding Rs. 450 per mensem?

(g) Is it not a fact that some Civil Engineers who had not been confirmed in the Subordinate Cadre, actually applied for these posts, but they were not considered?

The Honourable Sir Edward Benthall: (a) I understand there are subordinates on the N. W. Railway with the academic qualifications prescribed.

(b) The selection was confined to persons not in Railway service.

(c) It was not considered necessary as these were temporary appointments; the Federal Public Service Commission concurred in this view.

(d) The reply to the first part is in the affirmative. As regards the second part, it was considered advisable to fill these posts by outside recruitment as the men in service were not suitable.

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

(f) Five and none.

(g) I understand that the two subordinates who applied held permanent posts in the subordinate cadre. They were not considered as it was decided to fill all the posts by outside recruitment.

Mr. Muhammad Nauman: With reference to part (f), may I know how many of them were Muslims, Hindus and Anglo-Indians?

The Honourable Sir Edward Benthall: I do not think I have that information available on the file, Sir.

Mr. Lalchand Navalrai: May I know if these temporary men have been taken in order to be retained against the competent and qualified subordinates?

The Honourable Sir Edward Benthall: No, Sir. I understand that they are purely temporary war appointments.

Mr. Muhammad Nauman: With reference to part (c) of the question, may I know whether the Public Service Commission will confirm these appointments or they will have the option of revising, and also whether these men have been recruited on permanent basis, or not?

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

Mr. Muhammad Nauman: The Honourable Member may at least tell us as to what has been the practice.

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

Mr. Lalchand Navalrai: May I know whether the Honourable Member is aware of the fact that some of the direct recruits who have been taken temporarily are not fit to occupy those posts, but still other subordinates who have applied for those posts have been refused?

The Honourable Sir Edward Benthall: I am informed that the General Manager is satisfied with the result.

Mr. Muhammad Nauman: Is it a fact that those recruitments have been made at the whims of the officers who were in charge of those recruitments without due regard being given to the qualifications of individuals.

The Honourable Sir Edward Benthall: The Honourable Member has made a statement and not asked a question, and the statement appears to be inaccurate.

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

Mr. Lalchand Navalrai: We do not get sufficient replies already.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has already put many questions. Next question.

DECISION TAKEN re APPOINTMENT OF JUDICIAL OFFICERS TO HEAR APPEALS, ETC. ON RAILWAYS.

117. *Mr. Lalchand Navalrai: With reference to the Honourable the Railway Member's reply to the debate on a resolution by Mr. Jamnadas Mehta, to consider whether judicial officers be appointed to hear appeals on Railways and to review personal cases, does the Honourable the Railway Member propose to make a statement whether any decision has been taken in the matter? If so, will he make a brief statement giving important particulars of the scheme? If no action has been taken, when is he likely to come to a decision?

The Honourable Sir Edward Benthall: With reference to the first two parts of the question, I would point out that the offer to consider whether we can find judicially trained as well as judicially minded officers was made on the assumption that Mr. Jamnadas Mehta's Resolution moved on the 18th February, 1943, would be withdrawn. It was however pressed to a division on the 25th March, and lost. I have, however, carefully considered this matter and come to the conclusion that the course suggested is impracticable. The last part does not arise.

Mr. Muhammad Nauman: May I know if the Honourable Member has also considered the advisability of entrusting this work to the Recruitment Commission which has been appointed on the North Western Railway as an experiment for the present?

The Honourable Sir Edward Benthall: No, Sir.

Mr. Lalchand Navalrai: May I know if the Honourable Member is aware that that Commission has not much work to do, and, if so, whether he would be prepared to pass on this work to them?

The Honourable Sir Edward Benthall: I am informed that it is very busily employed.

RECENT APPOINTMENT OF FIVE CLERKS OF THE MINORITY COMMUNITIES IN THE KARACHI DIVISIONAL OFFICE.

118. *Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that certain clerks were recently appointed in the Divisional Office, North Western Railway, Karachi? (b) Is it a fact that the General Manager, North Western Railway, asked

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the Divisional Superintendent, Karachi, to provide for five clerks belonging to the minority communities who had been nominated by the North Western Railway Subordinate Service Commission for posts referred to in part (a) above by adjustment of transfer of the General Community clerks to posts outside the Divisional Office? If so, why?

(c) Will the Honourable Member please refer to the Government of India, Home Department Resolution No. F. 14/17-B./33, dated Simla, the 4th July, 1934, and say under what specific provision the order of the General Manager, North Western Railway referred to in (b) above giving favoured treatment to certain communities can be justified? If no such provision exists, do Government propose to issue instructions that the legitimate claims of all communities be safeguarded in the Railway service? If not, why not?

The Honourable Sir Edward Benthall: (a) The Honourable Member has not specified the period to which he refers. I understand that 5 clerks were appointed in May, 1943 and 4 in June, 1943 to the office of the Divisional Superintendent, Karachi.

(b) I am informed that the General Manager, N. W. Railway, has issued no such orders; the second part does not arise.

(c) Does not arise in view of the reply to part (b).

Mr. Lalchand Navalrai: With reference to part (b), I have not been able to follow the Honourable Member clearly. Is it a fact that those five clerks were made to supersede the General Community clerks?

The Honourable Sir Edward Benthall: Sir, I answered part (b) by saying that I am informed that the General Manager has issued no such orders. The second part of the question does not arise.

Mr. Lalchand Navalrai: I can tell the Honourable Member that it is a fact that it has been done and therefore I ask will the Honourable Member make an enquiry in order to find out who has done it if no such orders have been issued by the General Manager?

The Honourable Sir Edward Benthall: I am not satisfied that it has been done.

Mr. Lalchand Navalrai: The Honourable Member may take steps to satisfy himself. It is not enough merely to say that the General Manager has not issued the orders. I am asking whether such a thing has actually happened and, if so, will the Honourable Member take steps to correct it?

The Honourable Sir Edward Benthall: I think I answered the Honourable Member's question as he put it, but I will go into the matter.

DETERIORATION OF EFFICIENCY OF THE KARACHI DIVISIONAL OFFICE.

119. ***Mr. Lalchand Navalrai:** (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that about 15,000 claim cases and references are pending in the Divisional Office, North Western Railway, Karachi? If so, what action is proposed to be taken to expedite their disposal and an early settlement of public claims? If none, why?

(b) If the reply to the first portion of part (a) above be in the negative, what is the actual number of the pending claims and references?

(c) Has the number of clerks in the Commercial Section of the Divisional Office, North Western Railway, Karachi, been increased since September, 1939? If so, how much, and are all these men working in the Commercial Section, or some other Sections? If so, why?

(d) Is it a fact that the efficiency of the Divisional Office as a whole has deteriorated owing to the appointment of persons of minority communities with lower qualifications than are prescribed for the clerical posts before the war? If not, what are the reasons for the deterioration of efficiency? If the deterioration of efficiency is due to the shortage of clerks, is it proposed to employ more men? If not, why not?

(e) If the reply to the first portion of part (a) above be in the affirmative, is it proposed to adopt the recommendations contained in paragraph 179 of Mr. Desouza's Report regarding filling of temporary posts without maintaining communal ratios? If not, why not?

The Honourable Sir Edward Benthall: (a) No; the other parts do not arise.

(b) The number of cases pending on 30th June, 1943, was 1,554.

(c) Yes, by 18 additional temporary clerks who are all working in the Commercial Branch.

(d) The answer to the first part is in the negative. As regards the second part it is true that there has been a slight lowering in the efficiency of divisional offices due principally to a large number of temporary clerks and also to the scarcity of suitably qualified candidates, while discipline under present conditions is not entirely satisfactory. As regards the third part, additional posts are sanctioned as and when necessary and the question of discipline is receiving attention. The last part does not arise.

(e) Does not arise.

Mr. Lalchand Navalrai: May I know whether these clerks were made to work in the commercial ranks because, there was much work to be done?

The Honourable Sir Edward Benthall: Yes, Sir.

COMPLAINTS AGAINST DEPUTY CHIEF ACCOUNTS OFFICER FROM THE SUB-HEADS IN TRAFFIC ACCOUNTS BRANCH OF THE NORTH WESTERN RAILWAY.

120. ***Sardar Sant Singh:** Will the Honourable Member for Railways please state if a complaint by telegram was received from the Sub-Heads in the Traffic Accounts Branch of the North Western Railway alleging that they have been abused by their Deputy Chief Accounts Officer for not appearing in an examination prescribed by him? If so, was an enquiry held into the matter? If not, why not, and if held with what result?

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.

FALL IN THE COAL SUPPLIES TO INDUSTRIES.

121. ***Mr. K. C. Neogy:** (a) Will the Honourable Member for War Transport please state if it is a fact that a large number of industrial concerns in the country have been reduced to the verge of closing down for want of supplies of coal?

(b) Is it a fact that supplies of coal to industries have been greatly reduced on account of the programme undertaken by the Government of India for building up forty days' stock of coal for Railways?

(c) If the reply to (b) be in the affirmative, how did the Railways' stocks of coal come to be depleted to such an extent as would require to be replenished at the cost of the closing down factories manufacturing the essential war and civilian needs?

(d) Are the Government of India aware that the building up of forty days' stock of coal for Railways would take about three to four months during which period the industries (including major industries like textile and sugar) will be greatly handicapped and their production likely to be considerably reduced?

The Honourable Sir Edward Benthall: (a) A number of industrial concerns have been having difficulties in regard to their coal supplies and some have had to close down for short periods.

(b) Yes, during the past 2 months.

(c) Loco coal stocks were depleted in the first instance, owing to short raisings in the coalfields outside Bengal and Bihar and to the short supply of wagons in the Bengal and Bihar coalfields. Other factors which contributed to depletion of stocks were the disturbances in August and September, 1942 and the cyclone on the East coast in November. During the winter and spring supplies to essential industries could therefore only be maintained at the expense of Railway requirements. When it became apparent that Railway stocks were reaching a dangerously low level, steps were taken to place supplies to Railways back on to the priority to which they were entitled and to rebuild their stocks which had in many cases fallen below the level of industrial stocks.

(d) Government are aware that the building up of Railway stocks up to 45 days by the target date of 30th September is having adverse effect on the requirements of industries. Government are putting into operation certain proposals which it is hoped will relieve industries materially, but it is essential

that industries should exercise the fullest economies in the consumption of coal and make use of every form of alternative fuel if they are to maintain their present pitch of production.

Mr. K. C. Neogy: As regards the proposals which Government have under consideration, with reference to his reply to (d) of the question, will the Honourable Member be pleased to state whether these have been communicated to the commercial bodies for their opinion.

The Honourable Sir Edward Benthall: The proposals are not yet complete and they are, as a matter of fact, being discussed today in Delhi with the Controller of Coal Distribution. But preliminary discussions have taken place with the commercial bodies.

Mr. K. C. Neogy: Are the proposals in the shape of temporary proposals to tide over temporary difficulties, or are they likely to be made permanent?

The Honourable Sir Edward Benthall: They are comprehensive.

Sir Vithal N. Chaudavarkar: Will the Honourable Member tell the House what alternative fuels he has in mind for Ahmedabad and Sholapur?

The Honourable Sir Edward Benthall: In Ahmedabad wood fuel has been used to a considerable extent, and we hope still further use will be made of it, and the same applies to other parts of the country. Several industries are doing their best to make use of wood fuel to assist in the position. In other parts oil fuel may be a possible substitute.

Mr. K. C. Neogy: Is the Honourable Member in a position to indicate generally the broad features of the proposals he referred to?

The Honourable Sir Edward Benthall: No, Sir. I think I had better not enter into those details today, but I will say that one of the steps being taken is to reduce the rates at which railway stocks are being built up.

CASH AND SMALL COINS RECEIVED FROM SALE OF PASSENGER TICKETS BY EAST INDIAN RAILWAY.

†122. ***Dr. Sir Zia Uddin Ahmad:** (a) Will the Honourable the Railway Member please state the cash receipts by the East Indian Railway in the months of June, 1941 and 1943 from the Booking Offices selling passenger tickets under the account 'Railway Fares'?

(b) What is the value of small coins received by the East Indian Railway Administration under the heading mentioned in (a) in the months of June, 1941 and 1943?

The Honourable Sir Edward Benthall: (a) and (b). I am enquiring whether the information is readily obtainable. If it is so, a statement will be laid on the table.

RAILWAY ACCIDENT NEAR BORGAON, AKOLA.

†123. ***Dr. Sir Zia Uddin Ahmad:** (a) Will the Honourable the Railway Member please give a detailed account of the Railway accident near Borgaon, Akola (Berar)?

(b) What is the finding of the Inspector?

(c) Was it due to the negligence of the Railway staff of Borgaon, Great Indian Peninsula?

(d) Is it not a fact that Mr. Abbas Ali, Advocate of Khandwa, who was travelling by that train was found dead under the debris, and that his body was removed and buried at Akola?

(e) What compensation have Government paid to the members of the bereaved family?

The Honourable Sir Edward Benthall: (a) At about 05-35 hours on Friday, the 4th June, No. 1 Down Mail, ex-Bombay to Calcutta, ran into the rear portion (consisting of 15 vehicles) of 105 Down goods train at mile 372 between Akola and Borgaon stations on the G. I. P. Railway. These 15 vehicles had been detached just outside Borgaon Station as the engine was unable to pull the whole load.

The impact was severe. The engine capsized, its front end being smashed up and frame bent. The tender was also badly damaged and the next vehicle was

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

completely wrecked. The underframe of the second vehicle "telescoped" into the third vehicle, which was a Restaurant Car. The fourth vehicle was damaged. The front bogie of the fifth coach derailed. The remainder of the train did not suffer much damage.

As the collision occurred, all lights were extinguished, but a fire was observed in the wreckage of the Dining Car at about 07-00 hours which was extinguished by some British Other Ranks who were passengers on the train.

The brake-van of the goods train was badly smashed and thrown to the left of the engine of the mail train. The next four wagons were also smashed up and capsized. The sixth vehicle was derailed, the remaining 9 were not damaged or derailed.

According to the latest information, the total casualties, including deaths in hospital, number 76 killed and 148 injured.

(b) and (c). The final report of the Inspectorate has not yet been received.

(d) and (e). I am having enquiries made and will lay a reply on the table in due course.

FALL IN THE COAL SUPPLIES TO INDUSTRIES.

124. ***Mr. K. C. Neogy:** (a) Will the Honourable Member for War Transport Department be pleased to state whether he has received any representation on behalf of the industrial concerns in the different provinces, since April last, complaining about the shortage in the supply of coal due to the paucity of the available railway wagons? If so, does he propose to make a detailed statement of the position, province by province, indicating the difficulties experienced by the different industries and the steps, if any, that have been taken to ease the situation?

(b) Is it a fact that several concerns engaged in the execution of war orders have had to curtail their activities due to the shortage of coal? If so, does the Honourable Member propose to make a separate statement regarding this point?

(c) What is the position of the rice and flour mills in the list of priorities for the purpose of allotment of coal wagons, and which are the industries that enjoy a higher priority than the rice and flour mills for this purpose? What is the comparative position of the tea gardens, jute mills, cotton mills, and glass factories, separately, in the list of priorities for the purpose of allotment of coal wagons?

The Honourable Sir Edward Benthall: (a) Yes. Complaints regarding shortage of coal have been received within the last 6 weeks from the Indian Chamber of Commerce and the Bengal Millowners' Association and also from the Provincial Governments of Madras, Bihar and the United Provinces. The situation is due to the falling off in coal raisings in the coalfields of Central India and Hyderabad State, the acute wagon position and the necessity of building up local coal stocks. The Controller of Coal Distribution could not in consequence allocate adequate quantities under the Provincial Quota System and to industries classified under item 'H' of the Priority list for coal despatches. The position has however been under review for some time and it is hoped very shortly to introduce a rationing scheme under which quotas of coal are to be refixed, in consultation with the Departments concerned, for each industry in accordance with its past consumption, its essentiality, and the quantity of coal and transport available. It is hoped that when the scheme becomes effective, supplies will be more regular, though on a somewhat reduced scale.

(b) This has happened in some cases. As I have said, the whole question is under consideration.

(c) A copy of the existing Priority list for coal despatches is laid on the table. This list, however, has not been operated with such strictness that classes lower on the list are not given supplies till the requirements of those higher in the list have been fully met. Allotments are adjusted from day to day in the light of the wagon position so as to balance supplies to each class according to the needs of the country, and special *ad hoc* assistance is given where possible to industries whose stocks are low. Rice and flour mills come under two groups: a small number of flour mills engaged on war orders fall under class 'H' while the majority of flour and rice mills are classified under 'J' and

obtain their supplies from the Provincial quotas. Jute and cotton mills and glass factories are grouped under class 'H' and the tea industry has been given a separate classification under 'M'.

Statement.

The existing Priority List is as follows :

- A. Shipment Coal—Naval Coal. Coal required by Defence Departments for Water Traffic and Bunker Coal.
- B. Loco. coal, Indian General Navigation & River Steam Navigation Cos., and Port Trust Cos.
- C. Essential Electric Supply concerns, Oriental Gas Co., Bombay Gas Co., and water works.
- D. Iron & Steel Works, Tatas, Steel Corporation of Bengal, Indian Iron & Steel Co., Kulti.
- E. Defence Services requirements for Aerodromes, Road Building, Garrison Engineers, and Ordnance Factories.
- F. Cement Works.
- G. War Priorities, Red List Firms.
- H. War Priorities, Cotton Mills, Jute Mills, Rolling Mills, Sugar Industry, Cotton Gins and Presses, other Miscellaneous firms and other Engineering Concerns.
- I. Works of Public Utility (other than Essential Electric Cos., such as Tramway Cos., Municipalities and Petty Steamer Services).
- J. Miscellaneous Industries not directly on War Work—Domestic consumption etc., (Distribution given by Provincial Coal Controllers).
- K. Coke Ovens, both inward and outward traffic.
- L. Other Sanctions issued on behalf of the Chief Mining Engineer, Railway Board, and not classified above, Public.
- M. Coal for Tea Industry.
- N. Coal for Brick Burning for Public and Civil supplies.

Mr. K. C. Neogy: Has the Honourable Member received a complaint on the score that tea-gardens have been treated more favourably than rice mills in spite of the rice shortage nowadays so far as the allotment of coal wagon, is concerned?

The Honourable Sir Edward Benthall: That is not my experience, Sir. I have had, I think, more complaints from the tea-gardens than from the rice mills.

Mr. K. C. Neogy: Has the Honourable Member received a complaint to that effect? A complaint, so far as I know, was communicated on the 13th July from Calcutta by the Indian Chamber of Commerce on this point.

The Honourable Sir Edward Benthall: Yes, Sir. I now recall such a communication.

Sir Vithal N. Chandavarkar: Is it a fact that wagons were made available for the transfer of an industrial concern from a British Indian Province to an Indian State?

The Honourable Sir Edward Benthall: I have heard that statement and investigation is proceeding.

Mr. K. C. Neogy: Did the Honourable Member refer to any rationalization scheme in this connection?

The Honourable Sir Edward Benthall: No, Sir. I did not refer to that. But a rationalization scheme is under consideration.

Mr. K. C. Neogy: Will he be pleased to give the broad features of this scheme?

The Honourable Sir Edward Benthall: Again, Sir, I think I had better not go into those details which I understand are being discussed with the commercial bodies principally concerned.

Sir Cowasjee Jahangir: Was this reply prepared before or after the floods in Bengal?

The Honourable Sir Edward Benthall: I think after.

Sir Cowasjee Jahangir: Does it take into account the floods and the consequences of those floods?

The Honourable Sir Edward Benthall: The consequences of the floods are serious, particularly to coal for distribution eastwards. But I do not think that alters anything that I have said in my answer.

UNSTARRED QUESTIONS AND ANSWERS.

COLLECTION OF COST OF LIVING INDEX NUMBERS ON BEHALF OF THE RAILWAY BOARD.

20. Mr. Lalchand Navalrai: (a) With reference to the Honourable the Railway Member's reply to my unstarred question No. 48, asked on the 10th March, 1943, in regard to the expenditure incurred by the Railway Board on the compilation of the cost of living index numbers, will he be pleased to state whether any figures of the cost of living index numbers are now being collected on behalf of the Railway Board, and whether they are published? If so, where? If not, why not?

(b) Where do the central organisations for the collection of cost of living index numbers exist, and what is the material supplied by them to the Railway Board? If the same has been published, does the Honourable Member propose to refer to such a publication?

(c) Which provinces which are receiving grants from the Railway Board for the collection of cost of living index numbers supply this information to the Railway Board, and is the same incorporated by the Railway Board or the provinces in any authorised publication? If so, which are those publications?

The Honourable Sir Edward Benthall: (a) The answer to the first part is in the affirmative; figures concerning the cost of living in selected rural centers are being collected on behalf of the Railway Board, the answer to the second part is in the negative. As regards the last part, the information is not yet sufficiently detailed to justify publication.

(b) The central organisation for the collection of cost of living index numbers exists at the headquarters of the Government of India; all the material collected by the organisation is at the disposal of Government Departments. The material collected has not been published.

(c) No province is receiving a grant direct from the Railway Board although the Railway Board bear a portion of the Central Government's share of the cost of the Provincial Schemes. As already stated the information has not yet been published.

NON-ACCEPTANCE OF PRIVATE MEDICAL PRACTITIONERS' CERTIFICATES.

21. Mr. Lalchand Navalrai: (a) With reference to the Honourable the Railway Member's reply to my starred question No. 133, asked in September last, in regard to the acceptance of private medical practitioner's certificate without the statutory need of reference to the Railway Doctor, and his reply to unstarred question No. 50, asked on the 15th March, 1943, stating that matter was still under consideration, will he be pleased to state whether a decision has been reached in the matter? If not, when is it likely to be taken?

(b) Since the complaint refers to the North Western Railway subsidiary rules being in conflict with the main rules framed by the Railway Board, why was the subsidiary rule not immediately amended to fit in with the parent rule?

The Honourable Sir Edward Benthall: (a) The North Western Railway have now cancelled their subsidiary rule on the subject.

(b) Government can see no impropriety in the length of time taken for the issue of the orders referred to in the reply to part (a).

INSTRUCTIONS re RESERVATION FOR MINORITY COMMUNITIES IN ESTABLISHMENT SECTIONS OF RAILWAY OFFICES.

22. Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways be pleased to state whether the Railway Board have issued any instructions that a certain percentage of posts in the Establishment Section of an office be reserved for minority communities? If so, why, and what is the percentage so fixed for each community?

(b) Will the Honourable Member please refer to the specific provision of the Government of India Resolution, dated the 4th July, 1934, on the reservation for recruitment of posts for minority communities in the subordinate service under

which reservation in the Establishment Branch is being made? If no such provision exists, under what other rule is this being done?

(c) Is it proposed to apply the percentage to offices as one unit, or branches, sections and sub-sections as well and, if so, why?

The Honourable Sir Edward Benthall: (a) The answer to the first part is in the affirmative; as regards the second part, the Railway Board consider it desirable that no particular community should be handicapped by the preponderance of any one community in the Establishment Offices of Railways. As regards the third part, the intention is that the representation of the minority communities in Establishment Branches on each Railway shall correspond to the overall percentage fixed for such communities on the Railway.

(b) Although there is no specific provision in the Government Resolution of 4th July, 1934, the orders issued by the Railway Board are covered by paragraph 6 thereof which make the orders therein applicable to all direct recruitment with certain exceptions; as also by Supplementary Instruction 5 issued in amplification of the Resolution.

(c) Generally, the orders are applied to all direct recruitment, by Departments or classes or grades as may be convenient. Government can see no objection to applying the orders to smaller units if they consider such a course necessary; they, however, do not contemplate a revision of the existing procedure.

NON-OBSERVANCE OF CERTAIN ORDERS re APPEALS IN KARACHI DIVISION, NORTH WESTERN RAILWAY.

23. Mr. Lalchand Navalrai: (a) With reference to Sir Andrew Clow's statement in February, 1942, in reply to the debate on a cut motion by the late Sir Henry Gidney that orders had been issued to the effect that the appellate authority should briefly record the grounds of the appeal and the reasons for dismissing it, will the Honourable the Railway Member be pleased to state whether these orders are being followed on the North Western Railway? If so, does he propose to lay a statement on the table of the House for the period 1st January to 30th June, 1943, when the appellate authority on the Karachi Division of the North Western Railway observed these instructions?

(b) Why are these instructions not being observed in full or in all cases? Is it proposed to insist that an appeal which is not disposed of in accordance with Sir Andrew Clow's undertaking, would not be considered as having been properly decided, thus giving cause for another appeal to a further higher authority? If not, how is it proposed to enforce these instructions?

(c) Does the Honourable Member propose to lay a copy of the orders issued by the Railway Board on the points mentioned in Sir Andrew Clow's speech? If not, why not?

The Honourable Sir Edward Benthall: (a) I am informed that these orders are generally followed on the North Western Railway. As regards the second part, I regret I cannot undertake to collect such details under present circumstances.

(b) As regards the first part, I have no reason to believe that the orders are not generally complied with. As regards the second part, the reply is in the negative. As regards the third part, if such cases come to notice the appellate authority will be instructed to comply with the instructions; the attention of the authorities has been drawn to the orders and the necessity for complying with them.

(c) No, as the orders are confidential.

LONG WORKING HOURS FOR RAILWAY RUNNING STAFF.

24. Mr. Lalchand Navalrai: (a) With reference to the Honourable the Railway Member's reply to starred question No. 273, asked on the 10th March, 1943, giving an undertaking for a fresh investigation in regard to the long running hours for running staff, will he be pleased to state the result of his investigations?

(b) Is it a fact that Guards and Engine crew are continuously on duty for about 12 hours and even more on the passenger or mail trains link system? If

so, why cannot the links be revised to reduce them to 8 hours per trip? If not, why not?

(c) Is it a fact that Goods Train Guards and crew are continuously on duty for 20 hours and even more on certain working trains on the North Western Railway?

(d) Is it proposed to fix a maximum limit of 10 to 12 hours for Guards and crew working on Goods Trains? If not, why not?

The Honourable Sir Edward Benthall: (a) The question has been looked into and Government are satisfied that as a rule running staff are not required to be unduly long hours on duty although there are occasional exceptions which the Railways are endeavouring to eliminate.

(b) Government understand that there may be some instances of the kind. As regards the second part, the reply is in the negative, since Government do not consider such action necessary as they are satisfied that the conditions generally are reasonable.

(c) Government understand that there is one such case on the North Western Railway and the Railway is taking steps to relieve the staff at some intermediate point in order to prevent unduly long hours.

(d) The reply to the first part is in the negative. Government do not consider such action either necessary or practicable but the matter will receive attention if and when the application of the Hours of Employment Regulations to running staff is taken up after the war.

FREQUENT DROPPING OF LEAD PLUGS AND CONSEQUENT FAILURE OF ENGINES ON NORTH WESTERN RAILWAY.

25. Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways be pleased to state if it is a fact that lead plugs in the locomotives on the North Western Railway were filled with silver or some such better material before the war? Is it a fact that the same are now filled with a cheaper material, thus causing frequent failure of the engine and the dropping of plugs?

(b) Does the Honourable Member propose to lay a statement on the table of the House, separately, for each Division of the North Western Railway for the periods (i) 1st April, 1939 to 31st March, 1940; and (ii) 1st April, 1942 to 31st March, 1943, showing the dropping of lead plugs?

(c) Is it a fact that on the Karachi Division of the North Western Railway, a large number of Drivers has been penalized for the dropping of lead plugs? If so, why; when the railway is unable to use a better material owing to the war exigency?

(d) If the reply to the first portion of part (c) above be in the negative, what is the number, separately, of employees so penalized on each Division of the North Western Railway during the two periods mentioned in part (b) above?

(e) What instructions do Government propose to issue to ensure that employees are not penalized for mishaps, etc., occurring due to want of good material, thorough repairs and difficulty in replacing engines which have done their guaranteed mileage owing to war? If none, why?

The Honourable Sir Edward Benthall: (a) The answer to both questions is in the negative.

(b) No.

(c), (d) and (e). Although no change has been made in the composition of the lead plugs, there has been a serious increase in the number of lead plugs fused due to carelessness on the part of the engine crews. The necessity of taking disciplinary action has, therefore, increased, and unless there is an improvement, it will be necessary to enhance the penalties.

COMPENSATORY ALLOWANCES TO SUBORDINATE SERVICE EMPLOYEES OF KARACHI PORT AREA OF NORTH WESTERN RAILWAY.

26. Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways be pleased to state what compensatory allowances are paid to the employees in subordinate service of the Karachi Port area of the North Western Railway, and what the rates thereof are?

(b) Are Firemen treated as members of the subordinate service? If so, are they entitled to the same rates of allowances as are paid to the members of the subordinate service employed in the Karachi Port area? If not, why not?

(c) Is it proposed to do away with this anomaly in the matter of payment of compensatory allowances to Firemen and other members of the subordinate staff? If not, why not?

The Honourable Sir Edward Benthall: (a) The information desired by the Honourable Member is contained in paras. 1 to 3 of Appendix V to the State Railway Establishment Code, Vol. I, a copy of which is in the Library of the House.

(b) Presumably the Honourable Member is making a distinction between subordinate and inferior staff. If so, he will see from the rules referred to in the reply to part (a) of the question that special allowances in Karachi area are allowed to both subordinates and inferior servants. As regards firemen, those in grades III and IV are considered subordinates while those in grades I and II are considered inferior servants. Both categories draw allowances at rates applicable to each.

(c) The Honourable Member will see from the reply already given that there is no anomaly.

STATEMENTS LAID ON THE TABLE.

OBJECTS ON WHICH THE AVIATION SHARE OF THE PETROL TAX FUND WAS EXPENDED.

Sir Gurnath Bewoor (Secretary, Posts and Air Department): Sir, I lay on the table statements showing the objects on which the Aviation share of the Petrol Tax Fund was expended during the years 1939-40, 1940-41, 1941-42 and 1942-43 as promised in reply to part (b) of short notice question No. 146, asked in the Council of State on the 28th August, 1934.

Statement showing the objects on which the Aviation share of the Petrol Tax Fund was expended during the year 1939-40.

Object.	Expenditure.
<i>Clubs.</i>	Rs.
Financial assistance to Flying Clubs in India	62,500
<i>Training.</i>	
Maintenance of 'Link Trainer' ('Link Trainer' is a machine used in the training of pilots)	4,550
Training of Indians as pilots of multi-engined aircraft and as wireless operators on Govt. aircraft Avro-X	3,697
Training of Pilots, Pilot Instructors and Ground Engineers at Flying Clubs with a view to provide a reserve of personnel to be ultimately absorbed in the Air Forces	11,725
	19,972
<i>Experimental.</i>	
<i>Aircraft—</i>	
Expenditure in connection with the investigation of 'airlocks' on certain types of aircraft engines in India	194
<i>Works and Equipment—</i>	
Purchase and installation at Juhu aerodrome, as an experimental measure, of a G. A. L. smoke Trail Wind Indicator	3,844
Experiments with premixed carpets of various depths on the top of the French drains at the Civil Aerodrome at Juhu	379
	4,223
<i>Lighting—</i>	
Experiments to determine the relative merits of mercury, neon and sodium beacons for air routes, and flight tests in connection therewith	2,223
<i>Miscellaneous items</i>	19
GRAND TOTAL	89,131

STATEMENTS LAID ON THE TABLE

Statement showing the objects on which the Aviation share of the Petrol Tax Fund was expended during the year 1940-41.

Object.	Expenditure.
<i>Clubs.</i>	Rs.
Financial assistance to Flying Clubs in India	1,51,511
Financial assistance to Indian Gliding Association	15,000
	1,66,511
<i>Training.</i>	
Training of Pilots, Pilot Instructors and Ground Engineers at Flying Clubs with a view to provide a reserve of personnel to be ultimately absorbed in the Air Forces	29,733
Training of Pilots for Air Forces and as Pilot Instructors	1,10,820
Maintenance of 'Link Trainer'	4,200
Customs duty on 'Link Trainer'	7,464
Acquisition of certain items of the property of the Aeronautical Training Centre, India, (Aircraft, etc.) with a view to issuing them on loan to Flying Clubs	15,000
Expenditure on repair and overhaul of Govt. aircraft VT-AIR, an aircraft acquired from the Aeronautical Training Centre, India, on its liquidation	1,761
Repair of aircraft VT-ACO (Moth aircraft which belonged to Govt.)	1,240
Transfer of aircraft VT-AHF from Delhi to Patna. (This aircraft was also acquired from Aeronautical Training Centre, India)	222
Purchase of aircraft for loan to Flying Clubs for training	65,358
	2,35,798
<i>Experimental.</i>	
<i>Works and Equipment—</i>	
Payment to Mr. Grubb for preparing an experimental landing ground at Vypoon (Cochin)	250
Further expenditure on the G. A. L. smoke Trail Wind Indicator installed at Juhu Aerodrome	176
	426
GRAND TOTAL	4,02,735

Statement showing the objects on which the aviation share of the Petrol Tax Fund was expended during the year 1941-42.

Object.	Expenditure.
<i>Clubs.</i>	Rs.
Financial assistance to Flying Clubs in India	1,57,308
Financial assistance to Indian Gliding Association	5,000
	1,62,308
<i>Training.</i>	
Further expenditure on the training of Pilots, Pilot Instructors and Ground Engineers at Flying Clubs with a view to create a reserve for the Air Forces	240
Further expenditure on the training of pilots and pilot instructors for I. A. F. purposes	1,372
Miscellaneous items	95
	1,707
<i>Experimental.</i>	
Construction of a Wind Tunnel at the Indian Institute of Science, Bangalore, for carrying out certain tests on aircraft	40,000

Object.

Expenditure.

Lighting.

Experiments in connection with the lighting of the flying gap at the civil Aerodrome at Dum Dum .	Rs. 10,439
TOTAL . . .	2,14,454

Statement showing the objects on which Aviation share of the Petrol Tax Fund was expended during the year 1942-43.

Object.

Clubs.

Expenditure.

1. Grants-in-aid to Flying Clubs in India .	Rs. 1,09,972
2. Financial Assistance to Indian Gliding Association .	14,843
	1,24,815

Training.

Training of a member of the staff of the Civil Aviation Directorate in certain subjects pertaining to aircraft inspection .	1,443
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Experimental.

1. Aircraft Operation of the wind tunnel at the Indian Institute of Science, Bangalore, for carrying out certain tests on aircraft .	6,050
2. Works and Equipment Emergency Equipment for removing disabled aircraft of heavy type .	980
	7,030
TOTAL . . .	1,33,288

CONDEMNATION OF THE COWARDLY ATTACK ON MR. M. A. JINNAH.

Nawabzada Muhammad Liaquat Ali Khan (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, I move:

"That this Assembly condemns the cowardly attack on Mr. M. A. Jinnah and congratulates him on his providential escape."

Sir, it is not necessary for me to say much about the motion which I have the honour to place before this Honourable House. The subject-matter of the motion is one about which there cannot be two opinions and the personality of Mr. Jinnah is such that it does not need any introduction. He is one of the greatest sons of India and is well known all over the world. The news of the cowardly and dastardly attack on Mr. Jinnah on the 26th of this month in Bombay has shocked every right thinking man irrespective of caste, creed or colour, from one end to the other of this sub-continent. I have no doubt in my mind that every Honourable Member of this House would condemn this outrage. We are indeed happy to know that God in His mercy has saved the life of Mr. Jinnah and I am sure every section of this House will join me in congratulating him on his providential escape. As for the Muslim League Party, it is not possible to express adequately in words our feelings of relief, joy and thankfulness to God for saving the life of our Leader to lead us and guide us. *Qaide-Azam Zindabad.*

Mr. President (The Honourable Sir Abdur Rahim): Motion moved: "That this Assembly condemns the cowardly attack on Mr. M. A. Jinnah and congratulates him on his providential escape."

The Honourable Sir Sultan Ahmed (Leader of the House): I whole-heartedly associate myself with the motion. Sir, I am sure there is no one in this House nor any reasonable person outside who does not condemn such a dastardly and cowardly attack on Mr. Jinnah. It is a matter of great relief that his life has been saved and therefore we offer our hearty congratulations to him. Sir, this is an absolutely non-controversial motion and I am sure the House

must have been relieved to hear that Mr. Jinnah is 'absolutely safe and sound. It is a matter of grave concern and anxiety to the House when a Member of this House is attacked and it is a matter of congratulation not only to Mr. Jinnah but a matter of congratulation to us that his life has been saved.

Pandit Lakshmi Kanta Maitra (Presidency Division: Non-Muhammadan Rural): Did Government condemn the outrage on Allah Baksh?

Seth Yusuf Abdoola Haroon (Sind: Muhammadan Rural): He was not a Member of this House, and Sind Government had condemned the outrage.

Mr. Jamnadas M. Mehta (Bombay Central Division: Non-Muhammadan Rural): I, like every one else here, rejoice that Mr. Muhammad Ali Jinnah's assailant could not successfully carry out his terrible intention; I feel relieved that Mr. Jinnah escaped with slight injuries, and I congratulate him on that happy escape. This is only as regards Mr. Muhammad Ali Jinnah. I absolutely deprecate any attempt to involve this House in a motion of this kind. I am not at all sure that this is a good precedent. What is it that we congratulate Mr. Jinnah upon, personally and politically? Personally I congratulate him, but there are hundreds and thousands of people who daily escape with small injuries but . . .

Nawab Siddique Ali Khan (Central Provinces and Berar: Muhammadan): But they are not Members of this House.

Mr. Jamnadas M. Mehta: I am coming to that. You do not congratulate the hundreds and thousands of people who escape small injuries.

An Honourable Member: Quite right.

Mr. Jamnadas M. Mehta: Why do we congratulate Mr. Jinnah? Either for his membership of this House or for his political eminence. Mr. Muhammad Ali Jinnah does not even show us the courtesy of coming here.

Pandit Lakshmi Kanta Maitra: He is too big for it.

Mr. Jamnadas M. Mehta: He does not even come here. That is the contempt which he shows for this House.

Nawab Siddique Ali Khan: Question.

(Interruptions from the Muslim League Party.)

Mr. Jamnadas M. Mehta: You will not be able to silence me by any shouting. I am not giving way. I am not going to be silenced by any such shouting.

Some Honourable Members: Go on.

Mr. Jamnadas M. Mehta: I will have my say—that as a Member of this House Mr. Muhammad Ali Jinnah treats this House with such scant courtesy that he does not deserve any such commendation. If as a member of a political party he is to be commended it is a bad precedent. Every time a member of some political party is assailed, you will have to agree to such a motion unless you want to show that this was only reserved for Mr. Muhammad Ali Jinnah, President of the Muslim League. And what is the record of this political party? A High Court Judge has told us that for the massacre of the Sukkur Hindus the instigation came from this Muslim League.

Seth Yusuf Abdoola Haroon: No, Allah Baksh was responsible, is the Court's finding.

Mr. Jamnadas M. Mehta: You can read the report of Mr. Justice Weston. (Interruption from the Muslim League Benches.)

Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan Urban): Will the Honourable Member quote from the judgment of the Judge of the High Court? That is the practice. Will he quote?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member (Mr. Jamnadas M. Mehta) is not giving way.

Nawab Siddique Ali Khan: On a point of order, Sir.

Mr. Jamnadas M. Mehta: I shall certainly bring the report of that enquiry if necessary.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must resume his seat as a point of order has been raised.

Nawab Siddique Ali Khan: Is the Honourable Member in order to refer to what happened in Sukkur in connection with this motion?

Mr. President (The Honourable Sir Abdur Rahim): Because Mr. Jinnah, is the President of the Muslim League, I suppose that is the reason why Mr. Jamnadas Mehta says that because of the alleged attitude of the Muslim League in that matter he would not support this motion.

Mr. Jamnadas M. Mehta: Did the Muslim League condemn the Sukkur massacre? Did they condemn the foul murders of scores of Hindu leaders which took place? They instigated murderers and they treated them as heroes, and they brought the whole public life into contempt.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Did the Muslim League condemn Allah Baksh's death?

Mr. Muhammad Nauman (Patna and Chota Nagpur cum Orissa: Muhammadan): Yes. Did you do?

Mr. Jamnadas M. Mehta: I am not now concerned with that, but I know that scores of Hindu leaders of the greatest eminence including Swami Shradhanand were foully murdered. The Muslim League had not a word to say. Can such a party be said to have come with clean hands to this House, when its leader is sitting mum, when murders of political leaders of other parties are going on galore, that we should be asked to associate ourselves with such a motion. Let them come with clean hands first. He who seeks equity must first do equity. You do not deserve any such consideration as political leaders. You are instigators, abettors of murderers and you come here before me with this motion?

Seth Yusuf Abdoola Haroon: You are instigating.

Mr. Jamnadas M. Mehta: I will not allow such a thing to be perpetrated and I deprecate the Government so coolly surrendering their judgment to a motion of this kind and disturbing the business of the House. I say it is a bad precedent. For Mr. Muhammad Ali Jinnah personally I have very great affection. He is a gentleman of polished manners and social graces. I would like to be with him, I have been with him, I have had many socials with him. I am as happy as anybody else at his safety but I must say you are not doing this personally for Mr. Muhammad Ali Jinnah. It is for the Leader of the Muslim League. Under what pretence are you doing it? I cannot understand why the business of this House should be interfered with in this outrageous manner for the sake of the political leader of a party whose hands are not clean, whose hands are red with murders.

Seth Yusuf Abdoola Haroon: Shame on you!

Mr. Jamnadas M. Mehta: Shame on those who deny facts.

Seth Yusuf Abdoola Haroon: This party has never done that.

Mr. Jamnadas M. Mehta: Shame on those who deny the facts.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Lie, absolute lie.

Mr. Jamnadas M. Mehta: I don't want further to discuss this matter, except to say this that for Mr. Muhammad Ali Jinnah's escape I am grateful to Providence and I wish him long life and prosperity and health, but for Mr. Muhammad Ali Jinnah as the President of the Muslim League I have not got the slightest sympathy. In fact, he is going to disrupt my country if he can, but I am not going to bring that issue here. But look at the past. Murders of leaders of the Hindu community have been committed and not one word of sympathy has been said to the bereaved family or the affected community by him. Therefore, I am not willing to associate myself with the motion and I would be surprised if any Party in this House should associate with people whose hands are not clean.

The Honourable Sir Sultan Ahmed: I am sorry that the debate should have taken this turn. After all, it was a simple and non-controversial motion, offering congratulations to Mr. Jinnah on his miraculous escape and nothing more. So far as Government are concerned, we have associated ourselves with it, because he is a member of the Assembly and the attack was certainly dastardly and cowardly and we congratulate him on his escape, because he is a Member of this Assembly.

Mr. Jamnadas M. Mehta: Will you do it for every member?

The Honourable Sir Sultan Ahmed: If you are attacked and if your life is saved, I will do it.

Mr. Jamnadas M. Mehta: I was assailed by the Congress six months ago, but not a mouse wept in this House.

Mr. President (The Honourable Sir Abdur Rahim): It is a matter for regret that a debate on a motion like this should have taken this turn. I did not stop the Honourable Member, Mr. Jamnadas Mehta, from making his remarks on the alleged attitude of the Muslim League Party of which Mr. Jinnah is the leader as they could not be said to be irrelevant. But I do hope that Members who take part in this debate will not go into matters which have only an indirect bearing on the motion before the House.

Sir Cowasjee Jehangir (Bombay City: Non-Muhammadan Urban): Mr. President, I consider it a privilege to be allowed to associate myself with the Resolution that has been moved by Nawabzada Liaquat Ali Khan, not in his capacity as the Deputy Leader of the Muslim League but as a citizen of India and a Member of this House. I take this opportunity of doing so, as perhaps the oldest friend of Mr. Jinnah in this Honourable House. I have known him for the last 42 years.

Mr. Jamnadas M. Mehta: Then you are older.

Sir Cowasjee Jehangir: . . . and perhaps much longer and much better than any other Member of this Honourable House, including all members of the Muslim League Party and therefore I repeat I consider it a privilege to be allowed to associate myself with this Resolution. I am not going to enter into any political discussion (*An Honourable Member*: "Why did you leave his party?") and I deprecate most strongly the speech just made by an Honourable Member of this House. I deprecate it most strongly in the interests of my country.

Mr. Jamnadas M. Mehta: I deprecate your speech.

Sir Cowasjee Jehangir: I deprecate it in the interests of my country, not in the interests of the Muslim League or the Congress but in the interests of Mother India.

Mr. Jamnadas M. Mehta: Where is Mother India?

Sir Cowasjee Jehangir: That there should be an Honourable Member of this House who could put up such an exhibition on an occasion like this is a disgrace to him, and to this House.

Mr. Jamnadas M. Mehta: It is a disgrace to you.

An Honourable Member: Is the Honourable Member entitled to use the word 'Disgrace'?

Mr. President (The Honourable Sir Abdur Rahim): He is entitled to express his own opinion.

Mr. Jamnadas M. Mehta: Then his conduct is disgraceful.

Sir Cowasjee Jehangir: We Indian must remember that when we speak in public we speak to an international audience on an occasion like this. We have been told that we are not a united country. It was only yesterday in a debate I had occasion to say that India was a united country on the issue before us. Well, Sir, if there are such exhibitions as this, is there any reason to complain or to blame those who contend that even on the smallest matter, even on the most solemn occasion we cannot refrain from showing our communal bias. There is no communal question before us. An Honourable Member of this House, a Leader of a party, who has been a leader of a party for years, of which I had the honour of being a member, has had the unfortunate experience of being attacked by a fanatic and has had a miraculous escape and if we think it fit to show our thankfulness to Providence on that escape we are doing something that is an honour to ourselves and a duty to ourselves and this Honourable House. I associate myself fully and wholeheartedly with the Resolution and I trust that this Resolution will be conveyed to Mr. and Miss Jinnah on behalf of all his friends in this House. I further trust that in matters like this—it does not matter who it is or which member of this House has escaped a catastrophe, we shall be ready to show our whole-hearted sympathy with him and his family and his friends.

Rao Bahadur N. Siva Raj (Nominated Non-Official): Mr. President, I desire to associate myself with the sentiments expressed by Sir Cowasjee Jehangir in

supporting the motion of my Honourable friend Nawabzada Liaquat Ali Khan. It is very unfortunate that Mr. Jamnadas Mehta should have chosen this occasion to give vent to his personal feeling . . .

Mr. Jamnadas M. Mehta: No.

Rao Bahadur N. Siva Raj: . . . personal views at any rate on the attitude of the Muslim League Party. I cannot claim to know Mr. Jinnah for such a long time as Sir Cowasjee Jehangir but he was always very sympathetic towards the attitude that I have taken on questions concerning my community and whatever contribution he may or may not have made to the various questions and problems that stand in the way of India attaining her freedom and her national destiny, the fact remains that so far as the minorities are concerned he has made it possible for those communities to organise themselves and to fight for their uplift. It also shows to the public in India and elsewhere that merely because a community is organised on its own basis, it cannot be treated as a purely anti-national party. No foe of Mr. Jinnah can ever maintain that Mr. Jinnah has at any time let down the interests of India. If anything, he is one of the few politicians who is known for his independence and integrity. I associate myself with the Resolution and I support the motion.

Sir Henry Richardson (Nominated Non-Official): Sir, on behalf of my Group, I support wholeheartedly this motion and join with those previous speakers who have condemned this outrage, which we deplore. While we have no knowledge of the causes which led this misguided man to make this attack, there can be no possible excuse or justification for the act and we sincerely congratulate Mr. Jinnah on his providential escape.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Sir, I associate myself and my Party with the Resolution which has been moved by my Honourable friend Nawabzada Liaquat Ali Khan. I do not think that the question of Mr. Jinnah being the leader of the Muslim League Party is a relevant one on this occasion. If Nawabzada Sahib had not moved that Resolution, I myself would have moved it. It has been pointed out that Mr. Jinnah is a great personality in the country and he has rendered services to the community in a variety of ways. But there is another aspect of the question. Of late, there has been a growing tendency in the country to regard murder as a political weapon and unless public opinion asserts itself definitely, emphatically and strongly against it, there will be a great deal of difficulty in the future and this misguided view which has been taken by some will lead to the most disastrous consequences for the country.

Mr. Hooseinbhoy A. Lalljee (Bombay Central Division: Muhammadan Rural): Sir, I rise to associate myself with the Resolution that my friend Nawabzada Sahib has moved. Many words are not required of me to support this Resolution as I entirely agree with the remarks that have fallen from the Leader of the House and my friends Sir Henry Richardson and Dr. Banerjee. But I may be permitted to say a few words as I claim to belong to his community, as I claim to be one who has been living in the same city as he has been and I claim to be one who has had the privilege of working with him for several years. I do not claim as great a friendship as my friend Sir Cowasjee Jehangir, but I do feel that I know a great deal of this great man. Up till very recently the one thing that nobody ever denied to Mr. Jinnah was that he was one of the straightforward, frank and honest gentlemen in the country. No corruption, no flattery, no honour did he aspire. We have few persons to admire of this calibre in this country. It is also a fact that he has rendered to this country a great service for many years. He has been held up till very recently a great hero by the Indian nationals and we have in the City of Bombay a Congress House known as 'Jinnah's People House'. Whatever may be the position with regard to his activities recently in the Muslim League, it can certainly be said that so long as he is at the head of that body corruption or misdeeds must be taken to be far away from him. That is my own personal belief, and I do not think I am wrong and I may further tell you that I honestly feel that a man of that type who has been taken as a great man all this time can never allow things to happen which have now been recently

alleged against him. There have been very recently serious allegations made against him which I admit I hear off and on, but I do appeal to my countrymen as Dr. Banerjee has said, that we ought to be very careful not in the least way to encourage any disastrous attack such as this on our leaders or for the matter of fact on anyone. In fact, nobody does it, but the least thing coming from any side in these days may bring forward a thing of this type which has happened now and if that happens that will be a great wrong and a great loss to the country. With these words I support wholeheartedly the Resolution that has been moved by my friend Nawabzada Sahib and I beg of you to convey our congratulations to Mr. Jinnah.

Sir Muhammad Yamin Khan: Sir, I move that the question be now put.

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

"That the question be now put."

The motion was adopted.

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

"That this Assembly condemns the cowardly attack on Mr. M. A. Jinnah and congratulates him on his providential escape."

The motion was adopted.

MOTION RE THE RECENT PEGGING LEGISLATION IN SOUTH AFRICA.

The Honourable Dr. N. B. Khare (Member for Indians Overseas): Sir, I move:

"That the position arising out of the recent Pegging legislation in South Africa be taken into consideration."

Sir, in response to one of those periodic waves of anti-Asiatic prejudice which from time to time besmirches the name of South Africa and which the Union Government found difficult to resist there has been recently enacted there the Trading and Occupation of Land (Transvaal and Natal) Restriction Act, usually known as the Pegging Bill. It has the two following effects:

(1) In the Transvaal it extends for a further three years the provisions of the interim legislation enacted for the year in 1939 and extended for another two years in 1941, by which purchases of property by Indians in areas not already subject to other restrictions are prohibited without the special permission of the Minister.

(2) In Natal it prohibits Indians from purchasing property and Europeans from selling property to Indians in predominantly European areas in Durban without the Minister's permission and provides for the extension of similar provisions to other areas in Natal on sufficient cause being shown after enquiry. There have been hitherto no statutory restrictions upon the acquisition of land by Asiatics in Natal, though provision exists for the insertion of an anti-Asiatic clause in title deeds.

Indian emigration to Natal began in 1860 upon the request of European planters through the Governor. Reports reached India that the emigrants were ill-treated and Indian emigration declined to such an extent that planters continued to complain of a shortage of labour. An enquiry held in the colony revealed that the reports were well founded; apart from other ill-treatment, wages were habitually held in arrears and in many cases not paid at all. Emigration to Natal was stopped by the Government of India in 1866. It was reopened in 1874 on the enactment of measures by the Natal Government which provided that the indentured labourer, on the expiry of his indenture, might commute his return passage to India to a parcel of land for free settlement.

European fears of Indian expansion in Natal expressed themselves as early as 1880 and in 1887 a Commission appointed by the Natal Government reported that "the majority of white colonists are strongly opposed to the presence of the 'free' Indian as a rival and competitor either in agricultural or commercial pursuits". As a result of pressure by the white colonists the enactments providing for free settlement of ex-indentured labourer were repealed. In 1894, the Natal Parliament passed a measure depriving Indians of the parliamentary franchise. Mr. Joseph Chamberlain, in refusing to recommend the Bill for

[Dr. N. B. Khare.]

Royal Assent, said "the Bill involves in a common disability all natives of India without exception and provides no machinery by which an Indian can free himself from this disability whatever his intelligence, his education, or his status in the country. To assent to this measure would be to put an affront on the people of India such as no British Parliament could be a party to". And, in speaking to the Colonial Conference in 1897, Mr. Chamberlain said "we ask you also to bear in mind the traditions of the Empire, which makes no distinction in favour of or against race or colour and to exclude by reason of their colour or by reason of their race all Her Majesty's Indian subjects or even all Asiatics would be an act so offensive to those people that it would be most painful, I am quite certain to Her Majesty to have to sanction it".

Her Majesty's potential suffering appears to have caused little concern to many of the white colonists in Natal who stuck by their policy of using Indians for their own enrichment while denying them ordinary human rights and privileges, comparable to the policy of the snake in the fable, which lets the rat make a hole and then occupies it itself. Some, however, saw the inequity of such a policy. In 1907, a Commission in the Colony reported that "absolute and conclusive proof has been put forth before the Commission that several industries owe their existence and present condition entirely to indentured labour. The Indians are industrious, law abiding and on the whole sober in their habits and it has been proved that their presence has had no injurious effect on the morals of the 'whites' or the 'natives'". In 1908, Sir Leige Hulett, speaking in the Natal Parliament, said "The condition of the colony before the importation of Indian labour was one of gloom, it was one that then and there threatened to extinguish the vitality of the country, and it was only by the Government assisting the importation of labour that the country began at once to revive. The coast has been turned into one of the most prosperous parts of South Africa". There were those in England too who felt themselves compelled to voice their disapproval of the Natal policy. In 1908 Lord Curzon said "in the first place, as regards South Africa itself, the Indian 'coolie' or at any rate the educated man who is behind the Indian 'coolie' and has conducted this agitation, sees that the 'coolie' or the artisan is invited and even encouraged to emigrate from India. We send him to a colony which he enriches by his labour and then the society there appears to turn round upon him as if he were a pariah dog". These are not my words, but those of Lord Curzon. He further says: "He is penalised there not for his vices but for his virtues. It is because he is a sober, industrious, frugal and saving man that he is such a formidable economic danger; and then the Indian remembers that at any rate in a large number of cases he has fought for the British Empire in South Africa and that it was largely owing to his efforts that Natal was saved".

In Transvaal, the Provincial Government was always in favour of a declared policy of segregation. By a law of 1885 amended in 1887, Asiatics were forbidden to live except in such areas and locations as may be set aside for them on sanitary grounds. This law and its interpretation was the subject of much controversy between His Majesty's Government and the Republican Government, a controversy which was reflected in a speech by Lord Lansdowne, Secretary of State for War and an ex-Viceroy of India, who stated a few weeks after the outbreak of the Boer War that of all the misdeeds of the Boers, none filled him with so much anger as their treatment of British Indians and proceeded to paint a lurid picture of the political evils which might have been expected to follow in India itself if England had failed to put an end to such insolent injustice. After the Boer War, the Transvaal became a Crown Colony. In 1902 and again in 1904 the Governor, Lord Milner, put forward proposals for the registration of Asiatics. In 1902, Mr. Joseph Chamberlain rejected the proposal and said that it would be impossible to defend what would practically be a continuance of the system of the South African Republic against which Her Majesty's Government had so strongly and repeatedly protested. It is an irony of fate that the self same insolent injustice as described

by Lord Lansdowne is being perpetrated even today on the defenceless South African Indians by the British and the Boer combining into a double barrelled gun for the annihilation of Indian interests in South Africa.

In 1904, Mr. Lyttleton while agreeing to the introduction of an Immigration Ordinance to restrict the entry of Indians in the future by applying a dictation test in a European language, refused to sanction legislation taking away rights for which Indians had contended in republican days and which had subsequently been assured to them. European opinion in the Transvaal was, however, by no means satisfied and continued efforts were made to impose further restrictions upon Asiatics. In speaking of the Immigration Restriction Act of 1907, which incidentally gave rise to Mr. Gandhi's first passive resistance movement in South Africa, Lord Morley said "the Act may work grave injustice since British Indian subjects who had before 1902 acquired domicile in the Transvaal but having temporarily left the colony, had not registered themselves may under its provision be debarred from re-entry". In 1908 the Townships Act and the Gold Law which consolidated the position regarding occupation and ownership in proclaimed land and contained stringent provisions against Asiatics and 'coloured persons' were passed.

In 1910 the Union of South Africa was established and from that date forward matters affecting Indians became a Union Government responsibility, though the laws of the constituent parts of the Union remained in force. In 1913 an Immigration Bill was introduced and passed which was the cause of Mr. Gandhi's second and more spectacular passive resistance campaign. It was in relation to this legislation that the Viceroy Lord Hardinge speaking in Madras said:

"Recently your compatriots in South Africa have taken matters into their own hands by organising what is called passive resistance to laws which they consider invidious and unjust,—an opinion which we who watch their struggle from afar cannot but share. They have violated, as they intended to violate, those laws with full knowledge of the penalties they have the sympathy of India deep and burning—and not only of India but of all those who like myself without being Indians themselves have feelings of sympathy for the people of this country."

In 1914 Mr. Gandhi came to terms with General Smuts and the passive resistance movement ended, but under the Immigration Act all Indians were, by an order of the Minister, deemed undesirable and consequently became prohibited immigrants. At the Imperial War Conference in 1917 and 1918 General Smuts said:

"Once the white community in South Africa were rid of the fear that they were going to be flooded by unlimited immigration from India, all the other questions would be considered subsidiary and would become easily and perfectly soluble. . . . the fear, which formerly obsessed the settlers there has been removed; the great principle of restricting immigration for which they have contended is on our statute book."

Mr. Burton, speaking on behalf of South Africa, said:

"It is only fair to say and it is the truth that we have found that the Indians in our midst in South Africa who form in some parts a very substantial portion of the population are good, law-abiding, quiet citizens and it is only our duty to see that they are treated as human beings with feelings like our own and in a proper manner."

Speaking elsewhere of the troops who had served under him, General Smuts said,—

"I wish here publicly to repeat that I have had no more loyal, devoted and brave troops under me than those troops from the Indian Empire and I think the young South Africans who went with me, who fought side by side with those heroes from Asia today have more kindly feelings than they had before towards the Indian population of South Africa."

These sentiments apparently have now gone with the wind! Feelings however were not so easily modified and as a result of pressure by the Government of India and the Secretary of State a Commission was set up in 1920 to consider the question of Indian trading and property rights. This Commission, in recommending against "compulsory segregation of Asiatics" said:

"We find ourselves wholly unable to support the policy of repression which was advocated by some of the witnesses. Indiscriminate segregation of Asiatics in locations and similar restrictive measures would result in eventually reducing them to helotry. Such measures, apart from their injustice and inhumanity would degrade the Asiatic and react upon the Europeans."

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The Union Government nevertheless, willingly or unwillingly, found the pressure of European opinion too strong, and in 1925 General Hertzog's Government introduced the Areas Reservation Bill. Dr. Malan in introducing the Bill said that the measure frankly started from the general supposition that the Indian was an alien element in the South African population and that no solution of the question would be acceptable to the country unless it resulted in a very considerable reduction of the Indian population. As a result of representations from the Government of India the Bill was postponed and in 1926 the Round Table Conference was held in Capetown which finally concluded the Capetown Agreement. It was in regard to this legislation that the Viceroy Lord Reading said at the opening of the Legislative Assembly in 1927 that it appeared to contain a radically objectionable principle. Lord Olivier, speaking in the House of Lords in 1926 on the same subject, said:

"That is more than pressure, it is oppression. It is not to be wondered at, when Indians in India see their relatives exposed to this oppression, that they become restive and ask, 'What is the use of our belonging to an Empire which guarantees to protect us, if again and again the promises that have been made in the name of that Empire to our kinsmen are not to be maintained and those kinsmen are to be subjected to oppression to induce them to relinquish the privileges that they have acquired'?"

He added—

"I have stated that Lord Reading's opinion and certainly the opinion of any one connected with the India Office is that these oppressive enactments are a distinct infraction of the rights of Indians which His Majesty's Government are bound to honour, to maintain and safeguard."

He pleaded—

"Let us have some kind of moratorium from the continued pressure upon them (the rights of Indians in South Africa) which is being exercised to the great disturbance of our own Imperial relations with India."

The foregoing shows clearly enough how from the earliest days of Indian immigration into Natal the white population of South Africa has been guided by no other motive but gross self-interest. When times were bad they did not hesitate to implore India to help them and were ready to make any promises to get the labour they so sorely needed. But when time improved they were eager to repudiate their promises and to invoke any means at their disposal to oppress and insult the very people who had come to their assistance. His Majesty's Government and many prominent British statesmen have consistently protested and striven against the South African attitude but as time has gone on, their protests and their efforts have become weaker and of less avail. By passes, licenses, registration, taxes, tests and reservations regarding property and trading and by denying the elementary right of the franchise to people born and bred in their country, the white Governments in South Africa have done their utmost to humiliate and hedge in their Indian population. To this has been added social and public indignity of many kinds; refusal of entry to shops, hotels, places of amusements, restrictions on the use of public conveyances, separate counters at post offices and similar degradation. A man of such robust common sense as the present Prime Minister, Mr. Winston Churchill, writing of the Indians in Kenya said: "Is it possible for any Government with a scrap of self-respect for honest dealing between man and man to embark upon a policy of deliberately squeezing out the native of India from regions in which he has established himself under every security of public faith?"

That sentiment, so forcibly expressed, applies with equal pertinence to the history of Indians in South Africa.

And yet, at a time when Indian troops have given their lives in countless gallant actions in African soil and are ready for further sacrifices in the same cause for which South Africa is fighting, at a time too when that same great man, Winston Churchill, is leading all the peoples of the Commonwealth in the sternest struggle that has yet been seen, all those noble sentiments are forgotten, all those high principles enunciated by former British Ministers and statesmen are ignored and the last indignity is imposed upon the Indian people

by the latest so-called 'Pegging' legislation in South Africa. It is worthy of note that the Union Government's action has the support of Dr. Malan whose followers, constituting some 40 per cent. of the white population, stand openly for secession from the Empire and neutrality in the war. It may be that Field Marshal Smuts has accepted this position only for the purpose of the general election, but India can derive little satisfaction from such a reflection. The original Interim Act prohibiting Indian purchases of property in the Transvaal was passed in 1939 for two years only, to tide over as they said a difficult period. It was extended in 1941 for another two years and has now been again extended for three years. It is small wonder if Indians regard the recent enactment as designed to be a permanent measure. Nor should undue weight be attached to apparent disunity among the Indians in South Africa. There is disunity among the Europeans too, between the seceders and the non-seceders, but on this issue they are at one. So too are the Indians, whose differences arise from other causes.

The crux of the situation is that South Africa prevails because she is a Dominion and Indians there have to suffer because India is a dependency. Under the circumstances the moral responsibility of Britain which is the trustee of India is very great. She cannot ignore that she owes a duty just as great to the dusky millions in India and the quarter million in South Africa as she owes to the whole people of her own race in any territory in the British Commonwealth of Nations. The constitutional drawback from which India suffers does not detract from the inherent justice of the case of Indians in South Africa and some means must be found for maintaining the dignity and prestige of India, and of the Government of India, even in war time. It should not be forgotten that the Union Government's action is an affront to the Government of India as well as to Indian sentiment. Fortunately in this matter the people of India and the Government of India are at one, and the Government of India have already publicly characterised the recent legislation as repugnant, unnecessary and inopportune. Had India been independent she would have considered this a *casus belli* against South Africa. But we may not think lightly of breaking away from the British Commonwealth of Nations because the ideal of co-operative interdependence on a footing of absolute equality is better than the ideal of isolated independence. There may also be a forlorn hope of representations yielding valuable results after the election fever in South Africa has cooled down and specially after thumping got by General Smuts. But representation unbacked by any action is valueless, as said by Lord Hardinge on a memorable occasion. As for action an amended Reciprocity Act is already before the House for consideration and the possibility of applying other feasible and proper measures is being carefully examined.

Sir, yesterday I was put several questions about the correspondence that took place between the Government of India and other authorities on this question, and also, about what the Government of India did in this matter before this Bill became law in South Africa. Therefore, Sir, I will tell the House the purport of the communications which were issued by the Government of India and the replies received by them in a chronological order, so that the House can realize what the Government of India has done so far with a view, if possible, to prevent the passing of that legislation or at least to postpone it.

16th March, 1943.—High Commissioner's telegram dated 13th March, 1943, intimating (i) Union Government's intention of "Pegging" position in Durban or in Natal pending receipt of Mr. Broome's report and the enactment of legislation on certain lines, and (ii) also of renewing the Trading and Occupation of Land (Transvaal) Restriction Act of 1939 for a further period of two years. Though it was known that Mr. Broome was conducting his second enquiry into Indian penetration, this was the first intimation regarding the pegging legislation and the Minister had still not made up his mind.

25th March, 1943.—The Government of India asked High Commissioner to represent to the Union Government that the Government of India maintained

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objection to statutory segregation and that pending receipt of Broome's report, any action by them would prejudice issue and advised him to adopt same attitude.

27th March, 1943.—The Government of India informed the High Commissioner that press reports here referred to European demand for immediate legislation and the Minister's threat to Indians of legislation with retrospective effect and asked for full information.

27th March, 1943.—High Commissioner's telegram dated 26th March intimating that he had conveyed Government of India's objection to statutory legislation.

28th March, 1943.—Instructed the High Commissioner telegraphically to secure an assurance that the Government of India would be given an opportunity to comment. The High Commissioner sent on this request to the Union Government on the 30th March, but it was ignored.

29th March, 1943.—High Commissioner intimated that the Minister had made the speech on 22nd March, in which he explained that Government's attitude was to await the Broome Report, but that if, as anticipated, legislation was found necessary, it would have retrospective effect from 22nd March. On 26th March this was debated in the Union Assembly. Anti-Asiatic speeches were made by European members and the Minister stated that the problem was not merely of penetration into European areas but also of proper housing for Indian community and that the Union Government was anxious to avoid offending susceptibilities of the Government of India which has played so vital a part in the war effort.

31st March, 1943.—High Commissioner telegraphed summary of Broome's Report.

4th April, 1943.—High Commissioner intimated that Field-Marshal Smuts was very perturbed by the extent of penetration disclosed in Broome Report and desired immediate legislation.

7th April, 1943.—The Union Government publicly announced their intention to legislate and to introduce a Bill on 10th April 1943. Draft of Bill handed by Minister to High Commissioner.

8th April, 1943.—Press communiqué issued by the Government of India expressing regret that the Union Government had not given them an opportunity to comment and had also paid no attention to their representation for the non-extension of the Interim Act in the Transvaal.

8th April, 1943.—Telegraphic second representation to the Union Government through the High Commissioner pointing out the inadvisability of undertaking the proposed legislation in war conditions, particularly in view of their assurance to Sir B. Rama Rao in October 1939 that no legislative action on racial lines would be taken for the duration of the war. Strong objection to statutory segregation was reiterated and suggestion was made that solution by voluntary restriction of purchases of property be explored.

8th April, 1943.—Telegram to Secretary of State telling him that the Union Government had not replied to the Government of India's representations and also informing him that reactions of the proposed legislation in India would be serious and unhappy.

8th April, 1943.—Press Conference held to explain the position.

10th April, 1943.—Government of India's protest handed over to the Secretary, External Affairs Department, by Dr. D. I. R. Muir at 6 p.m., on the 9th April and verbal request made that the Prime Minister may withdraw the Bill from next morning's Order Paper and to reconsider the position.

10th April, 1943.—Bill introduced in the House of Assembly; second reading being for the 14th April.

11th April, 1943.—High Commissioner telegraphed Union Government's reply to our second representation. The Union Government stated that hopes expressed in 1939 that the position regarding Indian penetration would be maintained or, at any rate, would not further deteriorate had not been realized as

shown by Broome's Report, and that this had compelled them to legislate as otherwise there was fear of racial feelings.

12th April, 1943.—High Commissioner telegraphed how Union Government's reply was unsatisfactory and gave no reasons why Government of India were not informed of their intention to legislate. This is the courtesy shown to the Government of India.

His Majesty's Government asked their High Commissioner to impress upon Union Government need for conciliation.

13th April, 1943.—(Third protest): Third protest to the Union Government through the High Commissioner. It stated:

(i) Issues involved were of high importance to relations between two countries during war as also in post-war period so as to call for utmost efforts by both Governments to avert danger of lasting breach.

(ii) Existing licensing laws in the Transvaal operated as an effective barrier against Indian occupation of trading sites and that in view of first Broome report and the subsequent statistics there was no justification for continuing the Interim Act.

(iii) Suggested as a practical compromise that pending report of proposed Commission to examine housing and other civic needs of Indians, all intended transfers of land between Europeans and Asiatics should be subject to prior publication before confirmation and administrative arrangements should be made for hearing of any objections by a joint committee or by an impartial judicial committee.

14th April, 1943.—Personal telegram to Secretary of State informing him of the Government of India's representation to the Union Government and also telling him that feeling in India continued to run high.

14th April, 1943.—Third protest handed over to Field Marshal Smuts (copy to Mr. Lawrence). Second reading of the Bill.

21st April, 1943.—High Commissioner telegraphed his own proposals for non-statutory solution, viz., *status quo* regarding purchase of property but acceptance of principle of zoning in regard to actual occupation and appointment of a commission for the purpose.

21st April, 1943.—Last suggestion made by the Government of India was that provision be made in Bill empowering Governor General to bring it into force when he thinks fit, and that Act be held in reserve as guarantee of good behaviour. In the meantime suggested machinery in our third representation be put into force. This was handed over to Secretary, External Affairs on the 22nd April, while second reading debate was on in the Senate.

21st April, 1943.—Second reading of Bill passed.

22nd April, 1943.—High Commissioner informed that he could put forward his proposals first, keeping ours in reserve as last attempt.

25th April, 1943.—Union Government's reply to Government of India's third protest received. They found alternative suggestions unacceptable and were convinced that no action short of that envisaged by the Bill would either produce breathing space or atmosphere necessary to enable a permanent solution of problems to be found. They also said that by the Capetown Agreement or by their decision not to proceed with legislation contemplated in 1926, Union Government did not in any way surrender their freedom to deal legislatively with Indian problems in future.

26th April, 1943.—Bill passed third reading.

27th April, 1943.—Press communiqué issued by the Government of India expressing disappointment over Union Government's failure to adopt Government of India's suggestions and stating that the legislation was repugnant, unnecessary and inopportune.

Sir, this is the sorry tale which I have had the misfortune to recite to the House today.

Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan Urban): Will the Honourable Member say something about the Capetown Agreement? Does the Capetown Agreement that was made in 1927 still subsist between the Government of India and the Union Government or not?

The Honourable Dr. N. B. Khare: I think it is a point of argument.

Sir Syed Raza Ali: That is a question of fact. Give us the facts.

The Honourable Dr. N. B. Khare: I think it still subsists.

Sir, I have taken a long time of the House and I thank the House for the patient hearing. I shall now await with great interest various suggestions which will be coming from the House in this matter, and I assure the House that we will give all the suggestions very careful consideration.

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

"That the position arising out of the recent Pegging legislation in South Africa be taken into consideration."

There is an amendment in the name of Mr. Deshmukh.

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadan): Sir I move:

"That the following be added at the end of the motion: 'with a view to enforce the Reciprocity Act, and adopt measures to redress the grievances of Indians in South Africa'."

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

"That the following be added at the end of the motion: 'with a view to enforce the Reciprocity Act, and adopt measures to redress the grievances of Indians in South Africa'."

Now the discussion will go on.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Will there be any time limit?

Mr. President (The Honourable Sir Abdur Rahim): I cannot impose any time limit, but if Members wish to do so themselves, I shall be very glad to carry it out.

Sir Henry Richardson (Nominated, Non-Official): Sir, having had the advantage of sitting very near the Honourable Dr. Khare, I can congratulate him on the very admirable and full review of this unfortunate history which he embodied in a very long speech just made. It would be unfortunate, Sir, if the House gained the impression that Dr. Khare's vocal efforts were any indication of the other efforts which we hope he is going to make in other directions. I am sure that in the debate that is going to follow we shall give Dr. Khare encouragement and joy to think about any proposals that will be made and for the efforts that he will make and we hope that they will so encourage him that the next time he speaks everyone will be able to hear every word he says.

As long as we have sat in this House the European Group have consistently associated themselves with the various measures that have come under consideration for the safeguarding and improving of the position of Indians Overseas. One of our members, the late Sir Darcy Lindsay, was indeed a member of the deputation which visited South Africa in 1924-25 at the invitation of the Union Government to discuss the Areas Reservation and Immigration Bill. It was as a result of this Conference that the Cape Town Agreement was reached and this possibly marked the most successful stage that negotiations with the Union have ever reached.

Sir, we on this side have always maintained that a responsibility rests upon every self-governing Dominion to ensure that its minorities are fairly treated and are not subjected to discrimination. It is not merely a duty, it is common-sense because any one who looks to the future must realise that the presence in a country of dissatisfied and unhappy elements cannot but lead to future trouble. We have, therefore, no hesitation in supporting wholeheartedly the statement issued by the Government of India on the 27th April last and we agree entirely with the opinion then expressed that the recent legislation passed by the Union Government, in which the Government's racial discriminatory policy has been given statutory recognition in Natal, is repugnant, unnecessary and inopportune. It is repugnant because it introduces statutory compulsion

instead of friendly compromise; it is unnecessary because no case has been made out for legislation. The Broome Commission did not report any such penetration as would justify legislation. If there had been reason to fear such penetration, a friendly enquiry as to the reasons behind such action should have been possible and this might well have resulted in measures unconnected with legislation which might have settled the problem. The action is inopportune because it accentuates differences within the British Commonwealth of Nations at a time when the optimum of agreement is necessary. Whatever reasons, however, may have inspired the Union Government in their recent actions, I cannot agree with those who feel that it indicates a lack of appreciation of the great part which India has played and is playing in the war and I sincerely hope that no political considerations will be permitted to cloud this issue. We understand fully the feeling of resentment and exasperation which this country now experiences but our aim must be to find remedies rather than to give way to unproductive thought or action.

At a time like this it is human to consider retaliatory measures and indeed in this imperfect world, occasions must arise in which nothing but retaliation will meet the demands of an aggrieved public. People may say: "We have tried negotiation and conciliation, but we have failed: what are we to do further to bring home to the opposite party the fact that the position is intolerable?" Once again I would ask the House to look into the future. I do not suggest that the action of the Union Government should be disregarded; they have attempted to meet a difficult situation by methods of compulsion which are not acceptable. But I do ask this House to realise that if and when in the course of time these objectionable measures are removed, and their removal may not be easy, the rescinding of retaliatory measures may equally prove to provide obstacles. My main point, however, is the same as that made yesterday by my colleague, Sir Frederick James, namely, that neither statutory compulsion on the one hand nor retaliatory measures on the other can ever lead us in the direction of a permanent solution. We have been discussing the Reciprocity Act and yesterday Sir Cowasjee Jehangir made it clear that he regards this measure as no more than a gesture. It is possible that the measure, even if its value is no higher than Sir Cowasjee puts it, may bring home to the Union Government the extent to which Indian opinion has been moved, but I agree with him that it does no more to effect a permanent settlement. We may continue with compulsion on the one hand and retaliation on the other until tension reaches a breaking point, but what will we have effected? When negotiation fails, the logical outcome is brute force and surely the world realises that this remedy kills as much as it cures.

Now, Sir, many Members of this House may be saying: "But where does this lead us?" The Group has given its support to the Reciprocity Bill that is now being enacted although we see in it no permanent remedy. But we do see that the feelings of the country regarding the matter must be made clear. What can we do to arrange something of more permanent benefit?

Obviously India cannot allow the matter to stand as it is, but I feel the House should consider the strong feelings which exist amongst many in the country, that in any course of action on which we embark, we should not, in attempting to help Indians overseas, do anything which would really hurt or injure them thereby making their position worse than it is. This is not a new point—it has been put forward on previous occasions and although it is now stated that exasperation has driven India to the utmost limit of endurance, surely we must still examine carefully any proposed retaliatory measures in order to be sure that we are not taking steps which will not only prejudice the case of Indians overseas but might have a boomerang effect, returning the violence of our throw on their heads and our own. In any case, since the High Commissioner is returning to this country in September surely it would be prudent to defer any retaliatory action under the Reciprocity Act or otherwise, until the Government of India and representatives of this House have had an opportunity

[Sir Henry Richardson.]

of discussing the whole matter with the High Commissioner. Meantime I agree that His Majesty's Government definitely still has some responsibility towards India and this responsibility must remain until India is able to take up the reins of the self-government which is coming. His Majesty's Government might well request the Government of the Union to invite a further delegation to visit South Africa from India and once again to discuss the future of the Indian community there in circumstances of peace and in an atmosphere of conciliation. After having read the debates in the Union Legislature, I feel that there are grounds for hoping that much good might result. Field-Marshal Smuts in his speech to the South African Assembly used these words. He said:

"The country must be fair to its Indian people. The Government and the people of the country are bound to carry out the policy of the Cape Town Agreement. Complaints by Indians about their treatment should be investigated. They should not be made to feel that they are outcastes."

Sir, however much it may be felt that the action of the Union belies these words, they have been supported by other speakers, notably, Mr. Lawrence and Mr. Hoffmeyer and I am certain that there are many in South Africa who would favour conciliatory action with a view to effecting a permanent solution. In an atmosphere of exasperation, the suggestion of a delegation may give little immediate satisfaction, but although less spectacular than retaliation, I believe negotiation is more likely to yield permanent results. Unless the Indians in South Africa feel that their conditions are so intolerable that they must leave the country which happens to have become their home it may be assumed that they will in the future have to live and work with the people of South Africa. In that event, we all desire they should pursue their avocations as peaceful and happy citizens and the question before us now is "Will this measure be made easier or more difficult by retaliatory measures?" Most certainly we must be firm, but we must not forget the old saying:

"And oft as said I've heard defended
That least said is soonest mended."

Mr. President (The Honourable Sir Abdur Rahim): I understand it is generally agreed that there should be some time limit for the speeches that are going to be made on this motion. It is suggested that Leaders of Parties should speak for half an hour and that 20 minutes should be allowed to other speakers. Is that generally acceptable to the House?

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): May I suggest that an exception might be made in the case of Sir Raza Ali who enjoys a special position in this matter?

Mr. President (The Honourable Sir Abdur Rahim): I suppose he will be satisfied with the same privilege as the Leaders of Parties?

Sir Syed Raza Ali: Half an hour will be ample in my case.

Mr. President (The Honourable Sir Abdur Rahim): An exception will be made in the case of Sir Raza Ali who will be allowed half an hour if that meets the wishes of the House.

(Voices: "Yes".)

Sir Syed Raza Ali: Sir, at the outset of my speech, I must make a reference to the loss which has recently been suffered by the Union of South Africa by the death of its Governor General, Sir Patrick Duncan. Sir Patrick Duncan was a South African and had been settled in South Africa for more than 40 years. He was a man of very progressive views and what is more, I believe, to the point, was a very good friend of the Indians that have domiciled in South Africa. Sir Patrick Duncan was well known not only for the breadth of his views but for his ability and he was one of those who were included in the famous kindergarten of Lord Milner. The term 'kindergarten' includes all those young men whom Lord Milner invited to come to South Africa and help in the administration of the country. I remember the very many acts of friendship and friendliness that were done to us by Sir Patrick Duncan and his wife, Lady Duncan, both in 1925-26 when a deputation was sent out by the Government of

India to the Union Government, as also during my three years stay in that country later. We sympathise, I hope that will be the sense of this House, I speak for myself, and I believe that this House will sympathise with the Union Government and the people of South Africa, as also with Lady Duncan and the bereaved family in the great loss that they have suffered.

Now, Sir, a very clear exposition of the position of Indians settled in South Africa was given by my friend the Honourable Dr. Khare. As he pointed out, there is no difference of opinion on this question. As a matter of fact, at no stage of this question was there any difference of opinion between the people and the Government of India. To our credit, we can claim that this is one of those few questions on which the people and the Government have always been able to see eye to eye. My sole object here today is to help the Overseas Department to the best of my poor ability. Unfortunately, it is too much for us to expect the Governor General to give more than a fraction of his time to the question of Indians overseas. All the same, I am glad to say that there have been three Governors General who did their level best to prevent the imposition of further restrictions and the further curtailment of the rights of our people in South Africa. Dr. Khare has already quoted from the speech of Lord Hardinge made in Madras in the year 1913. I know personally the great service rendered to and the great interest taken in the Indian question by Lord Reading to whose efforts was due the success of the deputations that were sent out by the Government of India to South Africa, one in 1925 and the other in the year 1926-27 of which latter deputation the Honourable Sir Muhammad Habibullah, Member for Education, Health and Lands, was the Leader. Of this deputation, the Right Honourable Srinivasa Shastri and Sir Darcy Lindsay, to whom Sir Henry Richardson referred, were the members among others. Now, I should not minimise the services rendered by Lord Irwin, who took a personal interest in this question and to whose efforts mainly was due the success achieved by the Cape Town Agreement which, I am glad to know from the Honourable Dr. Khare, still subsists between the Government of India and the Union Government. On this I will have something to say later on. But it seems that a change has come over the Government of India's policy since the year 1941. That policy has ceased to be purposeful, resolute and vigorous during the past two years. The time at my disposal will not allow me to embark on this theme at any great length. I would, however, in passing refer to what happened in Burma and how the agreement was reached by the Government of Burma and the Government of India and how facts were suppressed from the Standing Emigration Committee which led to a hue and cry from end to end of the country. The question was raised in the Assembly as well.

The next question that was tackled in that year was the question of relations between Ceylon and India. The Honourable Member in charge, who was a very experienced man, paid a visit to Ceylon. Unfortunately, the impression on India was that the descendants of Ramchandrajai of old felt frightened of the might and main of the countrymen of Ravana. That question has not been finally decided yet and I am very glad that it was not finally decided in 1941 because it would appear that if a decision were to be taken on our relations with Ceylon in that year, perhaps a similar fate would have overtaken us and we would not have had a more satisfactory agreement than we succeeded in having with Burma. Then, there is another important point and that is the reason why I put that point specifically to my Honourable friend Dr. Khare. The net result of all these toils and troubles, tears and sweat, to quote Mr. Winston Churchill, was that an agreement was made between the Government of India and the Union Government in 1927. Strange to say or I should say it is fortunate to say that the Deputation under the leadership of Sir Muhammad Habibullah that was sent out by the Government of India was so strong that it succeeded in persuading the Union Government to invite India to send its representatives to South Africa to look after the interests of Indians there. That was a very great point scored indeed. As a result of that persuasion, the Right Honourable Srinivasa Shastri consented to go to that country as the first

[Sir Syed Raza Ali.] Agent General of India to serve his people. The position of the Agent General till 1941 remained the same. Of course, I speak subject to correction. I think that this great change that was made in the functions and duties of the Agent General was effected in the year 1941 and that was the one saddest blunder ever committed by the Government of India. The position since 1927 had been that India's Agent General was the leader of the domiciled Indian community. He had to guide them in their deliberations; he used to give them advice; he used to attend to their grievances which ranged from a refusal to obtain a passage on a certain boat to questions of greater political importance. On every occasion he used to help his people. In fact, it was taken for granted that he should guide them and lead them and be a friend, philosopher and guide of the Indian community there. That office has been glorified into a grandiloquent title of "High Commissioner for India". But the fact is this that the High Commissioner for India no longer represents and can no longer make representations on behalf of the domiciled Indians in South Africa. He represents the Government of India and the Government of India alone and his main duty is to pass over such messages to the Union Government as he may receive from the Government of India.

Dr. P. N. Banerjea: He is a mere post office.

Sir Syed Raza Ali: He is, as my friend Dr. Banerjea points out, a mere post office and it is the Government of India, I am afraid, who have reduced this unfortunate ex-Agent-General and the present High Commissioner to the position of a cypher. What is the justification for this and what have they gained? Wherever anything goes wrong with reference to its relations with the countries where our people have domiciled, the Government of India always take shelter behind the Standing Emigration Committee. Now, the Standing Emigration Committee does give its opinion on such questions as are referred to it by the Government of India. May I ask from the official Benches whether the question of the change in the duties of the Agent General was ever referred to the Standing Emigration Committee, which, after all, is supposed to be an expert Committee? The Government of India seldom bring those questions before the Standing Emigration Committee on which really the Committee is in a position to offer them sound advice.

The position with reference to the interim Act, which was re-enacted as the Pegging Act in April 1943, is a very confused one. Very shortly stated, the position is this that an interim Act was passed applicable to Transvaal alone and thereby Indians were prevented from acquiring property in predominantly European residential areas. Now, the Indian population of Transvaal, I am speaking from memory, is something in the neighbourhood of 30,000. Now, Sir, this year the provisions of that Act were made applicable for the first time in the history of India's relations with South Africa to Durban also and to such areas where Indians may be found to have penetrated and this thing could be done by executive order. Now, Sir, our population in Natal is, I believe, something like 180,000 to 190,000, again speaking from memory. The real Indian question relates to Natal. It is Natal where Indians are mostly settled, it is Natal where Indians are carrying on most prosperous business and it is to Natal that this thing was made applicable. Now, Sir, the question of segregation has been the subject of dispute between the Government of India and the Union Government for the last nearly 40 years. The main point is this. I say that, so that the House may be able to judge as to what the stake involved in the present struggle is. The Union Government claimed that they had the right to segregate Indians, namely, to demarcate special residential areas where only would it be permissible for Indians to reside. The attitude taken up by the Government of India, the old bureaucratic Government of India which I find on this question, on a number of occasions proved more independent, more helpful and more useful than the present supposedly democratic Government, always took the view that it was not open to the Union Government to segregate Indians, if Indians of their own free will wanted to settle in any Indian area, they can do it, but the Government had no right to

impose its will on the Indian population in South Africa. We succeeded in this point, by "we", I mean the people of India and the Government of India, in warding off this danger right from the year 1903 down to April 1943. This is the first time that segregation has been imposed on Indians in Natal. Yet, I am surprised that a Cabinet Minister, who is generally supposed to be a friend of our people and who as the leader of the Delegation that visited India in 1936, made a number of speeches containing pleasant and encouraging statements. I am referring to the Honourable Mr. Hofmeyer who found himself in a position to support the Government with regard to the application of the principles of segregation to Natal. That is what we in this country do not realise. (Interruption.) About his resignation, I know its history only too well. That would take me five or six minutes. He opposed the Pegging Bill which was re-enacted with reference to Transvaal where only 30,000 Indians reside. But he supported the Bill with reference to its application to Natal where something like 200,000 Indians live. That is the point. I do not think it is necessary to go into that and emphasise that point.

A number of very apt and cogent quotations have been given by the Honourable the Mover of the Bill. My Honourable friend Sir Henry Richardson, who is nothing if not an optimist, has held out the hope that after all better sense might prevail with South Africans. He has also ventured, if I may say so, to quote from General Smuts. Sir, it is a most dangerous thing to quote anything from General Smuts, if he knows anything about General Smuts, one of the most distinguished statesmen of the British Commonwealth of Nations. If he knew anything, he must have known something about the history, then he would have thought twice before quoting General Smuts. May I give two quotations from General Smuts. The first is from a speech made by him in Union Parliament in April 1925:

"We shall gather on our heads the hatred of the whole of Asia. We shall feel the weight of that hatred in the years to come. The Bill will be taken as an outrage not only by Black Africa but by Yellow Asia. We, a handful of whites, are ring-fencing ourselves, first with an inner ring of black hatred and, beyond that, with a ring of hatred of the whole of Asia, for while only a few Asiatics are directly affected by this Bill, the inclusion of their name will win us the hatred of hundreds of millions of Asiatics from the north of Asia to the south."

Here is another quotation from a speech which General Smuts made in the Union Parliament a year later. This is Field Marshal Smuts, the champion of the rights of the poor, the defender of those who have no defenders in South Africa. This is how he delivered himself in 1926:

"An extension of the colour bar at this moment when the Prime Minister is on the point of bringing forward a new native policy, would be disastrous. Native opinion is largely in revolt. The natives are seething with discontent all over South Africa. It is not only the natives who are making difficulties. There is no doubt that when the Asiatic Bill is passed then the trouble will begin. We know it is coming. The Asiatic Bill must lead to the gravest troubles of administration. I knew that in 1924. In these circumstances, the Colour Bill gratuitously produced here is a firebrand flung into a haystack."

Yet, it is this same Field Marshal Smuts under whose Premiership, this most hateful measure has been placed on the Statute book.

I will hurry through a few more important points. One important point is this. It is said that Europeans have a genuine complaint in finding European residential areas penetrated by Indians. Sir, that is a most lame excuse. It is the excuse of the old wily wolf who reproached the innocent lamb that it was kicking up the dust in the boat in the midstream. There is absolutely nothing in that. The fact is this; this Bill applies to Greater Durban. Durban has been expanding during the past 60 years. When Indians went and settled there they used to live in the heart of Durban. As the city expanded its limits were also extended, with the result that those Indians who had properties in the heart of the city were bought off by the Europeans from time to time. Money is one of our weaknesses, unfortunately it is a particular weakness of those Indians who have settled in South Africa.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has two minutes more to finish his speech.

Sir Syed Raza Ali: I will try to finish. These Indians were bought off and they went and purchased property several furlongs off. As Durban extended that area also became incorporated into Durban and they again sold out their properties and occupied properties at a further distance, and this thing has been going on. Therefore there is no such thing as Indians penetrating European areas. It is only an excuse and a very lame excuse at that.

Sir, a question was asked,—and that was repeated by Sir Henry Richardson,—as to what permanent remedy we can find. The *ex-Law* Member and the present Law Member are both present here, and it is a constitutional question of the highest importance. It is for them to tell us what the ultimate solution can be. I as an individual have given some thought to the question and my idea is that the only solution of this trouble which will occur again and again between various members of the British Commonwealth of Nations is to have a body on the model of the League of Nations of blessed memory, with this vital difference that whereas the League of Nations made it a rule that all decisions should be unanimous, a body representing the British Commonwealth of Nations should make it a rule that all decisions should be arrived at by a majority of votes only. If such a body were existing and this question were referred to that body, they would certainly be in a position to decide by a majority of votes which one of us two, we or South Africa, was in the wrong. It is not for me to hold out a threat to South Africa and what can the poor representative of a helpless country like India do?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Sir Syed Raza Ali: I am finishing. But this much I can say that if a man is persecuted constantly he will fight. I do not think Indians can fight Europeans and use weapons against them which are used by Europeans against non-Europeans; but one thing they can do. There is such a thing as a common non-European front. Indians are a helpless community but surely it is open to them to join the non-European common front. And on this question let me tell you that they will not ask the Government of India for advice: Government have done what they could and we know that. Unfortunately Government have not been out to help them; they are going to help themselves. Now, as to practical suggestions, it is for my Honourable friend Dr. Khare to move in the matter, but as one who is interested in the question and who has studied the question, I may make a few suggestions at least for the careful consideration of the Government of India. It is not a question, I may say, of the Government of India placating this House or public opinion; they have got to do something. We are passing through a crisis and pleasant words will not do. Promises will not be sufficient and people want the Government of India to act and act instantly.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must close his speech now; he has already exceeded his time.

Sir Syed Raza Ali: If you will permit me I will just make a few suggestions; I will not take more than a minute. Let them prevent the export of foodgrains and gunny bags from India; let them prevent the import of wattle bark and wattle wood and all wattle products. Thirdly, let Dr. Khare's Bill be passed at once and let the Government of India take courage in both hands and make rules within the next two months at the outside and put those rules against South Africans in India in force. Lastly

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must close his speech now; it is not fair to other Honourable Members.

Sir Syed Raza Ali: I have done, Sir. Lastly, they should recall the High Commissioner, although I do not attach much importance to that; but the High Commissioner can do no good, thanks to the heroic efforts of the Government of India.

Dr. P. N. Banerjee: Sir, the Honourable Dr. Khare has given a full history of the South African question and I will not cover the same ground again but will confine my remarks to some of the points which have not been dealt with by him or not sufficiently emphasised by him. The settlement in South Africa

first began in the year 1860 and Indian labour was not only demanded but encouraged by the offer of many facilities such as grants of land. This went on for a considerable time and guarantees were given for the proper treatment of Indians not only by the Government of South Africa but by the British Government. In Natal, on the occasion of the Queen's birthday, a proclamation was issued to the effect that there would not be any discrimination in regard to race or colour between man and man in that colony. Then, again in 1897 Mr. Joseph Chamberlain said at the Colonial Conference that there was to be no discrimination on the ground of colour or race in South Africa. Now at this time, it may be remembered, in some parts of South Africa a racial feeling was growing and the British Government said that one of the reasons why it went to war with the Transvaal Government was the ill-treatment of Indians. After the termination of the South African War Mr. Joseph Chamberlain emphatically asserted that henceforward there would be full equality of all races throughout South Africa. But that was not to be, and racial feeling grew in every part of the South African Dominion. In 1908, Lord Curzon, the great imperialist, said:

"In the first place, as regards South Africa itself, the Indian coolie, or at any rate, the educated man who is behind the Indian coolie, and who has conducted this agitation, sees that the coolie or the artisan is invited and even encouraged by our Government to emigrate from India. We send him to a Colony which he enriches by his labour, and then society there appears to turn round upon him as if he were a pariah dog. He is penalised there, not for his vices, but for his virtues. It is because he is a sober, industrious, frugal and saving man that he is such a formidable economic danger in the situation. And then the Indian remembers that, at any rate, in a large number of cases, he has fought for the British Empire in South Africa, and that it was largely owing to his efforts that Natal was saved. Now, if I may follow the Indian on to a wider field of argument, he claims the full rights of citizenship of the British Empire. I do not think it is for as to blame him for that."

And, then, he went on to say that the feeling was growing in India in recent years and that the feeling was so strong that it would be impossible to check it unless better treatment was meted out to Indians in South Africa. Other Statesmen of Britain and of the British Empire laid stress on these facts and as has been pointed out by the Honourable Dr. Khare and Sir Raza Ali, successive Governors-General took up the cause of India and fought for proper treatment of Indians. In the year 1914 there was an agreement, known as the Smuts-Gandhi Agreement, which helped to smoothen matters for sometime, but which did not settle the question fully. Between 1924 and 1927, racial feeling grew again in South Africa and took a very serious form. Several Bills were introduced, two deputations visited Africa, and as a result of the negotiations between India and South Africa, supported by the British Government, the Capetown Agreement was arrived at. Now, Sir, the attitude which was taken up by the Government of India at that time is to be found in the speech of Lord Reading delivered on the 21st January, 1926. He said:

"There had been continuous progress in the legislation in South Africa prejudicial to the position of Indians and tending to make it increasingly difficult for them to prosper or even exist in the Dominion, and further anti-Asiatic legislation had been recently introduced and was now pending before the Union Parliament. The purpose of this legislation was to empower urban authorities compulsorily to segregate Indians and confine their rights of trading and of acquiring property to the limits of the areas assigned to them."

Then he went on to say:

"We have never doubted the right of South Africa to guide the course of their own domestic and economic legislation, but in our view there are far wider considerations involved in this legislation than local economic policy alone. In our opinion they have an important bearing upon the Empire as a whole. The proposed measures are not, in our view, in accordance with those principles which bind the Empire together in a community of sentiment, and we hope this aspect of the proposals may yet commend itself to South African opinion."

This matter was raised by Lord Olivier in the House of Lords, and Lord Olivier, being an *ex-Secretary* of State for India, commanded great deal of influence there. Lord Birkenhead, the then Secretary of State for India took up the cudgels in favour of the Government of India. The result was the Capetown Agreement.

[Dr. P. N. Banerjee.]

During the last three or four years attempts have been made in various ways to over-ride this Capetown Agreement and, as a matter of fact, to nullify it altogether. The Government of India has made representations to the South African Government. But I have not read anywhere any pronouncements similar to those which were made by men like Lord Reading or Lord Hardinge or Lord Curzon.

Then there is another difference. The Government of Britain always sided with the Government of India in the fight for India's rights in South Africa, but on the present occasion what do we find? We find Mr. Amery saying in the House of Commons in reply to a Conservative Member that the Government of Britain had nothing to do with that matter. There had been no correspondence even between the Government of Britain and the Government of South Africa. The whole matter was left to the hands of the Government of India. Now, it is a well-known fact that India is weak, that India is still a subject country and in this crisis to say that the matter was left entirely in the hands of the Government of India was certainly a dereliction of duty on the part of the British Government. When India becomes self-governing, India will never invite the intervention of the Government of Britain in these matters, but so long as India remains subject to Britain and the Government of India remains a subordinate branch of the British administration, it is the incumbent duty of the British Government to fight the battles of India. But, unfortunately, so far the British Government has not raised its little finger to help the Indian Government.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member will continue 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.

Dr. P. N. Banerjee: Sir, when the House rose for lunch, I was discussing two changes which occurred in regard to the South African question in recent times. In the first place, I pointed out that whereas Viceroys like Lord Hardinge, Lord Reading and Lord Irwin took a very firm stand in this matter, we have had no pronouncement from His Excellency Lord Linlithgow on this question. I also pointed out that, whereas on previous occasions the British Government wholeheartedly supported us in our efforts to improve the condition of Indians in South Africa and to prevent disabilities being imposed upon them, the present Government of Britain had not lifted its little finger to help us. Now, in addition to these two changes another change has come about, and that is the change in the attitude of General Smuts.

My Honourable friend, Sir Raza Ali, quoted from the speeches of General Smuts in 1926 and 1927, and I will not repeat them. But there is one passage which he forgot to quote, and which I will quote now. He said:

"A year ago I warned the Union Government that the effects of their policy would not stop in South Africa but would provoke a world's conflict."

Now, Sir, the same General Smuts, who is credited with a great deal of foresight in the matter of handling political situations, has turned his face and what he now suggests is that penetration by Indians must be prevented. He says that the country was faced with a position that in Durban, which was a European city and which the Government were determined should remain a European city, large-scale penetration was going on and in his view this penetration must be stopped.

Now the question is: Has there been a penetration? And is the present attitude of General Smuts justified? To that the answer is given by no less a person than Sir Shafaat Ahmad Khan, the High Commissioner for India in South Africa. This is what he says with regard to this Pegging Act:

"India has been subject to a series of humiliating laws which have deprived it of social freedom and political rights. The community has been deprived of rights of representation in local bodies and public services, in Parliament as well as in the universities. It is

denied admission even to hotels, cinemas, places of culture; is subject to colour bar, for which history affords no precedent. It seems the greater the progress made by the Indians the greater are the restrictions imposed on their development. There was no justification whatsoever for the Pegging Act. There would have been no encroachment on the European areas, had proper provision been made for housing. Promises in this regard in the past 20 years were not fulfilled. In any event, the amount of penetration which took place did not justify the Act which had been condemned by world-wide opinion."

Further, he says:

"The Pegging Act has dealt a heavy blow to the hopes for the amelioration of Indian conditions. It was a stigma which had aroused the conscience of the civilized world. The Act had played into the hands of Berlin and Tokyo which applauded it as propaganda against the United Nations."

Now, Sir, Sir Shafaat Ahmad Khan is the holder of a responsible position and he is not an agitator like most of us. He held a very important position in the University of Allahabad, and was a member of the Round Table Conference.

The question now is whether Durban is a European city. The population of Durban consists of 90,000 Indians and 100,000 Europeans. Can it be called a European city? Our answer is an emphatic 'no'.

Then, again, what is the provision made for the residence of Indians. Indians have been given a very small space within which they have to huddle themselves together, whereas the Europeans have kept for themselves very large and spacious grounds in which they can live in comfort. Now the complaint of the Indians is that they have to live in conditions which are most insanitary and they demand that in order that they may live in proper sanitary conditions this bar in the way of Indians occupying lands in other parts of Durban should be removed. Is that not a just demand? Is that an unreasonable demand? I say 'no'.

Then, Sir, comes the question whether any discrimination is involved in it. Some of my European friends say it is not a question of discrimination. But, then, what is it? If segregation of the Indian community from the European community is not discrimination, what is it? And further, if you give a very small space, a very small area of land to the Indians and give large areas of land to the Europeans, is that not discrimination? It is discrimination of the worst sort.

Sir, the next question is whether the moment which was chosen by General Smuts and his Government for introducing this legislation was an opportune one. Indians shed their blood in North Africa and West Africa in order to protect South Africa from being invaded by Germany. And what has been our reward? Our reward has been humiliation. We have been ill-treated, we have been humiliated.

The question now is, what remedies should we adopt to have the Act repealed? While discussing the amendment of the Reciprocity Act yesterday my Honourable friend, Sir Cowasjee Jehangir, said that the application of the Reciprocity Act would be a mere gesture of resentment. But is a gesture of resentment an unnatural one in such circumstances? Humiliation after humiliation is being heaped upon us, and are we to remain content with what has been done by the Union of South Africa? We may be powerless to raise our hands against South Africa. My Honourable friend says that if he had the power he would act violently towards South Africa. But I would not go so far as that. Have we not the right even to show resentment? But our European friends also take the same view as Sir Cowasjee that we should not show any resentment.

Sir Cowasjee Jehangir (Bombay City: Non-Muhammadan Urban): On a personal explanation, Sir. I never said that we should not pass the Bill. I said that the Bill when passed and the rules made thereunder you will eventually find that it is merely a gesture of resentment. But I did not say you should not do it. I supported it. I do not know what my Honourable friend is talking about.

Dr. P. N. Banerjee: All right. I accept his explanation.

Sir Syed Raza Ali: What does the explanation mean?

Dr. P. N. Banerjee: Whatever it may mean.

Sir Syed Raza Ali: Trade and commerce and nothing for the honour of India.

Sir Cowasjee Jehangir: Mr. Deputy President, my Honourable friend, Sir Syed Raza Ali, is either hard of hearing or hard of understanding. If my words were not clear to him I am afraid it is not my fault. I can give him arguments, but I cannot give him brains.

Sir Syed Raza Ali: God save me from my friends!

Dr. P. N. Banerjee: That is a very stale and coarse joke, which was indulged in by my Honourable friend, Sir Cowasjee Jehangir. My Honourable friend, Sir Henry Richardson, said that retaliatory action would have no effect.

Sir Henry Richardson: I said, no permanent effect.

Dr. P. N. Banerjee: I stand corrected. But it will have some temporary effect. Even if there be some temporary effect, we must have recourse to retaliatory measures. But what is the concrete suggestion, alternative to retaliatory measures? He does not believe in brute force. He says that brute force has the other side also; it can produce evil effects. But then, what is his remedy? He answers, let us send a delegation. In other words, we will have to go down on our knees and implore the Union of South Africa to give us some favours.

Sir Henry Richardson: I never said that.

Dr. P. N. Banerjee: Then what is the meaning of going on a deputation when our representations have been turned down without the slightest degree of consideration having been given to them.

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

Dr. P. N. Banerjee: What is the time given to me?

Mr. Deputy President (Mr. Akhil Chandra Datta): Half an hour.

Dr. P. N. Banerjee: I took only ten minutes before lunch.

Mr. Jamnadas M. Mehta (Bombay Central Division: Non-Muhammadan Rural): Fifteen minutes.

Dr. P. N. Banerjee: No, Sir. There is some mistake. My friends here will tell you that I spoke for 10 minutes.

Mr. Jamnadas M. Mehta: You spoke for 15 minutes.

Mr. Deputy President (Mr. Akhil Chandra Datta): I understand you spoke for 13 minutes before lunch and now you have spoken for 17 minutes.

Dr. P. N. Banerjee: Now, coming to the remedies I would suggest the following. In the first place, a rigorous application be made of the provisions of the Reciprocity Act. Secondly, I would suggest that notice be given immediately to terminate the trade agreement between India and South Africa. Thirdly, I would ask Government to examine very carefully the articles in regard to which we should prevent export or import. Economic sanctions are needed. Even if there is some slight economic loss to us the self-respect and dignity of India demand that economic sanctions should be resorted to. Fourthly, I suggest that the High Commissioner and the Trade Commissioner should both be recalled. This is the view of the Indian Congress in Natal. Lastly, there is the question of a common non-European front. Some of our leaders are opposed to this policy, but whether we are opposed to this policy or not, a non-European front is bound to come in South Africa if the present policy of the Government of that country is persisted in. We see in the debate on the Pegging Bill the native representatives supported the Indian claims. That is an indication that the common front is sure to come whether we like it or not. These are measures which will have to be taken by the Government of India, and I hope the Honourable Dr. Khare will show his courage, strength and resourcefulness to apply these remedies and will lose no time in applying them.

Mr. Hooseinbhoj A. Lalljee (Bombay Central Division: Muhammadan Rural): I rise to support the motion that has been moved. I must congratulate the Honourable Member on his having given us this very early opportunity. I must also say that it is very seldom that we have heard from Treasury Benches such a free and frank speech as my Honourable friend, Dr. Khare, has delivered in this House. I think he has placed before us all the facts known to him and we can very well say that on these facts there is no case

left at all for the South African people now to plead that sufficient indulgence has not been shown to them for their inhuman actions. May I ask my friends on the Treasury Benches here as to the reasons why this country was plunged in war against the South Africans, I mean Transvaal. If at that time this country was plunged into war against the South African Transvaal for reasons which were much less provocative, much less humiliating and much less inhuman, I do not see how the British Government and my friends the European gentlemen can today tell us to put up with the present humiliating and inhuman conditions? I repeat what face have they got now as our trustees to ask us to bear when they made us fight these very South Africans for much less humiliation. Not only that but here we have got facts laid before us from the Treasury Benches to prove that since 1860 promises were given to us for equal rights by Great Britain. My main grievance therefore is against Great Britain, who claims to be our trustee. Natal and Durban have been always in possession of Great Britain. They are today also of Great Britain. It is this part of the country which we helped them to make prosperous and because we supported, all this humiliation is being allowed by them to be practised upon us. Remember these were not South African colonies. It is the revenge that the South African European people are taking from us for helping all along the British to maintain Natal and in the war against them. The Honourable Member in charge has just quoted as I have said the authority of no less a person than Mr. Joseph Chamberlain, Lord Curzon, Lord Lansdowne and others that it was the Indians who helped Great Britain to keep up Natal and Durban for them from South Africans. It is because of all that and that alone that in the first instance the South Africans are showering these humiliations upon us and still here my friends opposite would tell us: have forbearance and patience. Do they wish us to wait until we are thrown out into the sea, because as they say they are our trustees. What is the position in India at present. We are told by Britishers 'You trust us because you are not united. It is our care and bounden duty, our honest care to see that you people are happy. Nobody robs you. There is peace and order, that there is no humiliation of one by another of you.' Your army, navy and your taxation which is under us is keeping up your honourable position, your happiness and your prosperity. For the sake of humanity in this world we are fighting with all this. May I now ask my friends why in this great war this country has been plunged in. Why we are asked and why have we been giving you in this great war our willing co-operation? It is because we believe and we wish that the tyranny of one class of man against the other shall not any more prevail. It is only for this reason and no other. What right has Great Britain to take those near and dear to me to fight in this war if not for this humanitarian reason. If so, why should and how can Great Britain now keep quiet when we are treated inhumanly. Day in and day out, we have been told they were pleading with South Africa to resist and ultimately the High Commissioner for Great Britain, we are told, also intervened. No satisfactory reply was made even then. We are told we made a begging request to them to please hold on. No reply is even then made and after all this humiliation what do we find our great trustee doing, I mean Mr. Amery? He says as His Majesty's Secretary of State for India that they have got nothing to do in this matter with the South Africans. Why may I ask, because they are European and form part of the British Empire. Why because they are in possession of the land which we made prosperous and now given over by the Britishers to South Africans. A *badcheesh* on our account was given to them. Is this fair? Is this a position which Great Britain can justify before the world at large and at this time of the year and more particularly when the public in India are all asking what our trustees are doing for us. Can you say that you are doing your duty and have been making an honest endeavour to maintain honour and prosperity of your ward. I want to know from the Treasury Benches, I want to know from Mr. Amery what right they have got to take my people to fight for others and not for our own selves. (An Honourable Member on the Treasury Benches: "Address the Chair.") I am addressing the Chair, but I pointed to look

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towards you as you are responsible more than anybody else. It is not an ordinary thing. I feel it. I am one of those who have been suffering. I want you to go and have an experience yourselves as to what are the conditions in East Africa, South Africa and Somaliland. I have been there, and I would like very much to see you there and then tell me how you feel. Just now you have heard from your colleague you are not allowed to go to a post office to post your letter except through a separate door and on a separate counter. An Indian is not allowed to go to a first class cinema. He cannot travel with an European in a first class compartment. There is therefore no use in saying that you are looking after us. You have 2 millions of our people to fight in the name of humanity. Are not these South Africans worst than the Germans and the Japs? It is a fact well known, which my Honourable friend, the Member in charge, has not brought out, that so far as the Asiatic laws are concerned in South Africa, the Japanese are excluded, even to this day, although he is an enemy of Great Britain. With the mighty British power behind them, they have made this distinction. That is there on the statute and no one can deny that even today a Jap can go there and enjoy equality of status but not my Honourable friend, the Leader of the House. You gentlemen on the Treasury Benches are part and parcel of this trusteeship to look after these and we helpless poor people. (An Honourable Member: "They are helpless.") I know we and they are helpless but our friends opposite will not admit it. If you are helpless, then please make room for somebody else and the sooner you do it the better. Act according to your conscience. Tell us frankly that you cannot do anything and see what we can do, if we are not interfered with. Now, Sir, a lot has been said by my friend Sir Cowasjee Jehangir here,—I am sorry he is not here—as to what will happen to those two lakhs of Indians now in South Africa. Does he not know that it is their care and their look out and those who have got dealings with them who have got their voice and not the voice of Sir Cowasjee Jehangir? I do not know which gentleman of the European Group has been to South Africa to see the conditions there. Perhaps Sir F. E. James has been there, still I think he would welcome South Africans even here into the European group. I do not know whether strictly speaking a South African Boer is a European or not but he would still grace the European Group Benches all right. If it serves their purpose, they will even consider some other race as Europeans. A German is an European and he would be admitted.

Well, Sir, the point that I was making is this that it is the people in South Africa who are concerned. You have got ample evidence, you have got the views of the Congress and you have got the views of the people that they do not want any more to remain in that condition and very rightly too. What right have you then got to say that they shall remain there in that condition? Have you sent them any help at any time? Have you got any right to say that you have become their grand-fathers or their trustees? What right have you got to consider something against their wishes on their behalf. The South African Indians do want for sake of honour that you sever your connection from Boers and we and they are prepared to bear all the consequences. Why don't you declare war against South Africans, may I ask? You often say that some people in India are against the present war and therefore you can put them into the jail. But what about those large number of people who are helping the present war purposes and yet their kith and kin are being ill treated? Must we go and beg of these South Africans? Must we not even use sanctions against them? Must we treat them as our equals here in our country? What is the position today? The great Field Marshal Smuts in the last war and in this war has praised the sacrifices and boldness of Indian soldier and he is the very man who in the midst of the war, as my friend Sir Syed Raza Ali pointed out, arrogantly stands up and passes this inhuman Act. Not only that but he sends out some South African officers and I am ashamed and pained to say that there are here South African commissioned officers under whose tender

care our dear Indian soldiers are kept even today. Even if there are five South African officers, I wish each one of them to be sent away. I say it is a very risky thing that these people should be in India in charge of our soldiers. We have never believed and can have no faith in these people, specially when Field Marshal Smuts says that we are fighting for the cause of humanity, but he himself does the worst kind of thing possible. Can you trust these people? Why are you hesitating to take action against them? The South African Indian wants it and we also want it. The last war by British against South African Boers was also for such inhuman reasons. In fact, at that time there was much less provocation than the present one. The present war which we are fighting is also for the same reason. We do not want to remain as slaves and as dishonourable people. I think we ought not to countenance any more speeches of the type which would tell us even now to consider this question further with Boers. We have come to know definitely that the South African Indians want us to take action and they do hope that all the 40 crores of their Indian brethren will not forsake them. They do not want to remain as beggars, pariahs and as untouchables. They are prepared to bear all these consequences. Why should you bother yourself about them?

I have got record also to prove how they have treated the Japanese in such circumstances. They wanted to treat them also as badly. Therefore the first thing that the Japanese did was to tell them that Japanese navy was ready and further that they would not buy their wool. As soon as that was declared, a large portion of the real South Africans immediately said that the Japanese should be treated as equals and they are enjoying that position. At the present moment, you are in a position to effectively tell them that we will do all we can. It is a pity that although we have got Great Britain as our trustee, yet we cannot go to fight against the brutal men of the type of South Africans. They are more brutal than the Germans and the Japanese. Still we shall not do all we can, this is painful.

Sir, very recently some people have come from South Africa and they tell us that the definite policy of the Boers is that throughout Africa Asiatics must be removed except such of them as would remain as slave and on their sufferance. I can also point out that it was in 1918 when I had the privilege of leading a deputation of East African people before the then Viceroy of India, Lord Chelmsford. At that time we proved to the hilt that it was a few South Africans who went to East Africa who put up the English people there to remove the Indians from East African highlands. That thing is still going on in the British Colonies. This is a move which is not only against the South African Indians but against Indians as a whole wherever they be in Africa. I may say it is designed against all the Asiatics. They want to remove them from those places where Europeans think it is their monopoly to live. It is since 1918 that this thing is going on. It is all a tall talk which is intentionally made to wait for this and for that. Every day they will go on doing it. Here I am very sorry to say, as the South African Indians now frankly tell us, it was Mahatma Gandhi himself who with the British officers in South Africa requested, persuaded and forced the South African Indian not to join hands with the people of the soil. They are 80 lakhs and they and we would never have come to this position if we had co-operated. The Europeans in South Africa are only 16 lakhs from all over Europe and the Indians are 2½ lakhs. It is because of such policy that all the Asiatics including Indians have to suffer and will suffer still more. I am very sorry because of this policy and I hope my friend Sir Syed Raza Ali will also bear me out when I say that a man like Mahatma Gandhi has made that mistake. It has been the policy—we now feel to believe—of Great Britain also to see that we remain there without any friends. Any attempt made by the South African Indians to join hands with the people of the soil who are being humiliated as much as ourselves or probably little more has been and was being frustrated. My friend Sir Syed Raza Ali will excuse me when I say that he also advised as other Agents the South African Indians

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at times as Agent to the Govt. of India to keep away from the people of the soil.

Dr. P. N. Banerjee: But this advice will not be heeded any more.

Mr. Hooseinbhoy A. Lalljee: I am pointing out the policy that is there now. The very serious policy is there that the Indians should be ousted not only from South Africa, East Africa, North Africa and wherever they may be but that they should not come in contact with the people of the soil. Who is responsible for this policy?

Maulana Zafar Ali Khan (East Central Punjab : Muhammadan): Why have you forgotten Canada, New Zealand and Australia in this connection? There also the same policy prevails.

Mr. Hooseinbhoy A. Lalljee: I do not know those countries; I am connected with this country only. I have lot of dealings with them and my own near and dear ones are there.

I can tell you frankly that two things are quite clear to me. The more time you allow, the more difficult it will be for you to do anything. The result would be that you will see that Indians there have got to come out here disgraced and starving. It is the definite and decided policy of South Africans and other Europeans to see Indians out of South Africa when they know that Great Britain who claims to be our trustee is not going to do anything. Even the Queen's Proclamation under which I owe my allegiance to His Majesty the King Emperor demands that my honour and prestige and position should be protected. But what has been done? Has any soldier been sent to protect my honour? Has a single ultimatum been given to save my honour? I feel British Cabinet Members are not fulfilling the pledge that His Majesty has given me for owing my allegiance to him that he will protect my honour wherever it is outraged. It is most unfair, it is most disgraceful. Whatever little measures we adopt, let us make a bold exertion to fulfill them. I have been speaking on this subject since 1920. Many of my friends whom you may call agitators or seditionists, or whatever else have been speaking about this. The Government have now in their possession sufficient facts to demand of Great Britain that she should uphold her trusteeship and fulfill her duty and the promises given in the Proclamation that my honour will be protected. I am not satisfied with the steps that have been taken. You may pass this motion. If my soldiers are to fight for the honour and for wiping out the humiliation that is inflicted upon others, then we demand that our soldier should be at liberty to fight for the honour of Indians first and foremost.

Mr. N. M. Joshi (Nominated Non-Official): Sir, we are discussing today a very important question. But before I go to the proper subject of discussion, I would like to thank the Honourable Member for Overseas Department for having agreed to my request and circulated to the Members copies of the Pegging Bill and a very useful note. I would like the Honourable Member and his colleagues to follow the practice of complying with the request of the Members of the Legislature wherever we would like to be enlightened on a subject. In Great Britain on occasions like these, white papers are issued giving full information to Members. Then, Sir, I would like to make another remark in connection with the Honourable Member's method of dealing with this question. The House is aware that this Department has a Standing Advisory Committee to advise the Honourable Member as well as this Legislature on matters connected with the Overseas Department. I feel, Sir, that the problems which the Government of India had to consider regarding the Pegging Bill were so important that the Emigration Committee should have been consulted. I know, Sir, that the Government of India had called a conference of leaders of public opinion in this country and some Members of the Emigration Committee were also invited. From a mere practical point of view, let me admit very frankly that a formal meeting of the Emigration Committee could not have given much more information or better advice to the Government of India than the conference did. But, Sir, I feel that when we are considering questions in a legislature, it is better to be formal, it is better to be

constitutional. The Legislature has appointed an Emigration Committee to advise the Honourable Member for Overseas Department. It is our right, our constitutional right to insist on being consulted in a formal manner. I know that the Honourable Member until recently belonged to an organisation where people outside the legislature could control Members of the Legislature and the Government. I would like the Honourable Member now to revert to the good old democratic method of giving greater authority to the legislature than to any outside leaders however high their position may be. I would therefore like the Honourable Member to follow hereafter the democratic method of consulting his constitutional advisers. The Honourable Member could have easily called a meeting of the Emigration Committee, and invited the leaders or all those people who were in a better position to give advice and join the meeting of the Committee. I do not wish to dwell on this subject any longer.

As regards the problem which we have to consider on account of the passing of the Pegging Bill by the Government of South African Union, I feel, Sir, that the Europeans in South Africa have got a double policy. So far as the Indian community in South Africa is concerned, they would like to exploit Indians as long as Indians would permit Europeans to exploit them. If exploitation is not practicable, then the Europeans would like to squeeze out the Indians from South Africa. They wanted Indian workers to develop their agriculture and other industries, but they wanted them as indentured workers so that they could exploit them and get cheap labour. When they could not do that and when these workers were followed by Indian traders and some men belonging to other professions, they wanted to squeeze out the Indian community at least to the extent to which the Indian community refused to allow to be exploited by the European community for their own selfish ends. In securing this double object, the European heaped upon the Indian community all manners of harassment, persecution and humiliation. Indians could not own lands in certain localities. They could not trade without some restriction, they could not travel on certain parts of railways and they could not travel except on certain parts of trams. They could not enter South Africa without restrictions. Now, Sir, the Indian community naturally put up a stiff fight against this persecution by the Europeans out of selfish motives, and I feel that it is my duty on this occasion to pay my tribute of admiration to the South African Indian community for putting up a brave fight under very difficult circumstances. They have been continuing this fight for a number of years and I hope that in spite of difficulties and discouragement they will continue to fight in order to secure a position of equality and full citizenship. I feel, Sir, that these Indians who are fighting for their status in South Africa are fighting not only for themselves but for the status and dignity of the Indian community all over the world.

Maulana Zafar Ali Khan: May I ask whether the Indian people there have got any franchise or representation in the legislatures?

Mr. N. M. Joshi: I never said that the Indian community in South Africa has the franchise. Not only have they no franchise for the legislature but they have no municipal franchise either and their condition is really one of humiliation. But I feel that in their very difficult position they have put up a brave fight. Let me also on this occasion pay my tribute of thanks to those European members of the Union Parliament who stood by the Indian community and, in a House where Indians are not represented, represented the case of the Indian community. The Indians have carried on this fight under great difficulties. I have no doubt that we all agree that in this matter of defending the rights of the Indian community in South Africa and in other overseas countries the Government of India have generally stood by the Indian community. But I feel that they have not done as much as they could. My Honourable friend Mr. Hooseinbhoy Lalljee was right in taking the Government of India to task and telling them that although they may have done something they have not done everything that was possible for them. I do not

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like the Government of India to be whining and say that Great Britain or the British Government is the trustee for India and should act as trustees. Can not the Government of India, if they understand their strength and if they are a united body, compel the British Government to do what is right by Indians? Government of India may be in a subordinate position and unable to do certain things against an independent dominion, but they can certainly tell the British Government that they cannot carry on the government in India. And they can say this in a united voice and I am sure the British Government will do ten times more for the solution of this problem than they are willing to do today. I therefore feel that the Government of India cannot free themselves from their responsibility for the position in which we now find ourselves. It is true that steps are to be taken by the British Government, but we have got strength enough. If the Government of India will stand united and firm they can tell the British Government very frankly that they cannot go on administering India if the British Government will not do justice to Indians in South Africa or any other place. My Honourable friend Mr. Lalljee said that a great blame lies on the British people themselves for our inability to secure justice from South Africa. In the first place who are the people against whom our people have to carry on the fight in Natal? It is the Britishers and not the Afrikanders. Then Mr. Lalljee was also right in referring to what the Britisher was doing in East Africa. On the highlands a German can go and live, an Italian can go and live but not an Indian. We realise why the British people and the British Government cannot secure justice from South Africans; they will have to do justice to Indians within their own territories. But we in this House must tell the British Government, and through the Government of India, that something has to be done on this occasion. We cannot tolerate the injustice of segregating our people in South Africa.

Let me assure you, Sir, that I as an Indian am not anxious to live in the neighbourhood of a Britisher, nor are the Indians in South Africa fond of living in the neighbourhood of Britishers. Today they may have occupied certain parts in the neighbourhood of what may be called British localities because they have not enough space. It has been stated that for a population of 24,000 Indians the total area of the locality is 200 odd acres, while six times that area relatively is given to the Britisher or to the European. And therefore if the Indian has sought to live in the neighbourhood of the European it is not because he cares very much to live in his neighbourhood but because he has no other space to go to. I therefore feel that the case of the Indian is very strong, and if the Government of India will become firm and use all the influence which they possess they will be able to secure justice for our people in South Africa. By nature I generally favour methods of negotiation and so also by temperament, as long as it is possible to do so. But in order that it may be successful there must be a desire for negotiation on the part of both parties and not on one side only. I appreciate what the Leader of the European Group said that we should try the method of negotiation, but there is a limit after which it becomes impossible. I therefore feel that this House should give a clear indication to the Government of India to use all the measures which it is possible for them to adopt in order to secure justice for the Indian community in South Africa. We shall soon pass the Reciprocity Bill; let them give effect to the steps which may be taken under that Act. I know it is a gesture but let us begin with a gesture. If we begin the fight we may develop strength while we continue the fight. Therefore let us do what we can under the Reciprocity Bill. Let us also do what we can by using economic sanctions. There is no doubt in my mind that if we adopt economic sanctions this country will have to make some sacrifices, but you cannot conduct a war and a fight without making sacrifices. Therefore if this country wants to save the honour of the Indian community in South Africa it must be ready to make sacrifices.

The Government of India, I feel, should adopt these and other measures which are possible, and if they find that on account of a position of subordination they cannot do anything else to save the honour of the Indians in South Africa they must tell the British Government that they will not be responsible for the Government of this country. I hope, Sir, that this Legislature will give a direct mandate to the Government of India

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

Mr. N. M. Joshi: to take all the necessary steps to secure justice and to safeguard the honour of the Indian community in South Africa, and if the Government of India cannot do it, let the Government of India go to the British Government and tell them that they will not be responsible for the governance of this country.

Mr. K. C. Neogy: I think I can honestly congratulate the Honourable Member in charge on having, after all, made up his mind to give us a very brief gist of the correspondence and the negotiations that went on between the Government of India, His Majesty's Government and the Union Government, after having stoutly refused two days ago to tell us as to whether there was any correspondence still subsisting between them.

Sir, as far as I could hear the Honourable Member, I was greatly interested in the chronological summary of the negotiations which he gave, and if there was one item in that chronological summary of events that interested me more than any other, it was the reference about the last representation—may be the last or it may be about the last—made by the Government of India to the South African Government on this question. As far as I could follow, the gist of that representation was that the Government of India was prepared to agree to this Bill being passed on condition that it would not be put into operation except at the discretion of the Governor General. Now, Sir, I wonder if the Government were misled on that occasion by the rather mischievous analogy of the position of the Governor General under the Constitution in India. The Governor General in South Africa is the head of a responsible Government, and he has no discretionary authority either to suspend action under any legislation, or to take any positive action thereunder except on the advice of the Ministry. The Government of India seem therefore to have definitely capitulated on that occasion, in making the stipulation that this Bill might be kept hanging as a Damocles sword over the Indian community as "a guarantee of good behaviour"—I think I have taken down these words accurately. I hope I am expressing the sentiments of the Honourable Members on this side of the House when I say that Indian opinion will condemn this action of the Government of India in no measured language. It amounted to a betrayal of the trust which the Indian people had reposed in the Government of India. Sir, this reminds me of the remark made by a high authority like Sir Raza Ali when he referred to the fact that the policy of the Government of India in these matters definitely underwent a change since 1941. That is the year when the new Overseas portfolio was created as a separate responsibility for an Honourable Member. That is the year which saw the expansion of the Executive Council and the inclusion of a larger number of Indians than were in the Executive Council before. Sir, the experience of Sir Raza Ali only confirms the general impression that the expansion of the Governor General's Executive Council by the inclusion of a larger number of Indians has led to demoralization all round. Sir, I should very much like my Honourable friend to tell us as to whether, apart from making supplicatory representations now and again on occasions when the South African Government passed any measure of this type, and apart from being on the defensive, the Government of India has adopted a positive and constructive programme for the purpose of safeguarding the interests of Indians abroad, and, if so, what has been their policy in regard to South Africa? Have they ever urged the granting of franchise to India with any determination? I am reminded of the fact that in the year 1936, the native population

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of South Africa secured representation on the Union Legislature after a long continued struggle and, if I am not mistaken, it was about that time that the Indian demand in that behalf was also voiced very strongly in South Africa. I should like to know whether the Government of India at that time, or before, or thereafter sufficiently urged the claim of Indians residing in South Africa for franchise.

Sir, my Honourable friend, Sir Henry Richardson, was looking to the future and he was hoping that the future would solve some of our difficulties. As the present measure is a result of the antagonism displayed by Britishers more than anybody else in Natal, may I ask him what he and his community in India are doing for the purpose of securing the minimum franchise for Indians in the Union of South Africa? Are they in communication with their compatriots? I dare say, Sir, they have many means by which they can hold communion with their compatriots in South Africa.

Now, Sir, I find that while the Indian Congress in South Africa held a special meeting in Johannesburg in June last, the President stated, among other things, that the passage of this measure was possible because the Indians were the only section of the community without representation on the legislature. It is therefore a very serious matter. It won't do for us merely to consider a retaliatory measure now, or hereafter, or to trust to the future to take care of the Indians in South Africa.

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

I wonder if either the Government of India or the European community in India think that it is any part of their duty to take any action for assisting the Indians to get the minimum franchise rights in South Africa so that in future they can fight out their own battles instead of having to depend upon us here and the influence of Indian opinion to help them whenever they are in trouble. When I heard my Honourable friend, Sir Henry Richardson, I was reminded of the observations made by Field Marshal Smuts while speaking on this Bill. The observations are to this effect. He made it plain that he did not like the Indians in South Africa to look to outside agencies for help in these matters. He said:

"At present they invariably look to the Government of India, but I suppose that in course of time they would learn to look to public opinion."

I do not know which public opinion he meant—

and to the European community in South Africa for justice and fairplay."

I believe, this might find a response in the heart of Sir Henry Richardson, and he might think that the Indians should not aspire after franchise but they should look up to the European community in Natal for justice and fairplay. He continued:

"But at present their weakness was that they immediately appeal to outside opinion and in that way the mode of solution was more difficult."

My honourable friend says that we are in a helpless position and that nothing that we can do in this Legislature or in this country can possibly help our brethren living in South Africa; I am not of that pessimistic mood. There must be something which can be done. The Field Marshal has found it difficult to withstand the impact of public opinion in India, otherwise he would be the last person to complain that the Indians in South Africa should appeal to Indian opinion in India.

The other point to which reference was made by my Honourable friend, Sir Raza Ali and which also intrigued me very much, was that the position of the Agent General in South Africa has been reduced to that of impotence. I very much hope that the Honourable Member is going to reply to this point. I am bound to accept the high authority of my Honourable friend in making this statement. But he is reinforced in this particular opinion by certain observations which Dr. Malan, the Opposition leader, made. Dr. Malan, it may

be remembered, was the Minister-in-Charge when the Capetown Agreement was concluded and this is what he says:

"The appointment of the Agent General for India had been made for quite a different reason than for what his presence in South Africa is today. Today, the presence of the High Commissioner for India meant unfair interference by another country in the affairs of South Africa."

The Honourable Member owes an explanation as to what this signifies. We are in the dark as to what may have happened in the closed chambers of the Government of India in this regard, but I am afraid the House will be disposed to agree with Sir Raza Ali that by the action which the Government of India has taken in this matter they have weakened the position of the High Commissioner. Nobody seems to want the High Commissioner.

Mr. N. M. Joshi: For giving him a higher title!

Mr. K. C. Neogy: By that they have made him powerless and impotent. Indian opinion does not want the High Commissioner for India. Indians in South Africa do not. Here we have responsible Members of Parliament in South Africa asking for the recall of the Agent General. Is it dignified for the Government of India in these circumstances to insist upon the continuance of their High Commissioner in South Africa?

We have been warned as to the possible repercussions which retaliation on the part of India might produce to the prejudice of the interests of Indians in South Africa. A note of prudence and caution was sounded yesterday on this point by my Honourable friend Sir Cowasjee Jehangir, and the same point has been emphasized by Sir Henry Richardson. Sir, it is really a matter of national self-respect, and as has already been pointed out by the speakers, the Indians in South Africa do not want to live in such conditions of degradation and humiliation. Who are we to adopt an attitude of prudence? Who are we to advise them to keep quiet and put up with indignities and insults of this kind? The Indians in South Africa are looking to us for support in this matter.

Now, Sir, when I consider the situation in India at present, I find that people are dying in the streets from starvation. Can the South Africans be in a worse position, supposing we take any retaliatory action? Last autumn as a result of the "Black and Tan" policy pursued in this country in Delhi and other places under the auspices of the Government, innocent Indians were shot like pariah dogs. Can the lot of Indians in South Africa be any worse if we adopt retaliatory measures? As part of their policy of reprisal, responsible officials employed the military and the armed police to insult our women-folk in different parts of the country last autumn. Can the lot of South Africans be any worse if we pass measures of retaliation?

Sir, even if there be any risks involved in this measure, we must be prepared to face the consequences, and therefore I have great pleasure in supporting all the various suggestions that have been made by my Honourable friend Sir Raza Ali and my leader, Dr. Banerjee.

Mr. Govind V. Deshmukh: Sir, after all that has fallen from so many Members in this House, I will be very short. From the speech of the Honourable the Member for Indians Overseas two things are clear. First of all that the Government of India counts for nothing with the South African Government. Their representations count for nothing. The Government of India in their opinion is nothing but dirt. Now, another thing which has given me great hopes is the Honourable Member's remarks when a question was put by. I think, Sir Cowasjee Jehangir or a member of the European group, to be quiet, patient and conciliatory. He said that there were occasions when it was necessary to be so but there was a limit to carrying on negotiations and to be conciliatory.

Sir Cowasjee Jehangir: May I point out that I never said that the Honourable Member should be conciliatory or that this House should be conciliatory.

Mr. Govind V. Deshmukh: But there was this remark and there was this reply: "There is a limit to carrying on negotiations". Then there was an enquiry whether the Capetown Agreement still stands and the Honourable

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Member said, "I think so". Well, that Agreement does still stand. Let us not be under any delusion. If you think that that Agreement is going to help you, that that Agreement has not been relied on as the basis of representations by anybody up till now, then you will be very wrong in supposing so. Let me tell you, Sir, the pathetic history of how the Government of India was feeling helpless and their negotiations not listened to.

When this Act was thought of in 1941 representations were made in 1942 by the Natal Indians' Association in which they were prepared to accept certain voluntary restrictions, so that they may be free to carry on their trade. Then when the Pegging Act was on the anvil on the 9th April 1943, there was a representation by the Natal Indian Congress and in paragraph 4 of their representation they specifically mentioned one of the conditions imposed, viz:

The Union Government further believe in and adhere to the principle that it is the duty of every civilized Government to devise ways and means and to take all possible steps for the uplifting of every section of the permanent population to the full extent of their capacity, and press and accept the view that in the provision of education and other facilities, the considerable number of Indians who will remain part of the permanent population should not be allowed to lag behind other sections of the people."

Then in clause 5 they say, "You have broken your promise, the pledge which is embodied in this Cape Town Agreement which was arrived at voluntarily between the two Governments." Then in para. 6 they say: "While we maintain that the final determining factors should be the Cape Town Agreement",—they refer to the situation. So, it is evident that this Cape Town Agreement—which had been arrived at voluntarily between the two Governments represented there by different parties—is not going to help us. That has been treated by the South African Government as a scrap of paper. The Act was assented to on 28th April 1943. The policy underlying this Bill is anti-Asiatic, which means, a racial policy. How can it lie in the mouth of a South African to say "See Hitler or look at this Nazism", when the South Africans themselves are persecuting, or hounding a particular community or race from their country? Is it open to them? It is open to us, to say that these are bad things. But how does it lie in their mouth to blame Hitler, or to blame Nazism? Are they in any way better than what Hitler is? Hitler is at the utmost persecuting a particular community. But here the whole Asiatic race is being hounded out of South Africa. It is all right to say that the war effort should be made, that we should kill Nazism. We do not say that we should not kill Nazism, but let these people be true to the principle, who want us to shed our blood for their safety, who want us to shed our blood so that their civilisation may be preserved. It is shameful on their part, when they want us to shed our blood for them, not even to pay the slightest respect to our claims. It has been said that these are war times, no measure like this should be passed, nothing should be talked about these people because it would be against our interests. As a matter of fact, if those people had cared anything for us, the first thing that they should have done, as the Americans did, namely, give up their extra territorial rights in China—these people should have voluntarily said, "No. Indians are helping us. Annul this Pegging Act that we have passed". But they stick on to their present policy, they persist in it, in order to increase the persecution of Indians. It was said that all that this Act does is, it insults, it is insulting, it is disgraceful and that sort of thing. No. It is more than that. It does not merely touch your honour. It touches your stomach, because it prevents you from carrying on any trade or any business. As a matter of fact, they have made it impossible for you to live in that country in any place. They have said so: "We want white Durban. We want white South Africa". When they say so, what earthly reason is there for them or for any Government which is their ally to say to Indians, "Be quiet, be peaceful". How does it lie in the mouth of anybody to say, "Be conciliatory". It appears from the history that has been given to us—negotiations only were carried on. Was anything done by the Government of India except negotiation, except making a few representations? How long shall we wait? Would you be prepared to do anything, or would you

still sit quiet? If you do not want to do anything, if you do not wish to take any action, what course do you suggest? Negotiations were tried and these have failed.

Now shall we sit with folded hands? If I had my own way, if my Government had been a thoroughly Indianised and representative and responsible Government, the first thing that I would have done would be this. I would have said, "Now, I am not going to co-operate with you in war." I would have said to the British Government, "It is your business to settle this affair. Otherwise you do not know what the effects of this sort of anti-Asiatic policy would be". Once I had made a speech on the floor of this House and I said, that in the last war, at the time of the Treaty of Versailles, Japan insisted on racial equality. Japan wanted that clause to be included in the Treaty of Versailles. Mr. Hughes the Australian Minister, now an ex-Minister, then objected, and that objection was raised on the representations of His Majesty's Government. What sympathy will His Majesty's Government have? If they are going to instruct their own Ministers and others in this fashion, what help can we get? It comes to this that the policy of conciliation has failed, the policy of waiting and seeing will certainly fail. It is not going to help us any further. If with this background we proceed further to see what should be done to redress the grievances of our countrymen in South Africa, I say, apply the amended Reciprocity Act at once. It has been said that it is a gesture. I do not want the idea to go abroad that it is merely a gesture. It is a weapon and I want to see it used as a weapon. If you possess an inferiority complex that this will not work, that it will be nothing but a gesture, that the House wanted to make it a gesture and that people should understand that it is nothing but a gesture then we shall not be able to do anything. You may possess that inferiority complex. I say, cannot you shed that complex and rise to the occasion? If you cannot rise to the occasion, you do not deserve to be in the place where you are; it will be better if you make room for others. Let us give up this inferiority complex and I should ask the Honourable Member to put this Act into force at once as far as it possibly can be done and should be done, and not leave it as a mere gesture. That will certainly mean that he will have to be very prompt in making rules. The making of rules should not be postponed to such a date that Indians in South Africa will have to undergo more difficulties and sustain more disabilities. It was suggested a sort of a League of all the nations of the British Commonwealth to decide questions like this, whether a particular method is justifiable or not and that there should be a unanimity of opinion if any decision was to be arrived at. Knowing as we do that we shall be alone, there will be no one on our side, I think it is plain and apparent that, if we want anything, if we want to remove any disqualification, that disqualification will never be removed because there will never be a unanimous decision in our favour. If justice was a thing on which everything was to be decided in this world, then justice was on our side. The whole history given by the Honourable Member shows beyond doubt that justice is on our side. It is not only he who makes that statement, but Mr. Winston Churchill said that justice was on our side. But for our soldier, but for our labourer, but for our artisan, these colonies would not have been developed at all and they would not have been living in comfortable countries, prosperous countries but might have been living perhaps in marshy lands infected with all sorts of diseases. It was the Indian who was the pioneer in those colonies, who put them in proper order. The white men are now turning out the brown.

It has been said, "Oh, all right. What other sanctions are there?" Some sanctions have been cited by Sir Syed Raza Ali. He has mentioned wattle and wattle products. He has also suggested that food grains should not be exported, also that gunny bags should not be sent. But then it is asked, if you stop these exports and imports, in other words, this trade, what will happen to the Indians? We are more careful about the Indians in South Africa. We are more anxious about their interests than they are. That is what the Britisher used to say. The Britisher said and says to the Indian 'You do not know your interests'. He does not want to do anything. He sits quiet and tells that we do not know our

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 interest. You are saying the same things. You are inactive and you want others to be inactive. Who is going to suffer the results. Sitting quiet has not improved matter. The history of this matter from 1860 to 1943, if it proves anything, has proved that the Indian has been continually losing ground. He was confined to a particular area. Then he lost the franchise and trade thereafter. They are continually losing ground. It is a history which is painful to any Indian who is keen about the interests of his nationals in South Africa. It is therefore very desirable that this Act should be put into effect and other measures also such as trade. I do not care how many people there are in Government service today. You can sack them. It is not a question as to how many there are. There are a few persons. What does it matter? They must represent to their Government and complain. My friend Mr. Lalljee gave you an instance about the Japanese. Let me tell you the whole story as I learnt from a gentleman. He is not a man who sits at the table and does some clerk's business. He is a trader who carries on export and import business. I put to him this question: 'Do you mean to suggest that if this trade was to be stopped the South Africans will not suffer?' He says 'I carry on that trade'. Today the Textile Association is of the opinion that the trade should be stopped. When you have instances of men who are carrying on business, whose interests are likely to be affected, when they tell you 'please do this thing' because that is the only way to save us, is it too much for me or for any Indian to ask the Government to do it? If anything, they are likely to win and not lose. The instance was given of a Japanese. This instance was also given to me by another man who has got trading business. A Japanese was insulted. He went to the Consul for Japan who protested to the Union Government. There was a regular debate in the Parliament. One man got up and said 'Look here, if you are not going to improve matters, do you know what will happen. The Japanese navy will be at our shores'. In other words, they are afraid of force. The will and the authority and the sanction behind this Government is lacking. Otherwise, we have soldiers who are second to none in the whole world. As I said, we are in a very unfortunate position. In the South African Parliament, the Afrikaner said that the Japanese navy will be at their shores. That made them think. Side by side with it, there was a representative of the farmers. He said "I do not care who lives here and who does not live here. We are carrying on a wool trade with Japan. If Japan tomorrow stops this trade, where will we be?"

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Mr. Govind V. Deshmukh: I am closing my speech. I say that the Reciprocity Bill should be put into force and also the other sanctions should be put into force.

Nawabzada Muhammad Liaquat Ali Khan (Rohilkund and Kumaon Divisions: Muhammadan Rural): Mr. President, there is hardly any point which has been left out in the debate which has taken place on the motion of the Honourable Member for Indians Overseas. Let me compliment my Honourable friend Dr. Khare on the very lucid survey that he gave of the position of Indians in South Africa from the very beginning. This question of racial discrimination against Indians is not a new one. It has been a very serious problem for the last 30 years or more and this Pegging Act, the smutty act of Field Marshal Smuts, is the last straw on the camel's back. As soon as this legislation was placed before the South African Parliament, a wave of indignation and resentment passed throughout India, from one end of the country to the other. There was not a single Indian, of any school of thought, who did not condemn the action of the South African Government. It was not only the non-official opinion but even the Government of India resented this last action of the South African Government. My Honourable friend Sir F. E. James who is one of those Members who choose their words very carefully and always mean what they say, did not mince matters when he stated that it was a sad

day for the British Empire that a thing like this had happened. He is not one of those who do not understand the distinction between various forms of expression. I entirely agree with him that it is this Empire mentality which is responsible for this tragedy. My Honourable friend Sir Cowasjee Jehangir talked of a commonwealth of nations. The British Empire is not a Commonwealth of Nations. It is an Empire or a "Corporation of exploiters". As long as India is not a free country, we cannot by any stretch of language call this British Empire a Commonwealth of Nations. When India is free, when India is independent, when India is on equal terms with other parts of the British Empire, only then I think we will be justified in using this expression. I am sure that if India today had enjoyed all those privileges, all that freedom which is enjoyed by other Dominions and England, the position of our nationals in South Africa would not have been what it is today. And we would not have been in this helpless position. Sir, it has been our misfortune in the past that we have always felt satisfied with noble phrases and sympathetic words and Field-Marshal Smuts, let me tell him from here, has played that game too long. India is no longer a country which will be satisfied with mere words or noble phrases. India will look at the action of every nation as far as its interests are concerned.

It is really most unfortunate that His Majesty's Government have not played their part properly in this dispute. I repeat it that Mr. Churchill, whose voice today is the voice of the British Empire and not only the British Empire but the United Nations, has not attached that importance to this question which it deserves. We were told, and rightly so, by my Honourable friends the Leader of the European Group and Sir Frederick James that it was a tragedy that at a time like this when the British Empire was fighting for the freedom and independence and for the honour of the peoples of the world, a thing like this should have happened in a part of that Empire. But that is not enough. I want to know what concrete action have the British Government taken in bringing it home to the South African Government the seriousness of this problem. The Honourable Dr. Khare this morning only mentioned, as far as I can recollect, that the British Government wrote to their High Commissioner in South Africa. We are not aware what was the language in which that communication was intended to be made to Field Marshal Smuts. The Prime Minister of England is not the one who does not know what to say and when to say or who does not know what his words would mean to the other party. I have no doubt in my mind that if the British Government had put proper pressure on the South African Government they would not have taken the action which they did.

Mr. President, it is all very well to pay compliments to the Indian troops who have gone thousands of miles away from their native shores to fight the battles of this British Empire that they are second to none as far as their fighting qualities are concerned. But is that the only use for which the Indians are made? Is that the only consolation which the Indians are to get that they are second to none where the shedding of blood is concerned? I want Indians to be second to none where equal rights and equal opportunities are concerned. The Indians are considered fit to die on the same battle-fields with the South Africans, but they are not considered fit to breathe the same air in the country where they have made their home. This, I think, is a very black spot in the British Empire, and if it is the earnest, honest and sincere desire of the British Government that those countries, those nations, which are today part and parcel of the British Empire should remain for ever in that Commonwealth of Nations which the people of Great Britain are dreaming of, then it is absolutely necessary that all the peoples of the various countries in this British Empire and the future Commonwealth of Nations should receive equal treatment. As long as there is this racial discrimination, I, for one, shall never call that a Commonwealth of Nations of free peoples. And let me tell you that if ever this combination which is in existence today crumbles to pieces, it would

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be due to this racial discrimination. There is nothing that hurts more the self-respect of a nation than racial discrimination. The speeches that we have heard on the floor of this House are an eloquent testimony to the strong feeling which every Indian has over this question.

My Honourable friend, the Leader of the European Group, stated that negotiation was really the best way of finding a solution. I am in entire agreement with him. Has the Indian Government ever refused to negotiate with South Africa? It is the South African Government which has refused even to consider the proposals that were made to them by the Government of India. It is not a Government of irresponsible people; it is not a Government of so called agitators or those who are considered as always out to give trouble to the Whites. It is a Government which is considered by the British people and the British Parliament as a responsible Government and a Government which would never make any representation which would be anything but fair and just. But how has the South African Government treated this Government of India? It has treated it—I hope my Honourable friends who are part and parcel of this Government will forgive me—with contempt, and I think it has treated it with contempt because this Government deserves contempt. This Government has not got that back-bone which is necessary for every Government to have. Sir, we do want to negotiate. I do not say that we do not want to negotiate with South African Government. But I want to ask my Honourable friend the Leader of the European Group that if the other party says: "I do not want to negotiate, not only do not want to negotiate, I do not even want as much as to hear what you have to say", then what would you do? What should India do? Are we to sit helpless? Are we only to satisfy ourselves by saying that this is *kismet*. I think we have suffered too long on account of this mentality. We must get rid of this *kismet* mentality. We must now adopt a new mentality, we must change our mentality from that of depending on *kismet* to that of depending on action. Certain proposals have been made by my Honourable friend Sir Syed Raza Ali who, if I may say so, is an expert on this question in this House. I do request the Government to consider those proposals. I want you to get rid of this idea that we are fighting a war. We are fighting a war, for what? We are fighting a war for the honour of every nation. Are we going to sit idle and see our nationals ill-treated and humbled because we are fighting a war? Is that any reason why we should sit quiet? If other nations, who are really to get more benefit out of this war than we would, had considered it as an important factor, then I am sure the South African Government would not have taken this action. War or no war, Mr. President, I do earnestly appeal to this Government to take the strongest possible action which lies in their power in this matter. To my mind the honour of a nation is greater than anything else. It is the duty of those who are sitting over there to safeguard and protect the honour of the peoples of India wherever they may be.

The Honourable Dr. N. B. Khare: Sir, before replying to the debate and the points raised during the course of it, I associate myself wholeheartedly with the condolence expressed by my friend Sir Syed Raza Ali over the death of Sir Patrick Duncan, the Governor General of South Africa. My Honourable friend Sir Syed Raza Ali who was the Agent in South Africa and who knows all about it has raised a point that in changing the designation and changing his function, he has been degraded and his dignity has been lowered. I do not think so, Sir. Because the High Commissioner in South Africa does not now represent the Indian people in South Africa, but the Government of India, that does not mean that his dignity has been lowered. It means on the contrary that his dignity is enhanced. Besides his advice is always available to Indians there who wish to seek his advice, which is freely sought and as freely given. There is no difficulty about that. Formerly he was only Agent General, he is now more or less an ambassador in South Africa.

Mr. Hooseinbhoj A. Lalljee: Ambassador? What are his duties? What are his functions?

The Honourable Dr. N. B. Khare: He carries on negotiations as ambassador between two Governments. That is all I can say.

Sir Syed Raza Ali: Not very illuminating.

The Honourable Dr. N. B. Khare: But yet cogent.

Another point was made by my Honourable friend Mr. Neogy that he has become impotent. No doubt that is so. So far he has failed in giving redress to Indians there or to receive any respect for the negotiations carried on by the Government of India. That is a fact which must be admitted. We have admitted that freely. But I can tell the House that his presence there is resented as an interference from another Government to that Government and they think that if he goes away it would be a good riddance. That does not show that he is impotent, but it shows that he is a sore in their eyes.

I am sorry, Sir that when I gave a short summary a cryptic summary of telegraphic communication that passed between these two Governments, perhaps I conveyed a wrong impression because it was cryptic. But I could not help it. That led my Honourable friend Mr. Neogy to charge this Government with capitulation. That is not a fact. Representation as suggested by him was not in fact made to the South African Government. The fact is that some Indians in South Africa expressed that they were prepared to go to the extent that the Act should be passed but kept in suspense. That was what we told the High Commissioner, that as a last resort he should convey that desire of South African Indians to the Government of South Africa. In fact it was never done and the Government of India was never in agreement with it, but was always against it.

My Honourable friend Mr. Joshi has raised the point about the Standing Emigration Committee. I think a couple of days ago, I declared in this House that I would call a meeting of the Standing Emigration Committee during this Session.

An Honourable Member: Better late than never.

The Honourable Dr. N. B. Khare: That is a matter of opinion.

I have called a meeting of the Standing Emigration Committee to be held on the 7th August. This Session is going on for some time. That shows how much I value the advice of this Committee, I value the advice that this Committee would tender me. No doubt I first called some people but that does not mean that I want to subtract from the value of anybody. I called a meeting of certain private gentlemen whom I considered representative of different schools of thought in India. I thought I should get some directions from them first, and finally I wanted to call a meeting of the Standing Emigration Committee. I wanted to place before them all that I gathered from the meeting of the private gentlemen referred to by me and then seek their final advice. Does it show scant regard for the Standing Emigration Committee or the highest regard?

Another point has been made that Indians have no franchise in South Africa. It is a fact that franchise has been taken away from them. But the Government of India have urged their claims, and the South African Government knows it. It was also said that the native population even though segregated have got representation, but not Indians. The representation which the native population enjoys is not direct representation at all. They are represented by one or two Europeans. Surely I do not think Indians want such representation.

Sir Syed Raza Ali: Out of five, three are in the Senate and two in the Assembly.

The Honourable Dr. N. B. Khare: Sir, I think there are no other points raised in this debate which call for any reply from me. I assure the House that whatever suggestions have been made in this House will be carefully and anxiously considered by me and it will be my duty to do all I can in this matter. I can assure the House that I shall do whatever I can subject to the limitations I have. That is all I have to say on this measure and I thank all Honourable Members for their valuable suggestions.

[30TH JULY, 1943]

Mr. President (The Honourable Sir Abdur Rahim): I will first put the amendment of Mr. Deshmukh to the House. The question is:

"That the following be added at the end of the motion:
'with a view to enforce the Reciprocity Act, and adopt measures to redress the grievances of Indians in South Africa'."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): Now I will put the amended motion to vote. The question is:

"That the position arising out of the recent pegging legislation in South Africa be taken into consideration with a view to enforce the Reciprocity Act and adopt measures to redress the grievances of Indians in South Africa."

The motion was adopted.

The Assembly then adjourned till Half Past Two of the Clock on Monday, the 2nd August, 1943.

LEGISLATIVE ASSEMBLY.

Monday, 2nd August, 1943.

HIS EXCELLENCY THE GOVERNOR GENERAL'S ADDRESS TO THE COUNCIL OF STATE AND THE LEGISLATIVE ASSEMBLY.

His Excellency the Governor General, having arrived in procession with the Presidents of the Council of State and the Legislative Assembly, took his seat on the Dais at Eleven of the Clock.

His Excellency the Governor General: Gentlemen, it is a great pleasure to me to meet you again today, though I am sorry that it should be for the last time. You and I have been through difficult times together, and I shall always remember with gratitude the help and consideration that, through seven and a half years of my Viceroyalty, I have had from the Central Legislature; and the guidance that its members have given me on so many critical issues. It is a happiness for me to think that if we have been through bad days together in the earlier years of the war, I should be leaving India at a time when the skies are beginning to brighten; when the success of the Allied arms in so many fields is becoming increasingly manifest; and when we are encouraged by the fall of one of the greatest of the Axis leaders, and by the collapse of a system which was responsible for bringing Italy into the war against us.

The seven and a half years of my Viceroyalty have lain in momentous times. Through the whole period we have been faced by political issues of the first importance. For the last four years there has been the dominating need to concentrate on India's defence against hostile attack; on the expansion and the training of our armed forces, whether Naval, Military or Air; on the organising of our war effort in terms of men, of money and of supplies. India's response to every call made upon her throughout the war has been magnificent. She may well be proud of the superb contribution that she has made to the victories of the Allies, and to the triumph of the United Nations.

Gentlemen, I do not propose today to weary you with any lengthy or detailed review of the great developments that have taken place in India in so many fields since I assumed office. The tale would be a very long one. Rather would I propose to speak of India's war effort, to touch very briefly on certain major problems which are of immediate concern to all of us today, and in particular food, inflation, post-war planning; to say a word about the political situation, and in taking leave of you to thank you, and through you India, for consistent, ungrudging and invaluable support through so many dark days and so many critical situations.

When the war began India's armed forces were designed neither in numbers nor in equipment to bear the direct shock of attack of the large, highly trained and well-equipped forces at the disposal of the Axis powers. But, with the full knowledge that the safety of India lay in the defence of its outer bastions, we sent overseas what troops we could spare. Experience has more than justified our decision. Today we can feel that, save for sporadic and ineffective air raids, India has been spared the horrors of war as, God willing, she will continue so to be.

Our armed forces today total two million men. Naval personnel has increased tenfold. The Indian Air Force is expanding rapidly into a formidable weapon. That great total has been reached by voluntary recruitment, recruitment too from a wider variety of sources than ever before. The equipment and the training of these large masses of men has been an immense task all the more so given the need to keep pace with new arms and new methods; to create new formations—I need only mention the Indian Armoured Corps, the Corps of Indian Electrical and Mechanical Engineers, the Indian Army Medical Corps;—to bring into being the formations of airborne troops, and of airborne surgical

units, which have been so successfully developed in this country. In the air the Indian Air Force has expanded from the single squadron that was all its strength when I first came to India to ten Indian squadrons, fully equipped with modern aircraft. The essential, but highly complex ground organisation required by a national air force to provide its own maintenance and training units is rapidly being perfected. Its pilots have done admirable work in Europe: the Indian Squadron which took part in the Burma campaign has rightly won the highest praise. And the work of expansion and development goes on apace.

The Indian Navy has steadily grown through the whole of this period. There have been great and rapid increases in personnel, in ship construction, in shore establishments, in the development of specialist schools, and of specialist training. And recruitment has been extended to areas that never in the past sent men to serve at sea. The actions fought against Japanese aircraft by the "Sutlej" and the "Jumna"; the superb fight of the "Bengal" against surface raiders, have shown the fighting quality of the Royal Indian Navy. And our ships have been in action not only in Indian waters, but in the Red Sea, the Mediterranean, and the Atlantic, and, in the last few days, in the invasion of Sicily.

The fighting record of the Indian Army is known to you all. Indian troops played a glorious part in the North and East African campaigns. Their superb fighting qualities, their courage, determination, discipline and training have been demonstrated time and again in the campaigns that have resulted in the overthrow of the Italian Empire in Africa. The great victory of the 8th Army, in which the 4th Indian Division added still further honours to what was already an imperishable fame, is in the minds of all of us. In the Far East, in Burma, and in Singapore our troops faced, like their comrades from the other parts of the British Commonwealth, superior forces; and they fought a series of delaying actions in a type of warfare that makes the highest demand on the quality of troops. Those actions, fought with stubborn courage against grievous odds, gave India time to perfect her own defences against invasion. And the experience gained in the difficult and exhausting jungle warfare in which we have recently been engaged will be put to good use when the time comes for that full dress attack upon the Japanese to which we all look forward. The exploits of Brigadier Wingate's mixed force of Indian, British, Gurkha, and Burmese troops, have struck the imagination of the world, and have shown what good soldiering, discipline, and brotherhood in arms can achieve under conditions peculiarly favourable to the enemy.

The picture I have painted is but a pale reflection of the faith, the courage and the endurance of tens of thousands of humble men; courage that has won for the Indian Army no less than six awards of the Victoria Cross. No words of mine can express our thanks to them for what they have achieved, to the Princes and people of India, who have poured out their treasures of money and labour and of precious lives in the allied cause. But this I know,—whatever may be the tasks which lie ahead; however long and arduous the road we still have to traverse, that faith, that courage, that sacrifice will lead to victory.

Since I last addressed you, Gentlemen, the relations of my Government with the foreign States on India's frontiers have, I am glad to say, remained cordial. Indian troops have served with distinction in Persia. The Government of Afghanistan have well upheld their policy of neutrality as against all belligerents and have not suffered the Axis influences due to the presence of enemy Legations in their capital to disturb the common peace of the Indo-Afghan frontier. The tribes of the North-West Frontier have throughout the war maintained the peace, and I was glad on my recent visit to that famous region to be able to recognise their service to the common end by a permanent enhancement of the allowances of one of the leading tribes, the Orakzais. Of the unstinted help which the cause of the United Nations as a whole and India in particular has received from our well-tried and trusted friends, the

Prime Minister and the Government of Nepal; I cannot speak in terms of too high gratitude. The Gurkha soldiers of the Indian Army continue to maintain the highest traditions of their service. Their bravery and hardihood have contributed in no small degree to the security of India throughout the war, and I need not remind you that the Nepalese Government's own regiments remain in India for the war to assist us in building up our common strength. The relations of India with our great Ally, the Republic of China, have been drawn closer than ever before in history. The mutual esteem and knowledge won during the visit of the Generalissimo and Madame Chiang Kai Shek in February 1942 has broadened to an understanding which bodes well for the future relations of our countries. The presence, which we have so warmly welcomed, of American and Chinese Missions in our midst; the comradeship in the common task and on our own soil with the gallant forces of our American and Chinese allies all contribute most materially to cordial relations and international good fellowship.

Recent legislation in South Africa affecting the status of Indians in that country has been a matter of profound regret to my Government, and the situation which results from it is under active consideration.

Many of the essential nation-building activities are, under the present constitution, the responsibility primarily or wholly of the Provinces. But I have been anxious, during the time I have spent here, to ensure that the Centre should give every help that it properly can in regard to them, and there is much to show in the way of achievement. The revival of the Central Advisory Board of Education; the establishment of the Central Board of Health; the lavish grant made before the war from central revenues for Rural Development; the work of the Imperial Council of Agricultural Research, the establishment of which, as I am proud to recall, was recommended by the Royal Commission on Agriculture, over which I had the honour to preside, and which has proved itself so elastic and effective an instrument for promoting technical progress; the institution of the All-India Cattle Show Society, which has done so much to encourage the most important matter of care and breeding of cattle throughout the country; the active prosecution of nutritional research; the great campaign against tuberculosis, organised by my wife, which has had as striking a response from all over India—these are all examples of the numerous activities in the nation-building field which have been of concern to my Government and to myself during the time that I have been here. India has reason, too, to be proud of the work that has been done in Animal Husbandry, in Dairy Research, by the Agricultural Marketing Department, by the Forest Service, and by the Survey of India. The war inevitably has interfered with certain of our plans for the development of many of these most important activities. But the war has also shown their vital significance, and we have good reason to be thankful that so much had been done in the way of preparation before hostilities began.

I may be forgiven for touching on one matter which, though it is of immediate local interest to the Central Legislature, is of concern to the country as a whole. When I assumed office in 1936 I determined that during my tenure of the Viceroyalty I would do everything in my power to make Delhi worthy of its place as the capital city of India. Today, I am glad to think that that ambition has been so largely realised. Delhi is a model so far as the anti-malaria campaign, up-to-date arrangements for the disposal of sewage, the active work of an energetic and soundly-based Improvement Trust, the development of open spaces and of amenities, are concerned. Those amenities and the layout of the capital city have inevitably suffered owing to war conditions. But it is the policy of my Government, on the conclusion of the war, to remove without delay the temporary buildings that war has rendered necessary, and to restore the appearance of the Capital of India to the high level which we had been able to achieve for it.

I would like to say one word about the transport situation, and the position of the Railways in particular. The vital importance of an efficient and adequate transport system, both for the war effort and for the maintenance of civil life, has been brought very sharply home to us in these last few years. The Railways are working under very great strain. Great strain because of shortage of certain materials in wartime; because of the immense burdens placed on the staff by war conditions. We owe a real debt to the Railway staff for the contribution they have made, and the excellent work they have done in circumstances sometimes of much difficulty. My Government are fully alive to the importance of co-ordinating transport by road, rail, and river, and no pains are being spared to turn to the best use possible any additional capacity that can be made available, and to strike a just balance between military and essential civil needs.

Activities in the field of war supplies have expanded enormously since I last addressed you. The value of orders handled by the Supply Department increased steadily from 85 crores in the first 16 months of the war, to 118 crores in 1941, 223 crores in 1942 and to 142 crores for the first five months of the present year. Nor is this the whole tale of India's effort in the field of supply. For the figures which I have given take no account of the orders which the Supply Department placed overseas, the orders placed in India for war purposes through trade channels, or the value of the finished output of the Ordnance Factories. The total value of India's contribution to war supplies is thereby immeasurably increased.

In order to deal with this growing mass of war orders the capacity of Indian industry has been greatly expanded both by the carrying out of carefully considered Government schemes for the establishment of new factories or the expansion of existing ones, and by the operation of private enterprise. In particular the Chatfield and Ministry of Supply Mission Projects for new Ordnance Factories and expansion of the old ones are now either completed or nearly complete. I may also mention the great expansions in the steel industry, in the manufacture of machine tools, in the chemical industry, and in the capacity of the rubber manufacturing industry, especially for making tyres.

Those results have not been easy to achieve in the face of the difficulties, known to all of you, which arose and still arise from the growing claims on the shipping resources of the Allies, from the closure of certain sources of raw material by the tide of Japanese aggression, and from the pressure on India's internal transport system arising from the greatly increased burden of war production and military movements. In solving these difficulties, and in maintaining its war effort despite them, India has received and is receiving the greatest help from the other allied nations, especially from His Majesty's Government and from the United States of America. The Technical Mission which our American Allies sent us last year, and the Lease/Lend Mission now with us, have been of the greatest assistance to us. We have lately had a Joint Anglo-American Steel Mission which gave valuable advice and help in connection with the production and distribution of steel. And I must pay a cordial tribute to the admirable work of the Eastern Group Supply Council, itself the outcome of the Eastern Group Conference for the initiation of which India was so largely responsible, and which did such invaluable work.

This vast expansion in the field of war production has not been achieved without material sacrifice of the goods ordinarily available to the agriculturist and the townsman. I will refer later to certain aspects of that problem. But I am glad to think that many of the industries engaged in the manufacture of vital war supplies are now better equipped to produce goods for ordinary internal consumption than they were before; the experience gained in manufacture under the stress of war adds materially to our knowledge of modern skill and technique; and we are extracting and putting to use in India more and more of our own raw materials. Over and above this, realising the importance of providing for essential civil needs, we are now endeavouring to release for civil consumption a larger share of the industrial output of our own resources. The steps we have

already taken in this direction will be steadily pursued, consistently with our responsibility for supplying the Armed Forces in India.

For the present, and for some time to come, our energies must be devoted to exploiting all available resources for the waging of war. But a moment will arrive when this process must be reversed and our efforts directed again towards the normal activities of peace, and the use and development of those resources for the rehabilitation of our economy, and the maintenance and—wherever possible—the improvement of the standards of living of our people.

Post-war reconstruction is a phrase familiar today in every continent. But the nature of this reconstruction must depend upon local conditions and the vicissitudes of battle.

In some countries the rebuilding of the bomb-shattered homes of the people, and of the factories in which they earn their livelihood, must be the first stage of recovery. Then again a nation the greater part of whose adult population of both sexes has been conscripted into the fighting services, or war industry, has to face problems vastly different, at least in degree, from those which confront us here in India where, despite the magnitude of our war effort, large sections of the population still pursue their customary avocations more or less undisturbed by the tides of war, save in so far as changes in the price level may have affected their lot for better or for worse. Our own problems in this field, vital though they are, are of a different order. War has brought to India a marked and significant increase in industrial activity, and an even more important increment in the number of persons skilled in mechanical and industrial work of all kinds. Evidently the problem is to carry forward after the war as much as we may of this enhanced industrial activity, transmuted betimes from its present warlike shape into forms capable of producing the needs of a world at peace. Certain of our industries, some of them highly important, have come through the past four years with few changes of a technical character, and for such the problems to be solved will be mainly of a commercial character.

Closely linked with industrial expansion are the problems of agricultural improvement. The best hope of permanent progress, whether in town or countryside, lies in the maintenance of a sound balance between field and factory. For the farmer, a steady and profitable market for his own produce and the opportunity to buy the products of the factory at reasonable prices: for the factory, a copious supply of raw material and a vast market for the finished product. The careful fostering of this natural, healthy and resilient partnership which is the foundation of our economic strength, and the firm base or platform from which we may develop our overseas trade, must be the first care of governments and of all concerned with industry or with agriculture. Agriculture, including agricultural education and research, and animal husbandry, is as I have already reminded you, a provincial subject. So also is irrigation. But in so far as it lies within the power and within the proper of my Government to contribute towards agricultural improvement, they are most anxious to do their utmost in that direction.

The desire for improvement, agricultural and industrial, has evidently received a marked stimulus from the circumstances of war. This manifestation will certainly derive a fresh and powerful impulse by the demobilisation in due time of the great armies upon whose valour India at present depends for her security. Many of our soldiers have become mechanically-minded as a result of their training and some may well look to industry for a livelihood in the days of peace. But the greater number will wish to return to the land. Many of those men have seen the world beyond these shores. They will wish to enjoy the best that the business of farming can provide, and they will be found receptive of new ideas and improved practices. Their return to their villages offers a unique opportunity to press forward with agricultural improvement and rural betterment. These two purposes are bound indissolubly together. "Of all the factors making for prosperous agriculture, by far the most important is the outlook of

the peasant himself." So wrote the Agricultural Commission in 1928, and all that I have seen or learned since that time confirms the correctness of that opinion.

My Government are fully alive to the urgency and the vital importance of these issues. For some considerable time past they have been closely concerned with the essential business of post-war planning. They realise the necessity of being well prepared in advance for the questions that will face India, like the rest of the world, on the termination of hostilities. You may be certain, Gentlemen, that they will spare no effort to clear the ground and to plan wisely for the future, and that their deliberations will be informed by the anxious desire to assist in all those matters to which I have just referred, even where the function is not primarily theirs.

The war has brought great industrial and commercial prosperity to India. But it has laid grievous burdens on the common man and woman in this country in the procurement of their daily needs. And the disabilities which war must bring to the civil population of any belligerent country have in India been greatly accentuated by the anti-social activities of individuals who have misused conditions of scarcity, artificially created in the case of some commodities, for their own profit. During the last few months, second only to the problem of how to feed the inhabitant of this country has come the problem of how to clothe him at a cost within his means. It was therefore to the problem of cloth that the Department of Industries and Civil Supplies, which I constituted in April last, first devoted its attention. Thanks to public support, thanks also to the co-operation of the Indian Cotton Textile industry, a scheme of control was launched on the 17th June which is being worked by Government and the industry in a friendly spirit. The Indian States are also in line with us, and I welcome this opportunity of acknowledging their co-operation. The prices of cloth of all kinds have fallen, not only in the wholesale, but also in the retail markets. In some of the retail markets they have fallen by more than 40 per cent. Cloth which has been hoarded is coming into the market; and under the new scheme for Standard or Utility cloth my Government has arranged the procurement of this at the rate of 150 million yards per month, to be distributed, on a basis of population, among all the Provinces and States of India till a total of 2,000 million yards has been reached. It is hoped that cloth now coming out of hoards, and Standard Cloth, will fill the breach while the Control gradually establishes itself over the whole field of Cotton Textiles with, as a result, increased production and a substantial reduction in prices below present levels. When that stage is reached it will not be necessary to continue the Standard Cloth scheme.

But cloth is not the only commodity in regard to which advantage has been taken—and unmercifully taken—of the consumer in India by unscrupulous men. Over practically the whole range of consumers' goods, which are so necessary in the day-to-day life of the people, the two-fold blight of exorbitant prices and inequitable distribution has fallen. Measures are now well under way which will I hope, before many months have passed, bring about improvement in this respect. These measures are aimed not only at hitting the hoarder and the profiteer, but also at making consumers' goods of the commoner varieties available in greater quantities to the people of this country.

Probably the most grave and insistent problem which faces my Government today is that of ensuring an adequate distribution of foodstuffs throughout India. Early in July a Conference fully representative of the Provinces and the Indian States, discussed in close detail with my Government the difficulties of the past and plans for the immediate future. My Government have accepted the conclusions of the Conference, and they are being implemented. As I speak, an expert planning committee is at work on the evolution of a long term food policy, and its Report is expected in the immediate future. I cannot anticipate its recommendations. Nor do I wish to dwell overmuch on the past. But I would

like briefly to recall to you some of the difficulties which have had to be faced during the past four years and to state in broad outline the essentials, as I see them, for the success of any future policy.

Certain limiting factors have to be recognised, even in normal times, when considering the economy of food production and distribution in India. The size of the country, with its demands on transport; a total production of foodgrains only just sufficient in wheat and less than sufficient in rice, made up of the small margins of millions of small farmers; the variety and at the same time the rigidity of local diet habits; the administrative divisions throughout the country. In normal times, these factors do not give rise to any great difficulty, for the normal operations of trade can ordinarily be relied upon to satisfy all requirements and to come effectively to the rescue, without official intervention, if for any reason local scarcity should occur. But war throws normal trade movements out of gear. Imports are restricted or cut off; transport is limited; there is a bullish tendency in the markets; prices rise and profits are high; the producer or distributor hoards for gain or consumes more of his produce; the consumer hoards from fear.

In such circumstances it is the duty of Government to step in and regulate the operations of trade so as to secure economy and fair distribution. In the United Kingdom great success has been achieved by drastic measures involving legal sanctions and the most detailed interference with private lives and private enterprise, but made effective largely by the willing co-operation of the people. In India our problem has been less compact and uniform, and control in consequence more difficult to impose. The series of Price Control Conferences instituted as soon as war broke out proved most valuable for the exchange of ideas and experience, and made recommendations which were acted on by Government. But you will recall that for the first two years of the war there was no great demand for controls. A moderate rise in prices after a lean period was welcomed. It is only since the entry of Japan into the war, and the loss of imports from Malaya and Burma, that the problem of supplies and prices has assumed serious proportions in India. Since then Governments throughout the country have had to adapt their methods to a rapidly developing situation, and to counter the cupidity and lack of confidence that have unhappily shown themselves in so many areas.

The Grow More Food campaign has led to an immense increase in the area under food crops, and a vastly-increased production of foodgrains. It is being urged on with the utmost vigour. Financial aid of well over a crore and a half of rupees has been made available from central revenues, and every possible help has been given to Provincial Governments and to the Indian States by way of technical advice. You may be certain, Gentlemen, that no pains are being, or will be, spared to get the very maximum of output that we possibly can.

To strike at the root of the causes of our difficulties which I have just mentioned my Government decided, early in this year, to remove the control price of wheat, and to import wheat from Australia. They also devised a scheme for the distribution under central control of surplus foodgrains to deficit areas. For various reasons this scheme appeared likely, at first, to fall short of the success that was hoped for. But, drastically modified in the light of experience, it remains in being. And it will hold the field as an "austerity" plan, until, having secured physical control of all available surpluses of foodgrains administrations throughout India are in a position to control their distribution, through rationing or otherwise.

That task is no light one. But it is vital that it should be successfully performed. And full and willing co-operation by every Government and every individual is essential if its achievement is to be ensured.

The policy behind it will be a policy based on the considered views of representatives of every part of India, and I would most earnestly appeal today to

all concerned to help in giving effect to it. To the solution of the common problem, to the easing of the hardships of the poor, and the difficulties of the deficit areas in particular, there is an obligation on every one of us to lend our influence, our example, and our ready support. I am confident that in appealing for that general co-operation, and for the spirit of self-sacrifice, in a matter that touches every man and woman in this country, I shall not do so in vain.

One of the main problems which has to be faced by a country at war is the control of inflationary tendencies. In the switch over from a peace economy to a war economy the mounting scale of Government expenditure inevitably increases the volume of incomes, while the goods and services available for civilian consumption inevitably contract. To accentuate the resultant loss of equilibrium between free purchasing power and the opportunities for its use, the possibilities of import become gravely restricted by the scarcity of shipping and reduced transport facilities. In any country a situation of this kind calls for the maximum effort of vigilance and control, if chaos is to be avoided. In India there are various factors, notably the magnitude of the country and the exiguous scale of administrative services in relation to a huge and largely un-instructed population, which render close controls peculiarly difficult. The position first began to deteriorate sharply when the consequences of the war with Japan became palpable, in the latter half of 1942. By the spring of this year there were many signs of wide-spread hoarding and profiteering and of the emergence of a spirit of reckless speculation which gave a vicious stimulus to the factors making for a general rise in prices. The course of prices in consequence took an alarming upward turn, and it became clear that drastic action was called for and in every sphere of Government authority if this disastrous tendency was to be checked and reversed.

The Government of India are determined to do everything in their power to achieve this object and to stabilise economic conditions at tolerable levels. The drive against inflation is being pursued simultaneously in the monetary and the commodity fields. On the one hand an intensive effort is being directed to the mopping up of surplus purchasing power by taxation and borrowing, whether Central or Provincial, including a country-wide savings drive, and the Indian States have also been urged to co-operate in this programme for the benefit of the whole country. I am glad in that connection to be able to tell you, Gentlemen, that during the six weeks ending on 17th July, no less than 50 crores of rupees were invested, including 12½ crores by conversion from the 4 per cent. 1943 bonds—a most encouraging and heartening achievement. On the other hand, various forms of commodity control have been adopted, the most important, because of its effect on the cost of living, being the cloth and yarn control scheme to which I have already referred.

I have already spoken too of our efforts to deal with the various aspects of the food problem, which of course has an enormously important bearing on the tendencies we are determined to bring under control. The Government of India are also resolved to check speculation and profiteering in every sphere which affects the life of the nation, and to repress and penalize all cognate anti-social activity. I am glad to say that the measures already taken are beginning to have a most salutary effect. Not only has the vicious upward trend been checked, but several important indices have moved sharply downwards, with a beneficial effect on the whole price-structure. But there is no room for complacency, and we do not delude ourselves that this battle is over. On the contrary the campaign has only begun and we are determined to maintain the pressure and to fight relentlessly on every part of the anti-inflationary front. The stake is nothing less than the economic safety of the country; it demands the co-operation of all of us, and no effort can be relaxed until this insidious danger has been removed.

It is perhaps unnecessary for me to enlarge on the more obvious aspects of the impact of the war upon India's economy. The imperious needs of the

emergency have, as might be expected, called forth a tremendous intensification and diversification of India's industrial activity. This has involved the fullest use of our resources of raw materials, labour, transport and productive capacity. It has led to many new efforts in fields hitherto hardly explored and to expanding schemes for the training of personnel. All this would in itself have produced a notable transformation of India's economic outlook. But there has in addition supervened a factor which in my opinion is bound to have the greatest significance for India's economic future. It is by now a familiar fact that the war has led not only to the extinction of India's external public debt but to a change in her international position from a debtor to a creditor status. This fact is bound to have a profound influence on the course and character of India's international trade in future. I would suggest that this is a subject which might well engage the careful attention and study of Indian economists and research workers. For I am convinced that it is a sphere in which there cannot fail to be scope for constructive thinking. It is not merely the outward aspect of our foreign trade which must inevitably be transformed, but I would anticipate the most far-reaching effects upon the structure of India's whole economy. When it is remembered that India's export trade in the past rested largely upon the necessity of making remittances for the service of her overseas debt, that henceforth not only will this factor be absent but on the contrary India will have to accommodate an excess of imports in order to receive the payments due to her, it will be realised that the change which has occurred is one of the deepest significance.

I turn now to the political field. As Chairman of the Joint Parliamentary Committee I had been most closely associated with the discussions leading up to the Act of 1935. I came out here in 1936 following on the passing of that Act. My object, when I accepted this great responsibility, was in the first place to see Provincial Autonomy introduced, and to give it every help in my power to work smoothly and successfully. In the second place, to secure the introduction of Federation. I was confident that in no way could the interests of India's constitutional development or the achievement of all her aspirations better be forwarded than by these two successive stages that were contemplated in the constitution Act of 1935. Nothing has happened since 1935 to shake me in that view.

The scheme of Provincial Autonomy has been tested by experience now over many years. It is a workable scheme and a sound scheme. Today it is in operation in six Provinces out of eleven. Where it is not in operation, that is because those to whom it gave great power, great authority and great responsibility have not been willing to carry that responsibility. That there may be difficulties from time to time, that the machine may fail under certain stresses can surprise no one with experience of public life. But taking it all in all, the scheme has fully justified itself. I can think of no way in which, consistently with safeguarding the rights and the legitimate claims of all parties, the devolution of power to popularly elected Ministers, supported by a majority in the Legislature and willing to carry the burdens of the time, could better have been made.

At the Centre, as I have often said in recent years, I have felt with increasing force as the war has gone on, that the federal scheme, for all the imperfections that it may have contained, would have solved the bulk of India's problems had it been possible to bring it into being. No scheme is perfect: no scheme will satisfy everyone; every scheme admits of being improved on by experience. And I know well that on various grounds the federal scheme has been the target of attacks. But, as in the case of the provincial scheme, I have no doubt as to its essential soundness. Parties, interests, individuals, all have to be prepared to make some sacrifice when it comes to matters such as this. No one in any modern State can hope to have a hundred per cent. of what he wants or what he thinks he ought to have. Compromise, adjustment, reasonable regard for the legitimate claims of other parties, is the only basis on which

progress can be made. Federation, had we achieved it, based as it was on the maximum measure of agreement that could be realised when the scheme was framed, would have welded together for matters of common interest the Indian States and British India. It would have secured balanced and reasonable representation of parties and interests at the Centre. It would have achieved the desire of His Majesty's Government to transfer to Indian hands those great powers at the Centre the transfer of which is provided for in the Act of 1935. And India would have participated in the War under the leadership of her own Federal Government, and her prestige and the prestige of that Government would thereby have been enhanced still further for the future.

Well, Gentlemen, the outbreak of the war and the absence of agreement between those concerned in India, made the postponement of Federation at that time inevitable. His Majesty's Government in those circumstances could not, in that way, give the early effect that they desired to their intentions. It was my duty and my happiness in those circumstances to try to find in what other way Indian public opinion, Indian public men, the great parties, could, pending the achievement of a final solution, best and most closely be associated with the government of the country and the management of the war.

If I have not been able to achieve the measure of success I hoped for, I have at any rate during the time of the war been able to bring into being changes of great significance and far-reaching importance. It is true that I have not been able to persuade the great political parties to take their share in the government of the country. But the Government of India, a body of seven, of whom the majority were officials, has been expanded into a body of fourteen, eleven of whom are non-officials, and four only (including the Commander-in-Chief) Europeans. Of its broad basis, of the representation it gives to communities and interests, of the quality of its Members, there can be no question whatever. The National Defence Council, a body representative of the Indian States and of British India, has met regularly under my chairmanship since October 1941. It has established its reputation throughout India; it has constituted a most valuable liaison between the Centre, the Provinces of British India and the Indian States, and its importance from the point of view of the war effort has been very real indeed.

In other fields India's international status has been enhanced in a variety of ways. She is represented at Washington and at Chungking. China and the President of the U. S. A. are represented here. For over a year now she has had representation at the War Cabinet. She has been most closely associated with all developments of importance in connection with the war. The splendid work of her fighting men, whether by sea, by land or in the air, has added to her renown throughout the world; the magnitude of her contribution to the war effort of the Allies is known to everyone.

I regret the more that at a time when India's contribution has been so great, when in so many ways her stature has been so enhanced, greater progress should not have been possible in the constitutional field during these years of war. That there should have been no greater progress is due to no lack of effort, or enthusiasm, or goodwill on the part of His Majesty's Government or of myself. From the very beginning of the war I have done everything that man could do to bring the parties and their leaders together; to remove doubts as to the intentions of His Majesty's Government; to achieve that sufficiency of common agreement among the parties and communities in this country, and that necessary preliminary acceptance of the legitimate claims of all, that must be the pre-condition of any constitutional advance that is worth having or that can hope for permanence. It will always be a sharp disappointment to me that these four years of war should, for all that effort, have seen us no nearer to our goal, and that, as I speak today, these internal divisions, these communal rivalries, that reluctance to place India first and to subordinate sectional ambitions and jealousies to the common interest of the country, should still stand in the way of progress.

As I have said elsewhere, those divisions, that lack of agreement, are due not to the reluctance of His Majesty's Government to transfer power to Indian hands, but to their very readiness to do so. But the fact, the lamentable fact, remains that to the grief of all of us, those divisions exist. Nor, during all that time, has a single constructive proposition—and I deeply regret to say it—been put forward by any Indian party. The whole burden of framing constructive proposals in relation either to the interim or the final solution has been left to His Majesty's Government and to myself. We, for our part, most anxious to give all the help we could, have tried one proposal after another, and we have done our best to harmonise the sharply conflicting claims that have faced us. The best that we can devise, informed as we are by centuries of experience of Parliamentary Government, has been freely offered. Yet, while one endeavour after another by His Majesty's Government to find a solution, fair to all parties and communities in India and acceptable to India as a whole, has been rejected by one party or the other, not one such practicable alternative proposal has been put forward by any one in this country.

Yet it is India herself, if India wants a change, that must find the solution to this problem. I sometimes think that public interest and discussion in this country has, in the past, centred too much on interim constitutional changes which, in the nature of things, must be transitory. Such changes cannot be a substitute for a constitution determined by ordinary processes and agreement; processes which cannot be completed under the stress of war. Short cuts can only be a danger alike to present unity and post-war solutions. At the stage now reached the real problem to be faced is the future problem; we must look forward and not backward.

And it is the need for India herself to find the solution that, in all friendliness and sincerity, I would most earnestly commend, Gentlemen, to your consideration today. I have said it before, and I say it again quite plainly, that the path to full and honourable co-operation with the Government of the country has always been open to those who desire it for its own sake. His Majesty's Government and the Viceroy can try to help, as they have tried in the past. But the burden is on India, on her leaders, on the principal elements in her national life. It is the discordance between those principal elements, the lack of trust, the lack of readiness to accept the legitimate claims of the minorities, or of parties, or of interests, that stand in the way. Those are obstacles that only Indians can remove.

And it is most important, and I would most earnestly urge this on you, that if there is to be any progress, Indian public men should without delay start to get together and to clear the way for it. The post-war phase is drawing rapidly nearer. His Majesty's Government, as you will remember, have voiced the hope that on the conclusion of the war Indians themselves may sit round a table and hammer out a constitution having the general support of all the principal elements in India's national life. Is India, are India's leaders, to be found unprepared when the day comes for those discussions? Is it not the course of wisdom to set to work at once, without wasting a day, to try, by discussion among themselves, to find in readiness for those discussions an accommodation of the differences that prevent progress at the moment, and to build a bridge over the profound gulfs that divide party from party and community from community? They alone can do it. The burden is on them, and not on His Majesty's Government.

And the whole field is open to them. If the proposals which His Majesty's Government have at one time or other put forward, in default of any proposals from the Indian leaders, are unacceptable to India as a whole, there is nothing to stop India's leaders from considering and devising an alternative, whatever its nature, or from trying by private negotiation with other parties in this country to secure their support for any such alternative. All I would say—and I say it again as a friend of India, and as one concerned to see her progress in

whatever manner is best suited to her national genius and to the interests of all within her borders—is this—that whatever alternative and whatever scheme is devised must take account of practical considerations; must have the general support of all the important elements in India's national life. No scheme, however good it may look on paper, that ignores important elements or interests, that overlooks the essential necessity for substantial agreement inside India as its basis, has any hope of surviving for long. A national Government can be a reality only if it is generally representative, if it has the general support of the major parties and of the people as a whole, if its establishment leads to the assuaging of communal and other bitterness and rivalry, and to the harmonising of all the many divergent points of view that a country such as India, with its great range of climate, of races, its different historical traditions, must always present.

I would like to take this occasion to say a word of warm thanks to the Indian Press for all the help that it has given me during my time in India. Occasions there may have been when there were differences of view on matters connected with the Press; misunderstandings there may have been from time to time. But I remain deeply grateful to this great institution for its fairness; its eager anxiety to serve the public; its concern to observe, and if possible to improve, the best traditions of journalism. And I would not like to leave India without paying this public tribute to it, and to that hard working body of intelligent and able men by whom India is so well served in the Press.

In a few weeks now I shall hand over the reins of office to my successor. In Field-Marshal Viscount Wavell India will have as Viceroy one who has proved himself through a long and glorious career one of the great leaders of men in the field; and one of the outstanding soldiers of our time. But you will find in him also, and this I can say from personal experience of two years of close, intimate and most friendly collaboration, an understanding, wise and sagacious statesman; a man of sound political sense and judgment; a leader of courage and tenacity, whose wide human sympathy, whose affection for India and whose profound interest in her problems is well-known. In the difficult days that lie ahead—for the problems of peace are no less exhausting and complex than the problems we have had to face in the war—his ripe experience, his fresh and up-to-date knowledge of India and his sincerity and openness of mind will be of a value to this country that cannot be overstated.

I cannot leave you today, Gentlemen, without in conclusion paying a tribute to the spirit of the people of India, whether British India or the Indian States; to the confidence, enthusiasm and courage which they have shown through four years of a devastating and exhausting war, and to the cheerful readiness with which they have borne the many burdens that total war involves and the privations and hardships inseparable from it. There has been a great achievement on the home front, as well as in the field, and one on which India will look back with pride and the world with admiration.

I would like, too, to say a word of sincere and heartfelt thanks to the personnel of all the Services in this country. To them is due great credit for all that they have done to maintain law and order, to deal with the innumerable problems of administration that war throws up, to grapple with the vital tasks that fall to be discharged by them in the interests of the people of India as a whole. Without their loyal, unflinching, and self-sacrificing public work, the administration of the country could not have been carried on, or India have made the contribution that she has so proudly and so gladly made to the victory of the Allied cause.

Gentlemen, I will keep you no longer. I thank you most warmly for the attention with which you have listened to me today. My best good wishes go to you, both individually, and as a Central Legislature, for the future, and my most cordial gratitude for all the work that I have been privileged to see you perform during my term of office, and for that public spirit that has so consistently marked your conduct of affairs.

The Assembly met in the Assembly Chamber of the Council House at Half Past Two of the Clock, Syed Ghulam Bhik Nairang (one of the Panel of Chairmen) 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.

FAILURE OF THE FOOD DEPARTMENT IN CHECKING HIGH PRICES OF RICE IN BENGAL.

125. *Mr. Amarendra Nath Chattopadhyaya: (a) Is the Honourable the Food Member aware of the tense situation created by the abnormally high price of rice in Bengal since last August and the tendency to rise further at present? If so, what steps does he propose to take to ease the situation within a short time?

(b) Is it not a fact that the Food Department has not succeeded in bringing down the price of rice in Bengal within the last three months by taking the steps they had thought would make them successful? If the present staff is not found efficient, does the Honourable Member propose to reorganise the Department?

(c) Is it a fact that Mr. Vigor, the newly appointed Food Adviser to the Government of India, in a Press Conference said that there was no real deficiency of food in India, and that there was no cause for alarm? In spite of such statement, why is this continuous high price prevailing?

(d) What efficiency has been added to the Department by the appointment of Regional Commissioners on high salaries? What is their function, and if they have failed to remedy the situation, what is the necessity for continuing the officers? Is it not a fact that the Provincial Government in Bengal in many cases did not see eye to eye with the Central Government in the past, *vide Modern Review*, April, page 244?

(e) Is it not a fact that the Government of the United Provinces succeeded in coping with the situation by setting up Consumers Co-operative? If so, why should not that system be followed in Bengal where the situation is so trying and tense?

(f) Is it a fact that hoarding and profiteering are the two factors which have created this situation in Bengal? If so, does the Honourable Member intend taking drastic steps to find out the culprits? If so, when?

(g) Does the Honourable Member propose to allot at least three days for a complete debate on the subject of food supply during this session and to convene a meeting of the Standing Commerce Committee of the Assembly?

The Honourable Sir M. Azizul Huque: (a) The price of rice has been abnormally high in Bengal for some time. On the introduction of 'free trade' in the Eastern Region prices came down slightly and have recently steadied. Measures have been in hand and are continuing for the export of considerable quantities of foodgrains to Bengal from other provinces and the Bengal Government have already launched an anti-hoarding drive whose scope is likely to be expanded.

(b) The price of rice in Bengal is in no way connected with the efficiency of the Food Department.

(c) Yes, Sir, that statement was made 5 months ago. The actual deficiency this year was estimated at not more than 4 per cent. of the normal production of foodgrains, which is not a serious deficiency and less than has been experienced in several recent years. High prices have been due as much to difficulties of distribution, excessive holding of stocks by producers and others, as to actual physical shortage.

(d) The functions of the Regional Food Commissioners are co-ordination and liaison generally, between the Government of India and the Provincial Governments, and they have discharged their duties efficiently. As regards the second part of the question, there is always room for honest difference of opinion between the Central Government and a Provincial Government.

(e) The Government of India have no information on the first part of the subject and the second part, therefore, does not arise.

(f) Yes; certain measures have already been taken by the Government of Bengal and more will be taken soon.

(g) I have already agreed to a two-day debate on the subject.

Dr. Sir Zia Uddin Ahmad: If a Member of the Legislative Assembly is prepared to sell in Calcutta any quantity of wheat that Calcutta may require for consumption, will the Honourable Member give him this permission?

The Honourable Sir M. Azizul Huque: I think that is a purely problematic question, and if I am asked about it departmentally I will reply departmentally.

†126.*

SCHEME OF SICKNESS INSURANCE FOR INDUSTRIAL WORKERS.

127. *Mr. Nabi Baksh Illahi Baksh Bhutto: (a) Will the Honourable Member for Labour be pleased to state if the Scheme of Sickness Insurance for Industrial Workers has been completed?

(b) When is the Scheme expected to come into operation?

(c) Does the Honourable Member propose to lay on the table a copy of the Scheme?

(d) Is it also proposed to lay on the table the opinions expressed by Provincial Governments on the Scheme?

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

(b) The Government of India have appointed a Special Officer to prepare a draft scheme of Sickness Insurance for workers in selected industries. The scheme is now under preparation but it is not possible at this stage to say when it will come into operation.

(c) and (d). These points will be considered later on. Legislation will be necessary, and the House will of course be fully informed of the details of the scheme.

Mr. Lalchand Navalrai: How far has the scheme been completed?

The Honourable Dr. B. R. Ambedkar: A preliminary report has been received.

Mr. Lalchand Navalrai: When approximately is this going to be completed?

The Honourable Dr. B. R. Ambedkar: I cannot say anything about it.

Mr. Lalchand Navalrai: Say two years or one year?

The Honourable Dr. B. R. Ambedkar: Within two months' time.

Mr. Lalchand Navalrai: Thank you.

SERVING OF *Jhatka* AND *Halal* MEAT TO STUDENTS OF RANGERS FOREST COLLEGE, DEHRA DUN.

†128. *Qazi Muhammad Ahmad Kazmi: (a) Will the Secretary for Education, Health and Lands please state if it is or it is not a fact that the students of the Rangers Forest College, Dehra Dun, formerly used to make private arrangements for their messing and for the last two or three years a common mess has been started?

(b) Is it or is it not a fact that for a considerable time after the common mess was started *Halal* meat (i.e., the meat of the animals slaughtered according to Muslim rites) was served to all students without any objection by anybody?

(c) Is it or is it not a fact that about ten months ago *Jhatka* meat which is prohibited according to the Muslim conception began to be served in the mess without any notice being given to the Muslim students?

*This question was withdrawn by the questioner.

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

(d) Is it or is it not a fact that on the leaking out of this information the Muslim students protested so much so that one student went on hunger strike for about 72 hours?

(e) Is it or is it not a fact that even now the *Jhatka* meat is served in the mess and the Muslim students who are not even allowed to make their own arrangements for messing had to take to vegetables?

(f) In view of the fact that meat is the normal and staple diet of Muslims, do Government propose to consider the advisability of having *Halal* meat served in the common mess or permitting the Muslim students to make their own arrangements for their food?

Mr. J. D. Tyson: (a) A common mess has existed since April 1941.

(b) and (c). During the first year of the mess *halal* meat almost exclusively was served. Two Sikh students objected and became vegetarians. From the outset *Jhatka* has also occasionally been cooked, but separately, and it has not been served to Muslim students.

(d) Many months after his admission to the College one student refused for some time to take food in the mess. He subsequently returned to the mess and took his meals there as a vegetarian.

(e) and (f). *Halal* meat is served in the mess to those who wish to have it. *Jhatka* meat is also served to those who require it and vegetarian diet to the vegetarians. The three kinds of diet are cooked and served separately and care is taken to see that there is no contact between them. Under the College rules the students must take their meals in the College mess but all are free to eat according to their inclination and in conformity with their religious beliefs.

REPAIRS TO THE TAJ MAHAL, AGRA.

†129. *Qazi Muhammad Ahmad Kazmi: (a) Will the Secretary for Education, Health and Lands please state at what stage the preparations are for effecting the repairs to the dome of the Taj at Agra?

(b) What is the estimate of the repairs to the dome?

(c) Is it or is it not a fact that the wooden and bamboo structures raised around the dome of the Taj for effecting repairs were made more than a year ago? If not, when were they made?

(d) What was the cost incurred thereon?

(e) Is it or is it not a fact that by the passage of hot weather and the rainy season the wooden and bamboo structures are deteriorating day by day?

(f) Is it or is it not a fact that the presence of this superstructure is likely to prove a dangerous factor in case of fire and bombing?

(g) Have Government been negotiating for the sale and removal of this superstructure? If so, to what effect?

(h) In view of the likely damage to the dome by the presence of this superstructure and the likelihood of its deterioration by the lapse of time, do Government propose to consider the advisability of either effecting the repairs at an early date or, in case it is not possible, to take down the superstructure for the present and to raise it again when there is any likelihood of the repairs?

Mr. J. D. Tyson: (a) and (b). The attention of the Honourable Member is invited to my answer to his starred question No. 70 of the 28th July, 1943.

(c) Yes. In 1940.

(d) Rs. 44,886.

(e) The materials used for the scaffolding have naturally undergone some deterioration owing to the action of the weather.

(f) Yes, but the use of combustible material in making the scaffolding was unavoidable.

(g) Tenders were called for by the Public Works Department for the sale and removal of the scaffolding and the cost of dismantling is estimated at Rs. 12,180 less Rs. 5,000 to be recovered by sale of the material.

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

(h) The scaffolding will be removed as early as practicable after certain minor repairs which are now in progress are completed and after the newly appointed Committee has inspected the dome.

LEAVING PROMOTIONS TO A SOUTH INDIAN ASSISTANT.

130. *Sardar Sant Singh: (a) Will the Secretary for Education, Health and Lands please state if a South Indian Assistant was sent to England on study leave and on his return was given leaving promotions? If so, why?

(b) What was the subject of his thesis for Ph.D.? Where was it published, and what was the date on which parchment was given to that, South Indian for Ph.D.?

(c) Is it a fact that this gentleman had training in Bee-Keeping? If so, what benefit has the Department accrued from that training?

Mr. J. D. Tyson: (a) Study leave combined with other leave was granted in 1937 to a South Indian Assistant at the Imperial Agricultural Research Institute, to enable him to study (1) bee-keeping in England and (2) Biological Control methods. He returned from leave in August 1940 and was appointed in March 1941 to officiate in a class II post of 2nd Assistant Entomologist at the Institute. The post was simultaneously advertised for recruitment through the Federal Public Service Commission. In accordance with the advice of the Commission he was appointed substantively to the post in August 1941. He has since then officiated and is now again officiating, in a Class I post of Biological Control Research Officer which has fallen vacant temporarily by the deputation of the permanent incumbent for work in connection with the anti-locust campaign. This is not a permanent promotion.

(b) The title of this officer's thesis was "Factors affecting the rate of reproduction in *Nemeritis canescens* (Grab.): Hymenoptera: Ichneumonidae". It has not been published nor has the author yet received "parchment".

(c) Yes. The training is useful for answering the numerous enquiries on apiculture received at the Institute from all parts of India.

Sardar Sant Singh: May I know if this gentleman has been granted the degree of Ph.D.?

Mr. J. D. Tyson: Not yet. He has been addressed as "Doctor" in letters to his own Professor in the English University that he attended and I understand he has been congratulated by the Professor.

Sardar Sant Singh: May I know if any official information has been received by the department if this gentleman has actually passed and is entitled to the Ph.D. degree?

Mr. J. D. Tyson: No official information has been received as the buildings of the University to which he submitted the thesis were very badly bombed and I believe that not even the examination results have been sent to India since then.

Sardar Sant Singh: Is it a fact that Dr. H. S. Prithi of the Agricultural Department has received his degree and a provisional certificate has been sent to him, though it was subsequent to this?

Mr. J. D. Tyson: I have no information.

Sardar Sant Singh: Will the Honourable gentleman inquire?

Mr. Lalchand Navalrai: Why was no Punjabi sent to England?

(No answer.)

FORFEITURE OF THE INCREMENT OF A SIKH BY THE DIRECTOR, IMPERIAL AGRICULTURAL RESEARCH INSTITUTE.

131. *Sardar Sant Singh: Will the Secretary for Education, Health and Lands please state the facts of the case in which the Director, Imperial Agricultural Research Institute, permanently forfeited the increment of one Sikh fieldman and did not agree to stop the increment of a South Indian Artist while the two cases were similar?

Mr. J. D. Tyson: As will presently appear, the two cases were not similar. The increment of a Sikh fieldman (as also of a Muslim fieldman) was stopped by his immediate superior, the Imperial Entomologist, for gross neglect of duty in the field when employed on locust control work. The punishment was not inflicted by the Director.

In the case of the Artist—a South Indian—the officer under whom he was working advised, on a routine reference, that the annual increment should be withheld for six months as a warning against laziness. When it was brought to his notice by the Director that in the Artist's 27 years service there was no record of punishment or warning and that he had twice been promoted within the previous four years on the advice of the reporting officer himself, the latter recommended "a stiff warning" and the Director accepted the recommendation and passed orders accordingly.

Sardar Sant Singh: Is it a fact that in the department there is a feeling of South Indian *versus* the Punjabi and this feeling has been accentuated by the action of my Honourable friend himself.

Mr. J. D. Tyson: I am not aware of that.

Sardar Sant Singh: Will the Honourable Member make inquiry into this matter?

Mr. J. D. Tyson: No, Sir.

Sardar Sant Singh: Why are you not making any inquiry about it?

FIXING RENTS LOWER THAN PRE-WAR RENTAL VALUE IN BABAR ROAD AREA.

132. *Sardar Sant Singh: (a) Is the Honourable the Labour Member aware:

(i) that rents for middle class tenement houses in the Babar Road Area have been fixed by the Rent Controller at Rs. 42-8-0 per mensem from the 1st July, 1942; and

(ii) that this rent is less than the rental value of Rs. 560 per annum assessed by the New Delhi Municipal Committee for levying house-tax on these houses ever since 1938-39?

(b) What are the grounds for fixing the rents lower than the pre-war rental value as assessed by the New Delhi Municipal Committee in 1938-39?

(c) How do Government justify the levy of house-tax at an excessive rate for all these years?

(d) If the assessment was not excessive, how do Government justify the order of the Rent Controller?

(e) Is he aware that the house-owners in this area are mostly middle class people who have been hit hard by this arbitrary decision of the Rent Controller?

(f) What rents are fixed by the Rent Controller for houses having approximately a similar residential accommodation near the Pusa Road in Qarol Bagh Area, and in any other composite area in New Delhi?

(g) Is he aware that while controlling rents of houses in Calcutta, the Bengal Government have allowed an increase of ten per cent. in rents over the rents prevailing in 1941?

(h) Does he propose to allow a similar increase in rents in New Delhi? If not, why?

The Honourable Dr. B. R. Ambedkar: (a) (i). There are several different classes of tenements in the Babar Road Area carrying different rents. The rent of Rs. 42-8-0 is for one class tenements only.

(ii) Yes.

(b) The rents are fixed under clause 8 of the Delhi House Rent Control Order, 1939, under which the Rent Controller has to fix the fair rent of a house having regard to the prevailing rates of rents for the same or similar accommodation in similar circumstances during the twelve months prior to the 1st September, 1939.

(c) This is not a matter for Government.

(d) In view of the reply to part (b) above, the question does not arise.

(e) Yes, but Government have no reason to believe that the house-owners have been hit hard.

(f) There are no houses in Qarol Bagh having the same or similar accommodation.

(g) I have no official information on the point.

(h) No, Government do not see any justification for it.

Sardar Sant Singh: Will the Honourable Member make inquiries as to the difference in rental value assessed by the New Delhi Municipal Committee and the rent which is allowed to the owner and see that some justice is done to the landlords and the rents are increased?

The Honourable Dr. B. R. Ambedkar: I cannot do that, because the fair rent is fixed by the officer. There is no reason to suppose that his judgment is in any way miscarried by any circumstances which he ought not to take into account.

FISHING INDUSTRY IN THE SIND SEA COAST.

133. *Seth Yusuf Abdoolo Haroon: Will the Honourable the Commerce Member be pleased to state:

(a) the number of small fishing ports on the Sind Sea Coast line;

(b) the total population of fishermen residing and dependent on the Fish Industry in all such ports, including the Karachi Port;

(c) the total quantity of cured and preserved dry salted fish and fish manure exported from Karachi to Ceylon and other ports in India and abroad in each year from 1939 onwards; and

(d) the total quantity of the duty free industrial coloured salt consumed by the Fish Industry in Sind in each year since 1939 to the 31st March, 1943?

The Honourable Sir M. Azizul Huque: (a) and (b). Fisheries within territorial waters being an exclusively Provincial subject, the Government of India are not in a position to furnish the desired information.

(c) and (d). The information asked for is not readily available.

POST-WAR RECONSTRUCTION IN EDUCATION.

134. *Dr. Sir Zia Uddin Ahmad: (a) Will the Secretary for Education, Health and Lands please state if Government have drafted any scheme on the post-war reconstruction in education? If so, does he propose to lay the scheme on the table?

(b) Does the Honourable Member contemplate appointing a special Committee for devising a scheme of reconstruction in education after the war?

Mr. J. D. Tyson: (a) A scheme is under preparation. The Honourable Member's suggestion that, when ready, it should be laid on the table of the House has been noted for consideration.

(b) No. There is already in existence a fully representative body called the Central Advisory Board of Education before which it is proposed to lay the scheme for consideration in the first instance.

Dr. Sir Zia Uddin Ahmad: Is the Honourable Member aware that the progress of the work done by the Central Advisory Board is so slow that if this work is entrusted to them it will not be ready till ten years after the end of the war?

Mr. J. D. Tyson: I think it is proposed to call a special meeting of the Central Advisory Board with the idea that it would refer special aspects of this case to special committees. There is no reason, therefore, why the usual leisurely procedure should be followed.

Dr. Sir Zia Uddin Ahmad: Will the Honourable Member please ask the Central Advisory Board to present the report at least within two years from now?

Mr. J. D. Tyson: I will pass on the request.

Mr. Muhammad Azhar Ali: Will the Honourable Member state whether the universities of India will be consulted on this scheme?

Mr. J. D. Tyson: I will make a note of that suggestion.

Maulvi Muhammad Abdul Ghani: What are the special expert committees appointed by the Central Advisory Board?

Mr. J. D. Tyson: I shall require notice of that question.

Dr. Sir Zia Uddin Ahmad: Is it a fact that the Educational Commissioner has already prepared a scheme, and if so, will the Honourable Member lay it on the table?

Mr. J. D. Tyson: No, Sir. I said that the scheme is under preparation.

Sardar Sant Singh: What is the personnel of this advisory body?

Mr. J. D. Tyson: I should require notice of that; but I can say briefly that it has among its members the Education Minister or the Adviser in charge of Education in all the provinces. Then there are representatives of this House and from another place and a certain number of gentlemen from the States and a certain number of non-officials.

Dr. Sir Zia Uddin Ahmad: Is the Honourable Member aware that this Advisory Committee meets only once a year and whenever there is some business they appoint a sub-committee which takes two years to report, and then they take another year to consider that report and in the fourth year it is circulated among the provinces; and the process is so long that unless the matter is simplified there is no chance of getting anything done there?

Mr. J. D. Tyson: I think I have answered that before; it is intended to call a special meeting of the Central Advisory Board of Education and to set up committees which would immediately examine it.

PROHIBITION OF CONSTRUCTIONS INVOLVING USE OF CEMENT, STEEL AND TIMBER.

135. *Sir Abdul Halim Ghuznavi: (a) In view of the Government order announced in some places by beat of drums prohibiting constructions of all descriptions involving the use of cement, steel and timber, will the Honourable Member for Labour be pleased to state whether this order applies to constructions which are nearing completion and do not require cement, steel and teak wood?

(b) If the answer to (a) is in the negative, will the owners of such premises be granted permission for making and fitting the requisite panels for doors and wood-sashes for windows out of mango wood and other materials already in their possession, provided that the authorities are satisfied after verification that all the materials required are already in their stock?

(c) If the answer to (b) is in the affirmative, do Government propose to issue instructions to that effect to all provinces? If not, will all constructions, irrespective of whether they involve the use of cement, steel and timber, be kept in abeyance now?

The Honourable Dr. B. R. Ambedkar: (a) to (c). In order to curtail the demand for labour and materials and to check inflationary tendencies, the Government of India have asked the Provincial Governments to do what they can to discourage the construction of buildings, etc., by local bodies and private persons. These are general instructions and the Provincial Governments are at liberty to give effect to them in whatever manner they consider suitable having regard to the conditions prevailing in the Province. I would therefore suggest that the Member approaches the Provincial Government whose orders he desires to have clarified.

Mr. Lalchand Navalrai: May I know if these things have been prohibited because they are being supplied for war purposes or they have been prohibited for some other reason?

The Honourable Dr. B. R. Ambedkar: For war purposes.

Sir Abdul Halim Ghuznavi: May I inform the Honourable Member that the District Magistrate of Mathra has refused permission to an Honourable Member of this House to complete his house. He wanted to put in only 22 panels of mango wood and 22 panels for doors. That was the only thing to be done, but the District Magistrate refused to give the permission.

Mr. Chairman (Syed Ghulam Bhik Nairang): That is a statement of facts and not a question.

The Honourable Dr. B. R. Ambedkar: I am glad to receive the information.

Sir Abdul Halim Ghuznavi: Is it a fact that the Commissioner of Agra Division was approached in this connection and he said that if the gentleman concerned could convince the District Magistrate that he already had in his possession the necessary wood to complete the house, he would give him the sanction. He convinced the District Magistrate that he had the necessary wood in his possession and yet he refused to give him the permission.

Mr. Chairman (Syed Ghulam Bhik Nairang): Again it is a statement and not a question.

Mr. Lalchand Navalrai: May I know if the half-completed houses or three-fourths completed houses have also been prohibited from being built?

The Honourable Dr. B. R. Ambedkar: I have no information on the point.

Mr. Lalchand Navalrai: Have any exceptions been made in this matter?

The Honourable Dr. B. R. Ambedkar: We have given general instructions to the provinces.

Mr. Lalchand Navalrai: They have not been given any discretion?

The Honourable Dr. B. R. Ambedkar: I am sure the discretion will be exercised with due care.

Mr. Lalchand Navalrai: Then the Central Government has not given any instructions yet?

The Honourable Dr. B. R. Ambedkar: I cannot say at this stage.

MANUFACTURE AND DISTRIBUTION OF STANDARD CLOTH.

136. *Dr. Sir Zia Uddin Ahmad: (a) Will the Honourable Member for Industries and Civil Supplies be pleased to give an account of the progress made in the manufacture and distribution of standard cloth during the last six months?

(b) Does he propose to exhibit specimen of standard cloth with their prices in one of the rooms of the Council House during the Session of the Assembly?

The Honourable Sir M. Azizul Huque: (a) As I said in reply to a question on the 28th of July, the total quantity of Standard Cloth actually despatched to Provinces and States as at 25th July was 28.6 million yards.

(b) Specimens of Standard Cloth with prices are on exhibition in my room.

Maulvi Muhammad Abdul Ghani: May I know the quantity of special cloth sent to Bihar?

The Honourable Sir M. Azizul Huque: I cannot say anything more as to the actual quantity, but we propose to send exactly according to the population figure of the different provinces.

WHEAT AND RICE PRICES.

137. *Dr. Sir Zia Uddin Ahmad: (a) Will the Honourable the Food Member be pleased to lay on the table a statement giving the price index of rice at import centres in the months of April, May, June and July?

(b) What were the prices of wheat at Hapur, Chandausi, Lyallpur, Bahawalpur and Bombay on the 20th July, 1943?

The Honourable Sir M. Azizul Huque: (a) and (b). Two statements are placed on the table—one giving the wholesale prices of rice prevailing in important centres during the months April to July 1943 and the other the wholesale prices of wheat on the 20th of July 1943 at the centres named by the Honourable Member.

Statement showing the index numbers of monthly wholesale prices of rice as far as available.

(Base: August and September 1939-100)

Name of centres.	April 1943.	May 1943.	June 1943.	Up to 2nd week of July 1943.
Bombay	259	321	321	358
Calcutta * (Bengal)	567	787	813	840
Raipur (C. P. and Berar)	335	340	340	340
Delhi	386	597	542	569
Coconada (Madras)	211	232	250	261
Bezwada (Madras)	198	206	216	219
Cuttack (Orissa)	144	144	211	244
Larkana (Sind)	179	179	243	243

* Taken from the statement issued by the Economic Adviser's office. (Kalama ordinary).

Statement showing the wholesale prices of wheat prevailing in the following stations on the 20th July, 1943.

		Rs. A. P.		(In rupees per maund.)	
		Rs. A. P.		Rs. A. P.	
Hapur	14 1 0	Bahawalpur	Not available.		
Chandausi	14 6 9	Bombay	13 1 0		
Lyallpur	10 0 0				

Statement showing the wholesale prices of Rice (Coarse) prevailing in important Centres during the months April 1943 to mid-July 1943.

Name of Centre.	Name of Province.	April 1943.	May 1943.	June 1943.	July 1943.
		Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
Bombay	Bombay	8 11 10	10 5 3	10 5 3	11 8 0
Nagpur	C. P. and Berar	12 0 0	17 2 0	19 12 0	19 6 0
Raipur	Do.	8 6 0	8 8 0	8 8 0	8 8 0
Calcutta *	Bengal	21 14 0	30 0 0	30 0 0	30 0 0
(24 Parganas).					
Midnapur	Do.	20 8 0	27 8 0	30 8 0	28 8 0
Dinajpur	Do.	20 12 0	29 4 0	28 8 0	30 0 0
Chandpur	Do.	25 15 0	30 0 0	30 3 0	31 10 0
(Puranbazar).					
Delhi	Delhi	14 4 0	22 0 0	20 0 0	21 0 0
Cuttack	Orissa	6 8 0	6 8 0	9 8 0	11 0 0
Mercara	Coorg	8 0 0	8 0 0	9 8 0	9 8 0
Purnea	Bihar	13 0 0	19 0 0	23 0 0	23 0 0
Darbhanga	Do.	9 3 0	10 11 0	24 0 0	24 0 0
Coconada	Madras	7 6 5	8 2 5	8 12 8	9 2 6
Bezwada	Do.	7 11 1	8 0 5	8 5 10	8 8 6
Larkana †	Sind	6 4 0	6 4 0	8 8 0	8 8 0
Khari-Lakhimpur	U. P.	12 0 0	15 0 0	16 0 0	16 0 0

STATEMENT MADE BY SECRETARY OF STATE FOR INDIA IN THE HOUSE OF COMMONS RE FOOD SITUATION IN INDIA.

138. *Mr. K. C. Neogy: (a) With reference to the statement made by the Secretary of State for India in the House of Commons, as reported in the Reuter's message, dated the 14th July, to the effect that the present difficult situation in India was due to the widespread tendency of cultivators to withhold foodgrains from the market, and to larger consumption per head as a result of the increased family income, etc., will the Honourable Member for Food be pleased to state whether this statement is based upon any authoritative information in the possession of the Government of India in respect of each province?

(b) What is the proportion of cultivators in each Province, according to the information of Government, who cultivate what are known as economic holdings, and what proportion of them are in a position to withhold their agricultural produce such as foodgrains, being surplus to their own family requirements, from the market?

(c) What proportion of families in each Province has according to the information of Government benefited from an "increased family income" as stated by the Secretary of State, so as to be able to go in for a larger consumption of food?

(d) If the above statement is based on the facts supplied by the Government of India, or the individual Provincial Governments, is it proposed to lay on the table the reports of any enquiry from which the above mentioned conclusions can be drawn?

(e) Is the Honourable Member aware of a statement made by Mr. Suhrawardy, Minister in charge of Civil Supplies, Bengal, in the Bengal Legislative Assembly, on the 12th July last, with reference to an "anti-hoarding drive" which was confined in its operation to all the rural areas and all the towns of Bengal, excluding the city of Calcutta and the town of

* Joshi rice. † Retail price.

Mr. K. C. Neogy: Is the Honourable Member in possession of all the reports regarding deaths from starvation in Bengal, Orissa and other provinces? Is he expected to be kept regularly informed by the provincial authorities in this particular matter?

The Honourable Sir M. Azizul Huque: I cannot say that the Government of India is in possession of all the reports on the subject; so many of them appear in so many places. Whenever there is a question, we make enquiry from the Provincial Governments and are informed of the situation. Otherwise the general situation is fairly well known.

Mr. K. C. Neogy: Is the matter not of sufficient importance to merit a sort of general instruction being issued from the Government of India that all reports regarding deaths from starvation which may happen in any part of the country should be reported promptly to the Government of India?

The Honourable Sir M. Azizul Huque: I will consider that suggestion. No doubt, if the matter is really of such a character as it should be communicated to the Government of India, then the Provincial Governments will no doubt do so.

Mr. K. C. Neogy: Is the Honourable Member aware of very many other reports of such incidents that have appeared in the Press since I gave notice of this question? Is he aware of a statement that appeared very recently that on a single day 27 dead bodies were taken out from the pavements of Calcutta by one single philanthropic body not to mention of the activities of other philanthropic bodies?

The Honourable Sir M. Azizul Huque: I have seen the reports.

Mr. Lalchand Navalrai: May I ask the Honourable Member whether the conditions in Bengal and Bihar have reached the famine situation?

The Honourable Sir M. Azizul Huque: I think I will not be able to answer such general questions. I certainly propose to give a survey of the whole situation during the food debate.

Sardar Sant Singh: Can the Honourable Member give the House an assurance that food grains will be rushed to Bengal and the affected areas before the Food debate takes place in this House?

The Honourable Sir M. Azizul Huque: We are trying our level best in the matter not merely to Bengal but to every part of India which is in need. But there are a great many limiting factors which it is impossible for me to discuss in reply to a question and which I propose to say during the food debate. With all good wishes, you cannot do as much as you can. For example, just at the time when we arranged to send 120 wagons of wheat a day from the Punjab, the Damodar floods came and the railway lines were breached; just at the time when two ships were loaded, one went wrong and had to be sent to port. Factors like these are there.

Mr. Lalchand Navalrai: Are not the conditions in Bengal and Bihar worse than in other places?

Mr. Chairman (Syed Ghulam Bhik Nairang): Questions like these should stand over till the Food debate.

Dr. Sir Zia Uddin Ahmad: Is the Honourable Member prepared to enquire of every person about the stock in his possession, and is he prepared to promulgate an ordinance forcing these people to send out foodstuffs?

Mr. Chairman (Syed Ghulam Bhik Nairang): That does not lie within the four corners of this question.

THE "EMERGENCY PLAN" RE SUPPLY OF RICE TO BENGAL.

140. *Mr. K. C. Neogy: (a) Has the attention of the Honourable Member for Food been drawn to the following statement made by Mr. Suhrawardy, Minister in charge of Civil Supplies, Bengal, in the Bengal Legislative Assembly on the 14th July, when replying to a debate on the food position:

"The Government of India found itself unable even to send rice according to the emergency plan, and although it has sent us wheat and wheat products

continuously from the Punjab, it always fell short of the programme on the basis of which I had organised the distribution of food within Bengal?"

(b) Does the Honourable Member propose to make a detailed statement giving statistical figures and explaining what is referred to by Mr. Suhrawardy as the "emergency plan", and to what extent was it carried out so far as the Government of India was concerned, and to what extent did the actual action taken by the Government of India fall short of the programme as stated by Mr. Suhrawardy?

(c) When was the "emergency plan" drawn up, what was expected to be its duration, and to what factors was the failure to implement it due?

(d) With reference to the statement made by Major General Wood at a Press Conference in Calcutta, on the 13th May, last, that foodgrains including rice and its substitutes, wheat and grams, to the extent of 793,000 tons were "being provided by the Central Government", was this programme in any way connected with the emergency plan referred to above? How much of this quantity has been actually supplied by the Central Government since the statement was made?

The Honourable Sir M. Azizul Huque: (a) Yes.

(b) and (c). In order to cover the period after the removal of restrictions on the movement of foodgrains in the Eastern Region until supplies should move freely into Bengal from neighbouring provinces, emergency arrangements were made by the Government of India last May for the despatch to Bengal of foodgrains between 30,000 and 40,000 tons from areas outside the Eastern Region, over a period of about a month. 27,000 tons were despatched including 14,155 tons of rice. The plan was not fully implemented owing to the inability of local Governments to procure the required amounts in time.

(d) No Sir; 39,963 tons has so far been delivered to Bengal out of the basic plan quota.

FREE TRADE POLICY AND AN "ANTI-HOARDING" DRIVE IN BENGAL AS REGARDS FOODGRAINS.

141. *Mr. K. C. Neogy: (a) Will the Honourable Member for Food be pleased to refer to the Press Communiqué, dated the 17th May, 1943, in which it was announced that all restrictions on the free trade of foodgrains in Bengal, Bihar, Orissa and Eastern States, excluding certain areas in the Eastern States and Assam, were removed?

(b) What were the specific areas in Assam and the Eastern States which were excluded from the operation of this decision, and what were the reasons for such exclusion in each case?

(c) Is it a fact that the Government of India absolved themselves of the responsibility for sending supplies to Bengal as a concomitant of the introduction of "free trade" within the "Eastern Zone"?

(d) Is it a fact that the undertaking of an "anti-hoarding" drive in Bengal by the Government of Bengal was a condition implicit in the new "free trade" policy? If so, was it understood by the Government of India that the city of Calcutta and the town of Howrah would be excluded from the operation of the anti-hoarding drive, and, if so, what were the reasons for excluding Calcutta and Howrah from the scope of this action?

(e) Has the attention of the Honourable Member been drawn to the allegations made by the non-official members in the course of a recent debate in the Bengal Legislative Assembly that, as a result of the exclusion of Calcutta and Howrah from the scope of the "anti-hoarding drive", considerable quantities of rice were purchased in the districts by the licensed whole-sale dealers from Calcutta and Howrah and removed to these two places?

(f) What are the reasons for deciding upon a reversal of the aforesaid "free trade" policy in the "Eastern Zone" as announced at the Food Conference at Delhi on the 8th July last?

(g) Has the desire of the Honourable Member, as expressed in his speech at the Food Conference on the 8th July last, that the Government of Bengal will, without further delay, take a similar "anti-hoarding" drive in unearthing the hoards of foodgrains in the "greater Calcutta area" been carried into effect?

(h) In what sense has the "anti-hoarding" drive been "an unquestioned success" as stated by the Honourable Member at the Food Conference on the 8th July? Are Government fully aware of the results of the drive?

(i) What was the effect of the operation of the aforesaid "free trade" policy on prices and supplies of foodgrains in the provinces of Orissa, Bihar and Assam and the Eastern States, separately, and has any complaint been received from these Provinces and States regarding the practical operation of the said "free trade" policy?

(j) Have Government any information regarding the rise in the prices of foodgrains in these Provinces and States, week by week, since the introduction of the "free trade" policy?

(k) What quantities of foodgrains did actually move into Bengal from these Provinces and States as a result of the "free trade" during the total period of its operation?

The Honourable Sir M. Azizul Huque: (a) Yes.

(b) The Assam Valley and the States of Kanker, Bastar, Patna, Kalahandi, Nandgaon, Khairagarh, Chhuikhadan and Kawardha. The former was excluded as its surpluses were already earmarked intended to be acquired for the requirements of the Defence Services and tea garden labour and, latter for geographical reasons.

(c) Yes, to the extent that Bengal was to receive supplies from the Eastern Region, but special supplies were arranged from outside the Region for a limited period.

(d) The answer to the first part of the question is in the affirmative. We understand a simultaneous drive throughout Bengal including Calcutta and Howrah could not be undertaken owing to shortage of necessary staff.

(e) Yes.

(f) The decision was in accordance with the recommendations of the Conference which have been accepted by the Government of India.

(g) It is understood that the drive in the greater Calcutta area will be started very shortly and preliminary steps to ring off the areas concerned have already been taken.

(h) It is understood that as a result of the drive stocks of foodgrains to the extent of 80 lakhs of maunds have been set free.

(i) Prices rose in those areas and occasioned some protests from the Governments concerned.

(j) Yes.

(k) Full information is not yet available.

Mr. K. C. Neogy: With reference to part (d), is the Honourable Member aware that in making a statement at the Press conference, the Honourable Minister in charge, Bengal, stated that the reason why Calcutta and Howrah would be for the present left out of the scheme was that these two places were trading centres and that they do not wish to kill trade because trading ought to go on?

The Honourable Sir M. Azizul Huque: I am not aware. But that is what we understood when we made enquiries.

Mr. K. C. Neogy: With regard to the statement made by the Honourable Member that certain areas were excluded from the operation of this particular scheme on the ground that their surplus stocks were earmarked for defence purposes and for supply to tea garden labourers, do I take it that the policy of the Government at the present moment is to treat the requirements of tea gardens on the same footing as the requirements for the purpose of war?

The Honourable Sir M. Azizul Huque: I think, the conclusion which the Honourable Member is taking is quite wrong.

Mr. K. C. Neogy: Because the Honourable Member coupled these two, I want a statement on this point?

The Honourable Sir M. Azizul Huque: Sometimes members from two different parties sit side by side.

Mr. Abdur Rasheed Choudhury: Is it a fact that the restrictions removed have since been restored?

The Honourable Sir M. Azizul Huque: I think so.

Mr. Abdur Rasheed Choudhury: What is the reason?

The Honourable Sir M. Azizul Huque: It is very difficult for me to give an explanation of the reasons in the course of a reply.

'BASIC QUOTAS' AS REGARDS FOODGRAINS OF DIFFERENT DEFICIT PROVINCES AND STATES.

142. *Mr. K. C. Neogy: (a) With reference to the statement made by the Honourable Member for Food at the Food Conference on the 8th July last to the effect that deficit Provinces and States would be free within the limits of their "basic quota" to make direct approach to the surplus areas for the purchase of foodgrains and wherever possible to make direct transport arrangements, will he be pleased to make a statement showing the "basic quotas" in respect of the different deficit Provinces and States, explaining the considerations on which the said "basic quota" has been fixed in each case?

(b) Is the Honourable Member aware of a statement made in the Bengal Council (Upper House) by the Minister for Agriculture on the 24th February, 1943, that the deficit in foodgrains for the current year in Bengal as then estimated was 2,328,000 tons, and of another statement made by a Parliamentary Secretary of the Bengal Government in the said Council on the 15th July last that the extent of the shortage was estimated at 25 to 30 per cent. of the annual output which amounted to 20 to 24 lakhs of tons? Is the quota for Bengal based on these estimates?

The Honourable Sir M. Azizul Huque: (a) It is not in the public interest to give the figures of the basic quotas. The quotas have been fixed on a consideration of the availability of supplies and the requirements stated by each deficit area.

(b) I am aware of the statements referred to by the Honourable Member. The basis on which the quota for Bengal has been fixed has been explained in answer to the first part of the Honourable Member's question.

AUTHORITY GRANTED TO PROVINCIAL GOVERNMENTS FOR FIXING AMOUNTS OF FOOD GRAINS WHICH COULD BE STORED BY LABOUR EMPLOYERS.

†143. *Mr. K. C. Neogy: (a) Will the Honourable Member for Food please state what the disability had been of the Provincial Governments in the matter of fixing amounts of foodgrains which could be stored by the employers of labour for supply to their workmen which had to be removed by the recent amendment to the Foodgrains Control Order? Had such disability been connected in any way with the condition referred to by Mr. Justice Braund, Regional Commissioner for the Eastern Zone, in his broadcast of the 8th April that Provincial Governments "were to see that essential services necessary to win the war for India were kept going", or with the special "needs of Calcutta" to which reference was made in the Secretary of State's statement in the House of Commons on the 14th July?

(b) Is the authority granted to Provincial Governments for the aforesaid fixation needed as a preliminary to the initiation of the "anti-hoarding" drive in Calcutta and Howrah where, according to the allegations made by the several non-official members in the course of the recent food debate in the Bengal Legislature, large stocks have been accumulated by certain powerful interests, such as British employers of labour, and certain other favoured individuals? Is the order recently passed by the Regional Commissioner, Eastern Region, prohibiting export of rice, paddy, dals, wheat and wheat products from Calcutta and the Industrial area, except under permits, intended as a long-term arrangement or

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

Howrah, to the effect that practically in all places and districts deficits had been reported as a result of the aforesaid drive? Has this fact been reported to the Secretary of State for India in order to enable him to correct his aforesaid statement, so far at least as Bengal is concerned?

The Honourable Sir M. Azizul Huque: (a) The statement is based on reports received from time to time from Provincial Governments.

(b) The information is not readily available.

(c) Government have no information as to the exact proportion but, as the Honourable Member is no doubt aware, prices of foodstuffs have risen and war conditions have led to considerable increase in employment in all classes of the community in consequence of which the money income of producers has increased.

(d) No special enquiry was made.

(e) Yes. The general position in Bengal has been reported to the Secretary of State.

Mr. K. C. Neogy: With reference to the Honourable Member's answer to part (b) of the question, may I know whether his attention has been drawn to a statement made in a book called "The man behind the plough" by M. Azizul Huque, ex-Speaker, Bengal Legislative Assembly and Vice-Chancellor, Calcutta University? He goes into very great details and then he states on page 195:

"The conclusion is irresistible that the ordinary Bengal peasant is in possession of a holding which is definitely uneconomic."

The Honourable Sir M. Azizul Huque: Sir, I do not understand the relevancy of that question to part (b).

Mr. K. C. Neogy: When the Honourable Member gave the reply to part (b), did he have an opportunity of remembering what was written in that book by his name-sake?

The Honourable Sir M. Azizul Huque: I think I did remember but I thought that my friend required much later information than what that book presented and he wanted information with reference to the present conditions. It is only from that point of view that answer is given. But if the ex-Speaker of the Bengal Legislative Assembly again writes on that subject this year, I will certainly get an edition of that book.

Mr. K. C. Neogy: Do I take it that he takes that statement to be correct so far as Bengal is concerned?

The Honourable Sir M. Azizul Huque: It was correct according to his information available at that time and in those conditions.

Mr. K. C. Neogy: Has he any reason to suppose since he has assumed office that the statement made in that book was not quite accurate and needs revision in the next edition?

The Honourable Sir M. Azizul Huque: Certainly I feel there is much in that book which requires revision.

Mr. K. C. Neogy: Meanwhile, will the Government of India draw the attention of the Secretary of State to this particular statement in this book?

The Honourable Sir M. Azizul Huque: I do not understand the relevancy of this question.

Sardar Sant Singh: With reference to part (a) of the question, may I ask the Honourable Member if it is a fact that Sir Chotu Ram, a Minister of the Punjab, in a public meeting at Lyallpur openly exhorted the cultivators not to bring their stocks to the market against the orders of the Government of India?

The Honourable Sir M. Azizul Huque: I have no official information on the subject.

Sardar Sant Singh: Was this matter talked in the Food Conference which the Honourable Member had some days ago?

The Honourable Sir M. Azizul Huque: I should like to have more specific question to be put

Sardar Sant Singh: The more specific question is that Sir Chotu Ram, while speaking

Mr. Chairman (Syed Ghulam Bhik Nairang): The Honourable Member has asked for notice of that question.

Mr. K. C. Neogy: May I have one more question with reference to part (e). My question was whether a particular statement made by the Minister in charge of Civil Supplies had been reported to the Secretary of State. The answer, as far as I can recollect, was that the general position is being reported to the Secretary of State. My question is specific as to whether this particular statement has been reported to the Secretary of State so that he may be more careful in making propagandist statements in the House of Commons hereafter?

The Honourable Sir M. Azizul Huque: I believe the Honourable Member is referring to the statement of Mr. Suhrawardy on the 12th July. I do not think it is the practice to refer to the Secretary of State the different statements that are made in the different provinces, but from time to time information of a general character is being sent.

Mr. K. C. Neogy: In answer to the first part of my question the Honourable Member stated that the statement made by the Secretary of State is based upon reports of the Provincial Governments from time to time. Now, the question arises in this way. Has this very important statement made by the responsible Minister in Bengal been brought to the notice of the Secretary of State because it definitely goes against the statement made by the Secretary of State on this very subject?

The Honourable Sir M. Azizul Huque: As I said, no individual statement of a Minister is ordinarily reported to the Secretary of State.

Mr. Chairman (Syed Ghulam Bhik Nairang): Next question.

REPORTS RE DEATHS FROM STARVATION, ETC., IN BENGAL.

139. ***Mr. K. C. Neogy:** (a) Has the attention of the Honourable the Food Member been drawn to—

(i) the Parliamentary Secretary's statement in the Orissa Legislative Assembly on the 3rd July last that "there had been cases of death due to starvation in the province";

(ii) the telegrams from Pleaders' and Mukhtars' Bars of Bhola in the district of Backergunge in Bengal to the Press (published in the Calcutta newspapers on the 10th July) that "many deaths from starvation in Bhola Sub-Division. Numbers increasing daily; situation extremely critical";

(iii) Khan Bahadur Abdul Wahed Khan's statement in the Bengal Legislative Assembly on the 13th July that "it was a fact that girls and women were being taken to Patuakhali side for being sold. Not few were eating unedibles and meat of dead cows"; and

(iv) Mr. Kiran Sanker Roy's statement in the Bengal Legislative Assembly on the 14th July that "People sold their utensils, cattle and even were now prepared to sell away their children. They had starved and were now dying"?

(b) Do the Government of India propose to hold enquiries, or to ask the Provincial Governments concerned to make enquiries, to satisfy themselves about the accuracy or otherwise of these reports? Is the Secretary of State's attention being drawn to these reports?

The Honourable Sir M. Azizul Huque: (a) Yes.

(b) It is understood that the Orissa Government have already made some enquiries and that further enquiries will be made. The Government of Bengal have also instituted enquiries to verify the accuracy of the reports. The Secretary of State is kept regularly informed of the situation and if the veracity of these reports is established he will certainly be informed.

Mr. K. C. Neogy: Is it a fact that censorship is being exercised on the publication of news of this character in the press?

The Honourable Sir M. Azizul Huque: I do not think that is a question which I can answer.

only as a temporary measure for the period of the anti-hoarding drive in Calcutta?

The Honourable Sir M. Azizul Huque: (a) Before the recent amendment of the Foodgrains Control Order employers were not required to take out licenses for the storage of foodgrains or to submit returns. In the absence of such a provision, proper control over and information about such stocks would be difficult to secure. This amendment had been under consideration for some time on general grounds and had nothing to do with the condition referred to by Mr. Justice Braund or to the special needs of Calcutta.

(b) The answer to the first part of this sub-paragraph is in the negative, though the powers now available to the Provincial Government would undoubtedly facilitate the anti-hoarding drive. As regards the Regional Commissioner's order referred to, it is not directly concerned with the anti-hoarding drive, and, having been necessitated by the difficult supply position in Calcutta is likely to continue in full as long as the supply position does not improve substantially.

COST OF RAISING BUILDINGS IN NEW DELHI AND SIMLA CONNECTED WITH WAR ACTIVITIES.

144. *Sardar Sant Singh: Will the Honourable the Labour Member please state the total cost incurred by the Government of India in raising buildings in New Delhi and Simla, separately, connected with the War activities since September 1939? Was any expense incurred on behalf of Americans? If so, how much, and who met it?

The Honourable Dr. B. R. Ambedkar: The following expenditure had been incurred up to the end of March 1943:

(i) New Delhi—Rs. 1,55,14,629.

(ii) Simla—Rs. 24,65,137.

(iii) On behalf of Americans—Rs. 38,47,916.

(This has been debited to Defence Services Estimates under Reciprocal Lease/Lend arrangements.)

Maulana Zafar Ali Khan: May I know if after the war all these temporary buildings will be demolished?

The Honourable Dr. B. R. Ambedkar: Yes.

Sardar Sant Singh: Which Government meets the expenditure of Rs. 38,47,916 on Americans?

The Honourable Dr. B. R. Ambedkar: The Government of India under the reciprocal Lease/Lend arrangements.

Sardar Sant Singh: Will this expenditure on the taxpayers of India be later on debited to the accounts?

The Honourable Dr. B. R. Ambedkar: Notice.

SIKHS IN NEW POSTS CREATED IN THE COMMERCE, INDUSTRIES AND CIVIL SUPPLIES AND FOOD DEPARTMENTS.

145. *Sardar Sant Singh: (a) Will the Honourable the Commerce Member please state the number, separately, of posts carrying salaries of Rs. 300 per mensem and over in the Commerce, Industries and Civil Supplies and Food Departments?

(b) How many new posts were created in these Departments since the beginning of the war? How many Sikhs were employed on these posts? What is the maximum salary paid to a Sikh, and in what Department or Section of the Department such maximum salary is paid?

The Honourable Sir M. Azizul Huque: I lay on the table a statement furnishing the information asked for by the Honourable Member.

STARRED QUESTIONS AND ANSWERS

Statement giving particulars of posts carrying salary of Rs. 300 per mensem and over, etc., in the Departments of (1) Commerce, (2) Industries and Civil Supplies and (3) Food.

	Commerce Department (Secretariat).	Industries and Civil Supplies Department (Secretariat).	Food Department (Secretariat and D. G. Food).	Directorate General of Food.
Part (a) Posts carrying minimum pay of Rs. 300 and over.	24	18	13	68
Part (b) (i) Number of new posts created since the beginning of War (Officers and Ministerial).	164	136	133	415
(ii) Number of Sikhs employed on posts mentioned in (b) (i).	19	6	7	16
(iii) Maximum monthly salary paid to a Sikh.	Rs. 210	Rs. 262-8-0	Rs. 240	Rs. 800

SIKHS IN HIGH-SALARIED POSTS OF CERTAIN DEPARTMENTS.

†146. *Sardar Sant Singh: (a) Will the Honourable the Leader of the House please state the number of posts carrying salaries of Rs. 400 a month or over in the Federal Court, Legislative Assembly Department, Political Department, Secretariat of the Governor General (Personal), and Secretariat of the Governor General (Reforms)?

(b) How many such posts are held by Sikhs, and what is the approximate emoluments of each incumbent?

The Honourable Sir Sultan Ahmed: The required information is as follows:

(1) Federal Court	(a) 1.	(b) Nil.
(2) Legislative Assembly Department	(a) 33.	(b) 1. Pay Rs. 305 in the scale of Rs. 200—15—500.
(3) Political Department	(a) 24.	(b) 1. Pay Rs. 400.
(4) Secretariat of the Governor General (Personal).	(a) 7.	(b) Nil.
(5) Secretariat of the Governor General (Reforms).	(a) 3.	(b) Nil.

TRAINING ON THE I. M. M. T. S. "DUFFERIN".

†147. *Sardar Sant Singh: (a) Will the Honourable the Commerce Member please state when training on the I.M.M.T.S. "Dufferin" was first started?

(b) Is it a fact that no particular educational qualifications were required of the candidates for admission and that a written test was prescribed?

(c) Is it a fact that the standard of such tests was generally that of Matriculation Examination of the Indian Universities?

(d) How many candidates admitted to the ship during the first three years had passed the Matriculation or an equivalent examination?

(e) Is it a fact that the Dufferin Passing Out Examination has been held equivalent to the Matriculation Examination of an Indian University? If so, on what grounds?

The Honourable Sir M. Azizul Huque: (a) Training on the I.M.M.T.S. "Dufferin" was first started on the 1st December, 1927.

(b) and (c). Information is not readily available regarding the procedure adopted in the case of the first admissions on the Training Ship but at present the minimum standard of education required of candidates is three standards below Matriculation and they are required to pass a qualifying examination based on that standard.

(d) The information asked for is not readily available.

(e) The reply to the first portion is in the affirmative. As regards the second portion, in view of the standard of education imparted and the number of years of training, the Dufferin Passing Out Certificate has been recognised as equivalent to the Matriculation or High School Examination.

TRAINING ON THE I. M. M. T. S. "DUFFERIN".

†148. *Sardar Sant Singh: (a) Will the Honourable the Commerce Member please state the number of Matriculates or those having passed an equivalent

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

examination who were admitted to the I.M.M.T.S. "Dufferin" during the last years? How do these figures compare with those of the first three years of the ship? Is it a fact that the number of such candidates is on the increase? What is the percentage of such candidates to the total admission?

(b) Is it a fact that training on the ship lasts for three years, and that after passing out the final examination a candidate is deemed to have passed the Matriculation Examination?

(c) Is it a fact that the standard of the books prescribed for training on "Dufferin" is in most cases equivalent to those of the Intermediate Examination of the Indian Universities generally?

(d) Is it a fact that some of the books prescribed for academic subjects have been or are prescribed for the Intermediate or B.A. Classes of certain Universities?

(e) Is it not a fact that the standard books prescribed for the vocational subject is not lower than that of degree courses in similar or allied (e.g., Mechanical Engineering, etc.) subjects in the Indian Colleges?

(f) Have Government examined the question that the D.F.P.O.E. should be deemed equivalent to B.Sc. of the Indian Universities? If not, do Government propose to examine this early, with a view to seeing that the D.F.P.O.E. is declared equivalent to the B.Sc.? If not, why not?

(g) Are Government aware that by doing so they will have a better and bigger field of selection for entry to the ship?

The Honourable Sir M. Azizul Huque: (a) The number of Matriculates who were admitted to the Training Ship "Dufferin" during the years 1941 to 1943 are as under: 1941.....14, 1942.....10, 1943.....14.

The figures for the first three years are not readily available and it is not possible therefore to state whether the number of Matriculates is on the increase. The percentage of such candidates to the total admission during the years mentioned above was: 1941.....25.45, 1942.....18.51, 1943.....31.81.

(b) Yes.

(c) to (e). The curriculum laid down for the cadets on the Training Ship combines the requirements of the sea with those of the Universities in India up to the Matriculation standard only. The curriculum for the three years' course is given on pages 36-40 of the Prospectus of the I.M.M.T.S. "Dufferin", a copy of which is in the library of the Legislature.

(f) No. Specially because the qualifying examination is three standards below Matric and the training on the ship lasts only for three years.

(g) No.

DESIRABILITY OF GRANTING SCHOLARSHIPS TO ALL ENGINEERING CADETS FROM I. M. M. T. S. "DUFFERIN".

†149. ***Sardar Sant Singh:** (a) Will the Honourable the Commerce Member please state whether only the first fifteen Engineering Cadets from the I.M.M.T.S. "Dufferin" are granted Government scholarship of Rs. 50 each for the period of the three years' apprenticeship in workshops on sea-ports?

(b) Is it a fact that in the case of remaining cadets who do not receive any Government scholarship, the workshops pay only eight annas to Re. 1/2/- per day?

(c) Are Government aware that these rates are too low for one's living in sea-port towns, particularly now on account of the rise in prices?

(d) Do Government propose to grant scholarship to all the Engineering Cadets who pass the D.F.P.O. Examination? If not, why not?

(e) Do Government propose to see that all the cadets (Engineering and Executive) get a living wage in accordance with their standard of living on the ship during their apprenticeship period as well?

***The Honourable Sir M. Azizul Huque:** (a) Yes.

(b) The workshops pay a small wage varying from 8 annas a day in the first year to about Rs. 1/8/- a day in the last year to all the apprentices, whether they are scholarship holders or not.

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

(c) and (e). The wages paid by the workshops to the apprentices is a matter for settlement between the apprentices and the Shipping Companies.

(d) The reply to the first portion is in the negative. The object of granting scholarships will be defeated if the scholarships are to be awarded to all.

DEMOLITION OF MUSLIM GRAVES ON BAIRD ROAD, NEW DELHI.

150. ***Maulvi Muhammad Abdul Ghani:** (a) Will the Secretary for Education, Health and Lands, please state whether the attention of the Government of India has been drawn to an article published on page 4 of the *Daily Payam*, of Delhi, dated the 24th May, 1943, regarding demolition or digging out of a number of Muslim graves by a Hindu Contractor on the Baird Road, New Delhi, near the temple of 'Kali'? If so, what action has been taken by the Provincial or the Central Government, and with what result?

(b) What is the number of graves so dug out?

Mr. J. D. Tyson: (a) and (b). While the foundations for certain new quarters were being dug up, graves were discovered by the workmen employed by the Contractor, who is a Muslim and not a Hindu. The work was immediately stopped under the orders of the senior officers of the Central Public Works Department and no graves have been dug out or demolished.

FACTORIES ADVERSELY AFFECTED BY THE FORMER STANDARD TIME.

†151. ***Qazi Muhammad Ahmad Kazmi:** (a) Will the Honourable the Labour Member please state which factories (and in which part of the country) were adversely affected by the former standard time which used to be observed in India?

(b) What is the number of such factories, and what is the estimated amount of loss to those factories caused by the keeping up of the standard time?

(c) Do Government propose to consider the advisability of restoring the old standard time? If not, why not?

The Honourable Dr. B. R. Ambedkar: (a) Government have no information that factories in any part of India were adversely affected by the former standard time.

(b) Does not arise.

(c) The reply to the first part is in the negative. The reasons for the advance of time have been explained by Government in a Press communiqué a copy of which is laid on the table of the House. No grounds have been shown for a restoration of the old standard time.

Press Communiqué.

The existence of two different standards of time in India is for purposes of defence undesirable and since the 15th May this year a uniform standard time has been observed throughout the country. In deciding what that standard should be the Government have had to consider on the one hand the convenience of that portion of India which lies to the West of meridian 82½ and already enjoys sufficient daylight saving and on the other the requirements of the eastern Provinces where it is essential to avoid any electricity overload due to overlap of factory demands with those of domestic, office and street lighting and where extra daylight may be needed to mitigate the effect of obscurity. Since in the summer months there is an adequate margin of daylight in the eastern areas, it was considered that by an adjustment of office and factory hours the requirements of those areas during the summer could be adequately met if Standard Time were fixed at 5½ hours ahead of Greenwich Mean Time throughout India and a uniform time was introduced accordingly as from the 15th May. The Government of India undertook, however, to consider the question of a further change before the winter season commenced. It has now been decided that to ensure the continuance of sufficient daylight in the eastern Provinces it is necessary to make such a change in the near future, and that Indian Standard Time throughout the country should be 6½ hours ahead of Greenwich Mean Time. The change will take effect from midnight of the 31st August—1st September from which date clocks will be advanced by one hour. It is fully realised that the advance of clocks by one hour must inevitably cause some inconvenience to areas lying west of meridian 82½ but it is believed that by an adjustment of hours of work, this inconvenience can be overcome and that when the public becomes accustomed to the new time no great difficulty will be experienced.

Home Department.

New Delhi, the 31st July 1942.

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

UNSTARRED QUESTIONS AND ANSWERS.

SHORTAGE OF RICE SUPPLY IN BENGAL.

27. Mr. K. C. Neogy: Will the Honourable Member for Food be pleased to state when Government first realised that there was an actual or threatened shortage of supply of rice for consumption in Bengal, and what quantities of it were allowed to be exported from Bengal out of India after that date?

The Honourable Sir M. Azizul Huque: Bengal expressed inability to spare any surplus of rice for other provinces at the first Food Conference held in December 1942 as they feared that shortage might develop later in the year but it was only at the beginning of March 1943 that the rice situation in Bengal became difficult. Since that period there have been no exports of rice from Bengal.

FALL IN OUTPUT OF COAL.

28. Mr. K. C. Neogy: (a) Will the Honourable Member for Labour please state if it is a fact that since January, 1943, the output of coal in British India has gone down? If so, did Government make any enquiry about the reason for this fall in output, and what practical steps do Government propose to take to improve the situation?

(b) Is it a fact that the stock of coal was much less at collieries in British India on the 31st of May, 1943, than the stock that was reported to exist on the 31st of December, 1942? If so, what are the reasons for such a deterioration?

(c) Is it a fact that sufficient number of wagons was not available between the 1st of January, 1943, and 31st of May, 1943, even to carry away the raisings of that particular period? If so, what is the explanation for the reduction in the stock?

(d) Is it a fact that about 30 collieries in the Kajora field in the Province of Bengal with a raising of approximately over ten lakhs of tons a year, are going to be shut down for want of wagon facilities due to the military authorities using the portion of the line serving these collieries, although it is possible to carry the military goods from the Ondal Junction by the military lorries?

The Honourable Dr. B. R. Ambedkar: (a) No. The second part of the question does not arise.

(b) The stock figures reported to exist on the 31st December, 1942, are not reliable. Improved methods of collecting figures of stocks have since been introduced. It is believed that stocks have not deteriorated but increased between 31st December, 1942, and 31st May, 1943.

(c) Answer to the first part is in the affirmative. Answer to the second part is in the negative.

(d) No. Kajora field is worked by several pilots. It is presumed that the question refers particularly to the area worked by Okhra Nos. 1 and 2 Pilots. Approximately 30 collieries are worked by these two Pilots. The capacity for coal of these two Pilots is 100 wagons which represents approximately 2,000 tons of coal per day or 7,20,000 tons per annum. Both these Pilots have been getting preferential supplies of wagons as they have large orders from B and A Railway. With the wagon position as at present prevailing in the Bengal and Bihar fields, it is extremely unlikely that even if the capacities of these Pilots were increased the collieries would get more than 100 wagons a day. For the Military Depot 20 wagons in the capacity of Okhra No. 2 Pilots have been provided, but as explained above this arrangement is not likely to cause these collieries to shut down. The Government of India are not aware whether the military can carry goods from Ondal Junction by military lorries.

RECENT IMPORTS OF WHEAT AND OTHER FOODGRAINS.

29. Mr. K. C. Neogy: (a) With reference to the statement made by the Secretary of State for India in the House of Commons as reported in Reuter's message, dated the 21st January, 1943, to the effect that the question of shipping wheat to India from overseas to tide over before the crop was available in April, was being urgently considered, will the Honourable Member for Food be pleased to make a statement showing, month by month, the quantities of wheat or other foodgrains that may have been imported into India from abroad since this statement was made, indicating the quantities thereof supplied to the different Provinces?

(b) Was any part of the abovementioned shipments diverted for military purposes or earmarked for being utilised in any particular manner?

(c) Has the attention of Government been drawn to a published Associated Press message, dated Karachi, the 11th June last, to the effect that some of the wheat-ships from Australia that were unloaded at Bombay and Calcutta some time ago carried wheat for destinations beyond the shores of India, that they were diverted to India in order to relieve the acute shortage of food that these two cities were experiencing at the time, and that the borrowed wheat had been returned by the Government of India to those for whom it was originally intended, from the new crop?

(d) Is this report substantially correct? If so, what quantities were thus returned, and to which countries?

(e) What were the detailed terms on which this arrangement was entered into with Australia or any other country concerned?

The Honourable Sir M. Azizul Huque: (a) and (b). It is not in the public interest to furnish this information.

(c) Yes.

(d) The report is not correct.

(e) Does not arise.

CONCESSIONS re OIL RESOURCES IN BRITISH INDIA TO BRITISH OR AMERICAN FIRMS.

30. Mr. K. C. Neogy: Will the Honourable Member for Labour be pleased to refer to starred question No. 441, dated the 30th March, 1943, and lay on the table a statement giving the names of British or American firms that may have secured concessions (including exploration or prospecting licences) in respect of the potential oil sources in any part of British India, together with a summary of the principal terms and conditions thereof in each case?

The Honourable Dr. B. R. Ambedkar: The attention of the Honourable Member is invited to the statement placed on the table of the House today giving the information promised in answer to the supplementaries on question No. 441, dated the 30th March, 1943.

IMPORTS FROM AND EXPORTS TO THE UNION OF SOUTH AFRICA OF CERTAIN ARTICLES.

31. Mr. K. C. Neogy: Will the Honourable the Commerce Member be pleased to furnish—

(a) the available statistics of exports from India to the Union of South Africa in respect of jute and gunny cloth, vegetable oils, paraffin wax, provisions, rice (not in the husk), textiles and piece-goods, and other articles for the years 1939-40, 1940-41, 1941-42 and 1942-43; and

(b) the available statistics of imports into India from the Union of South Africa in respect of barks for tanning and other articles for the above years?

The Honourable Sir M. Azizul Huque: (a) and (b). A statement showing India's exports to and imports from the Union of South Africa during the four years ending 1942-43 is laid on the table.

LEGISLATIVE ASSEMBLY
No. 1/12/43-Political (E).
GOVERNMENT OF INDIA.
HOME DEPARTMENT.

[2ND AUG., 1943.]

Simla, the 26th March, 1943.

DECLARATION OF EXEMPTION.

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 shall not apply to, or in relation to,

- (1) Mr. Frederick W. Ecker, Head of the United States Lend-Lease Mission in India, and
- (2) Mr. Winthrop Brown, his assistant.

B. R. PANDEY,

for Joint Secretary to the Government of India.

No. 1/12/43-Political (E).
GOVERNMENT OF INDIA.
HOME DEPARTMENT.

Simla, the 16th April, 1943.

DECLARATION OF EXEMPTION.

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, Messrs. Frank W. Fetter and Francis R. Titcomb, members of the United States Lease and Lend Mission, so long as they remain in the mission.

B. R. PANDEY,

Under Secretary to the Government of India.

No. 1/12/43-Political (E).
GOVERNMENT OF INDIA.
HOME DEPARTMENT.

Simla, the 29th May, 1943.

DECLARATION OF EXEMPTION.

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, Messrs. Milton Newman and Gilbert Jones, Members of the United States Lend-Lease Mission, so long as they remain in the mission.

B. R. PANDEY,

Under Secretary to the Government of India.

No. 1/20/43-Political (E).
GOVERNMENT OF INDIA.
HOME DEPARTMENT.

Simla, the 4th May, 1943.

DECLARATION OF EXEMPTION.

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, Miss Anne Logan Fouche, employed as clerk in the American Consulate at Bombay, so long as she continues to hold her present post.

B. R. PANDEY,

Under Secretary to the Government of India.

EXEMPTION UNDER REGSTN. OF FOREIGNERS ACT.

No. 1/22/43-Political (E).

GOVERNMENT OF INDIA.
HOME DEPARTMENT.

Simla, the 10th May, 1943.

DECLARATION OF EXEMPTION.

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. Tung Tsung-Shan (Michael Tung), third secretary to the Commissioner of China to India for so long as he holds that post.

B. R. PANDEY,

Under Secretary to the Government of India.

No. 1/23/43-Political (E).

GOVERNMENT OF INDIA.
HOME DEPARTMENT.

Simla, the 15th May, 1943.

DECLARATION OF EXEMPTION.

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. Ben Schaberg, representative of the United States Lend-Lease Administration, so long as he remains in that Administration.

B. R. PANDEY,

Under Secretary to the Government of India.

No. 1/26/43-Political (E).

GOVERNMENT OF INDIA.
HOME DEPARTMENT.

Simla, the 11th June, 1943.

DECLARATION OF EXEMPTION.

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. Alexander Nikitich Elshin, purchasing agent in India of the Union of Soviet Socialist Republic so long as he remains in his present post.

B. R. PANDEY,

Under Secretary to the Government of India.

COPY OF THE HOME DEPARTMENT NOTIFICATION No. 1/17/43-POLITICAL (E), DATED THE 1ST MAY, 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 direct that the following further amendment shall be made in the Declarations set out in the Registration of Foreigners (Exemption) Order, 1939, namely:—

For paragraph (e) of Declaration 3 of the said Declarations, the following paragraph shall be substituted, namely:

"(e) Any person of Asiatic birth who by any law for the time being in force is not required to obtain a visa for the purpose of entering British India and who is a subject of any State having sovereignty over any territory of which the boundaries are co-terminous with the boundaries, external or internal, of India; or,"

Statement showing India's export and import trades with the Union of South Africa during the four years ending with 1942-43, relating to certain specified articles.

Articles.	Quantity.				Value (Rs. 000).				
	1939-40.	1940-41.	1941-42.	1942-43.	1939-40.	1940-41.	1941-42.	1942-43.	
Exports thereto (Indian merchandise).									
Jute—									
Raw	tons	100	...	12	...	29	...	4	...
Twist and yarn	lbs. (000)	580	673	1,590	657	1,22	1,47	3,33	1,63
Manufactures—									
Canvas	yds. (000)	15	103	187	218	6	66	92	1,13
Gunny bags	Nos. (000)	38,496	35,918	53,251	79,859	1,48,63	1,27,88	1,76,45	2,95,23
Gunny cloth	yds. (000)	19,259	13,362	170,019	22,403	34,83	29,09	37,36	52,39
Rope and twine	cwt.	7,488	4,803	5,302	12,563	1,68	1,10	1,37	3,48
Other kinds	value	...	...	...	...	58	58	78	55
Vegetable, non-essential oils	gals. (000)	296	643	1,216	843	5,93	15,23	28,15	23,46
Peanut wax	tons	847	...	...	765	1,21	...	...	6,07
Provisions and oilman's stores	value	...	...	...	...	42	66	2,27	1,51
Rice (not in the husk)	tons	31,498	24,293	41,193	8,515	38,82	34,43	70,89	16,43
Textiles other than cotton piece-goods and jute and jute manufactures	value	...	...	...	...	4,21	16,50	60,50	1,53,41
Other articles	...	...	...	...	...	66,11	75,21	2,06,48	4,79,71
Total exports	value	...	...	...	...	3,03,79	3,02,81	5,88,49	10,34,99
Imports therefrom.									
Barks for tanning	cwt.	698,231	658,238	665,229	718,793	44,38	44,23	46,48	51,95
All other articles	value	...	...	...	...	16,12	33,42	77,39	1,73,03
Total imports	value	...	...	...	...	60,50	77,65	1,23,87	2,24,97

STATEMENT LAID ON THE TABLE.

Information promised in reply to supplementaries to starred question No. 411 asked by Mr. K. C. Neogy on the 30th March, 1943.

LICENCES FOR EXPLORATION AND SCIENTIFIC PROSPECTING OF POTENTIAL OIL SOURCES.

I. Statement of mineral concessions (including exploratory and prospecting licences) granted to British and American firms in respect of potential oil sources in British India—N. B. (Returns are available up to end of 1941.)

Grantee.	Nature of grant.	Term.	Date of commencement.	Locality.
A. PUNJAB.				
1. The Attock Oil Co.	Mining lease	30 yrs.	1-1-20	...
2. " "	Prospecting licence	1 yr.	25-7-40	...
3. The Burma Oil Co.	" "	2 yrs.	27-11-39	...
B. ASSAM.				
1. The Burma Oil Co.	Prospecting licence (Renewal)	1 yr.	6-4-40	Sylhet and Kaohar.
2. " "	" "	2 yrs.	4-7-40	Sibsagar District.
3. The Assam Oil Co.	" "	1 yr.	1940	Lakhimpur District.
4. " "	Mining lease	30 yrs.	1938	

II. Principal terms and conditions.—The prospecting licences and mining leases mentioned above were granted by the Punjab and Assam Governments under their respective rules. Information regarding the principal terms and conditions of these licences and leases is not available and is being collected.

DECLARATIONS OF EXEMPTION AND NOTIFICATIONS UNDER THE REGISTRATION OF FOREIGNERS ACT.

The Honourable Sir Reginald Maxwell (Home Member): Sir, I lay on the table a copy each of—

(a) the Declarations of Exemption:

- No. 1/9/43-Poll(E), dated the 10th April, 1943;
- No. 1/11/43-Poll(E), dated the 2nd March, 1943;
- No. 1/12/43-Poll(E), dated the 26th March, 1943;
- No. 1/12/43-Poll(E), dated the 16th April, 1943;
- No. 1/12/43-Poll(E), dated the 29th May, 1943;
- No. 1/20/43-Poll(E), dated the 4th May, 1943;
- No. 1/22/43-Poll(E), dated the 10th May, 1943;
- No. 1/23/43-Poll(E), dated the 15th May, 1943; and
- No. 1/26/43-Poll(E), dated the 11th June, 1943; and

(b) Notifications:

- No. 1/17/43-Poll(E), dated the 1st May, 1943;
- No. 1/26/42-Poll(E), dated the 6th May, 1943; and
- No. 1/30/43-Poll(E), dated the 7th July, 1943.

No. 1/9/43-Political (E).

GOVERNMENT OF INDIA.
HOME DEPARTMENT.

Simla, the 10th April, 1943.

DECLARATION OF EXEMPTION.

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 the Foreigners Rules, 1939, except rule 8, shall not apply to, or in relation to, technical representatives and civil service employees of the American, Chinese, Dutch, Free French or other Allied naval, military or air Forces in India who are subject to naval or military discipline and are in possession of a certificate in the form prescribed in the Schedule hereto annexed and issued by an officer of the appropriate Forces not below the rank of Brigadier.

B. R. PANDEY,

Under Secretary to the Government of India.

SCHEDULE.

Certificate of eligibility for exemption from the provisions of the Registration Act, 1939. This is to certify that Mr. is a technical representative/civil service employee of the Forces in India and is thereby entitled to the benefit of the notification, No. 1/9/43-Political (E), dated the 10th April, 1943 issued by the Government of India in the Home Department.

No. 1/11/43-Political (E).

GOVERNMENT OF INDIA.
HOME DEPARTMENT.

Simla, the 2nd March, 1943.

DECLARATION OF EXEMPTION.

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.

B. R. PANDEY,

for Joint Secretary to the Government of India.

[Sir Syed Raza Ali.]

that was passed by this House during the last Session. I believe, in pursuance of that the Government of India have fixed the same period with reference to the action they propose to take under clause 4 of the present Bill. Generally, one year has been fixed under certain provisions of the law for enabling the Executive Government to take action after the close of the war. I admit at once that, generally speaking, a period of one year is given to the Government for winding up the proceedings after the close of the war, but here the facts are very different. I do not want to repeat those facts; every Honourable Member knows that, namely, here we are so patient, so docile as to give the Government a period of one year for enabling it to arrange for the departure of the armed forces of any offending possession of His Majesty against which the Government and this House may choose to take action. On the other hand, here is Field Marshal Smuts who, in the thick of war, when Indian forces were fighting for South Africa, has taken action of a very drastic nature indeed and placed a discriminatory Act of the most objectionable character on the Statute Book of the Union. My point is simply this: In South Africa there is a feeling that so far as the European Community in India is concerned—and let Sir Henry Richardson pay some heed to this—it has no sympathy with our demands. It simply says ditto to what the other Members of the Assembly say in order to purchase its peace and in order to continue its harmonious relations with the other Members of the Assembly. That is the impression there; I don't say that is a correct impression. Let me tell my Honourable friend, Dr. Khare, that the impression in South Africa again is that the Government of India have no very serious quarrel with the Union Government. But the Government of India are powerless because part of the nominal responsibility has been transferred into the hands of Indians and it won't do for the Executive Government to quarrel with the representatives of the people. Therefore, the Government also half-heartedly and unwillingly say ditto to anything coming from the Assembly. That is the erroneous impression in South Africa. Let the Government and the European Group take a serious note of these two things. Let South Africans know that, though for reasons obtaining in this country we have not decided to say that we do not want any armed forces of the Union to defend us against foreign aggression there is a large volume of public opinion that would not be prepared to endorse that opinion. Yet, I would not be justified in raising this question. But I want to curtail this period of one year to six months so that the people of South Africa—that white population which is made up of Britishers and the Dutch population—should know that we are in right earnest, and whereas in dealing with other portions of the Empire we are prepared to give them a period of one year, in the case of South Africa, because of the action taken by the South African Parliament, we are purposely cutting down the period from one year to six months. It may be the plea of the official spokesmen that if this period is one year in the case of other parts of the Empire, why should it be six months in the case of South Africa and that it might not be practicable to wind up affairs in the course of six months. I think that that would be a very lame excuse. If the Government of India are really with the people and this House, then they should certainly find it possible to wind up all the affairs within six months instead of one year. Here is Field Marshal Smuts introducing a Bill in the first week of April and then having it passed on the 14th or 15th April—within a space of about 10 days. If the Government of India cannot do a much less important thing even in six months, then I believe this Government will be showing the stuff of which it is made.

My assumption is that six months is ample time and it is the touch-stone of Government's sincerity. I do not know what attitude Government is going to adopt. Generally they adopt an attitude which might be called halting or one based on indifference. Government have committed themselves to a very serious matter. Let me tell my Honourable friend, Dr. Khare, that by

accepting the date on which this Bill is to come into force, he has tacitly consented to making the rules under this Bill even before that date. So this is going to be another touch-stone of Government's sincerity. I therefore move, Sir.

Mr. Chairman (Syed Ghulam Bhik Nairang): Amendment moved:

"That in clause 4 of the Bill, in the proposed section 5 for the words 'one year' the words 'six months' be substituted."

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, I support the amendment of my friend. Another reason which I would place before the House—and I hope the reason which I do place would appeal to the House and also to the Government—is that we know that we may meet again in November. That will be soon. The next time that we meet will be in February, 1944. That means six months after the period which has been proposed by my friend Sir Raza Ali. Then we shall be in a better position to know exactly whether the Government of India was in earnest, was serious and had a mind to do exactly what we on this side of the House at present think that the Government intend to do. So, Sir, six months' time is proposed not for the sake of opposition but only to give this House an opportunity to know the sincerity of the Government and their intentions. With these words, I support the amendment.

Sir F. E. James (Madras: European): Sir, I oppose this amendment. The Select Committee which sat on the Bill and which had a sudden, unhappy and premature demise, discussed this and came to the conclusion that one year was a fairly safe compromise. I do not think really that any question of principle is involved.

Sir Syed Raza Ali: That is true.

Sir F. E. James: The purpose really is to exempt, on account of the war, from the operations of any direction which may be made under the Act, members of the armed forces coming from any of the possessions with regard to which those directions may be made. Actually, in practice members of the armed forces may be coming through India on their way back to their own country more than six months after the cessation of hostilities. We do not know exactly how the war will progress, but quite obviously there may be members of the armed forces coming from China or from Burma or even from Japan, passing through India on their way to their own homes, and it would be very unfortunate if any of those came under the operation of directions entered into by the Central Government. Nobody in this House wants any kind of that inconvenience imposed upon those members of the armed forces, who might quite inadvertently be passing through India more than six months after the cessation of hostilities having come from a possession in regard to which these directions had been issued.

Sir Syed Raza Ali: May I know what my Honourable friend's difficulty is? If they are on their way to South Africa say from China, they should stay in the ships just as our people do in Capetown.

Sir F. E. James: My friend has probably never heard of troops passing through a country by train.

Sir Syed Raza Ali: We shall not let them do this.

Sir F. E. James: My point is that there is no difference of opinion on the principle. We are agreed on the main clause: the only question is whether six months or twelve.

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): We want to make it as difficult as possible for them to pass through India: Sir Frederick James wants to make it as easy as possible!

Sir F. E. James: My Honourable friend misrepresents me. I am saying it is purely of practical matter. Once you admit the principle that members of the armed forces should be exempted on account of the war from the application of any direction for any period, that period should not be less than twelve months. That is the only issue, and I shall very much regret it if the House accepts a period shorter than that.

COPY OF THE HOME DEPARTMENT NOTIFICATION No. 1/26/42-POLITICAL (E), DATED THE 6TH MAY 1943.

In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), and in supersession of the Declaration published with the notification of the Government of India in the Home Department No. 1/26/42-Political (E), dated the 10th October 1942, the Central Government is pleased to direct that the following further amendment shall be made in the Declarations published with the notification of the Government of India in the Home Department, No. 21/32/39-Political, dated the 21st June 1939, namely:—

In Declaration 3 of the said Declarations—

(1) in clause (e), the word "or" shall be omitted;

(2) after clause (f) the following clause shall be inserted, namely:—

(g) any British subject who—

(i) has acquired British nationality by marriage or has been granted a certificate of naturalisation as a British subject under any law for the time being in force in British India, and

(ii) has been a British subject for not less than fifteen years, and

(iii) save when he has been a British subject for not less than twenty-five years, has obtained from the Registration Officer a certificate to the effect that he has furnished a statement of all visits made by him since the year 1926 to any foreign territory.

Provided that the Central Government may, by an order in writing served on any person, direct that the exemption conferred by this clause shall cease to extend to that person.

No. 1/30/43-Political (E).

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

Simla, the 7th July, 1943.

NOTIFICATION.

In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), and in supersession of the Declarations of the Government of India in the Home Department, No. 1/3/42-Political (E), dated the 12th June 1942, and No. 1/9/43-Political (E), dated the 10th April 1943, the Central Government is pleased to direct that the following further amendment shall be made in the Declarations published with the notification of the Government of India in the Home Department No. 21/32/39-Political, dated the 21st June 1939, namely:—

After clause (g), the following clauses shall be inserted:

"(A) any member of the naval, military or air force of the United States of America, Chinese, Dutch, Free French or any other Allied nation arriving in India in the discharge of his official duties; and

(i) any technical representative or civil service employee of the United States of America, Chinese, Dutch, Free French or other Allied naval, military or air force in India who is subject to naval, military or air force discipline and is in possession of a certificate in the form prescribed in the schedule hereto annexed and issued by an officer of the appropriate force not below the rank of a Captain in the Navy, a Brigadier or an Air Commodore

B. R. PANDEY,

Joint Secretary to the Government of India.

SCHEDULE:

Certificate of eligibility for exemption from the provisions of the Registration of Foreigners Rules, 1939.

This is to certify that Mr. is a Technical Representative/Civil Service Employee of the forces in India and is thereby entitled to the benefit of clause (i) of Declaration 3 of the Declarations contained in the Registration of Foreigners (Exemption) Order, 1939.

SUMMARY OF PROCEEDINGS OF THE THIRD MEETING OF THE STANDING LABOUR COMMITTEE.

The Honourable Dr. B. R. Ambedkar (Labour Member): Sir, I lay on the table a copy* of the Summary of Proceedings of the third meeting of the Standing Labour Committee held on the 7th and 8th May, 1943.

*Not included in these Debates, but a copy has been placed in the Library of the House.—Ed. of D.

THE RECIPROCITY (AMENDMENT) BILL—contd.

Mr. Chairman (Syed Ghulam Bhik Nairang): The House will now resume consideration of the Reciprocity (Amendment) Bill.

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadan): Sir, I move:

"That after clause 1 of the Bill the following clause be inserted and clauses 2 to 6 be re-numbered 3 to 7:

2. Amendment of section 1, Act IX of 1943.—For sub-section (3) of section 1 of the Reciprocity Act, 1943 (hereinafter referred to as the said Act), the following sub-section shall be substituted, namely:

"(3) It shall come into force on the 1st day of September, 1943."

Sir, as will be gathered from what has been discussed so far about the Reciprocity (Amendment) Bill, the House is very keen in giving effect to the Reciprocity Act which is on the anvil, and it is the desire of the House that the present Bill be given effect to as early as possible. As the Bill which was brought before this House did not contain any clause as to when it shall come into force, I have put that in this amendment. I hope it will be accepted.

Mr. Chairman (Syed Ghulam Bhik Nairang): Amendment moved:

"That after clause 1 of the Bill the following clause be inserted and clauses 2 to 6 be re-numbered 3 to 7:

2. Amendment of section 1, Act IX of 1943.—For sub-section (3) of section 1 of the Reciprocity Act, 1943 (hereinafter referred to as the said Act), the following sub-section shall be substituted, namely:

"(3) It shall come into force on the 1st day of September, 1943."

The Honourable Dr. N. B. Khare (Member for Indians Overseas): Sir, as the Act stands, it can be brought into force at any time the Government wishes to do so, and I do not see any point in this amendment at all. Besides, it will be impossible to put it into force before the 1st of September, if the Government wishes to do so. Yet if it is the desire of the House, I accept the amendment.

Mr. Chairman (Syed Ghulam Bhik Nairang): The question is:

"That after clause 1 of the Bill the following clause be inserted and clauses 2 to 6 be re-numbered 3 to 7:

2. Amendment of section 1, Act IX of 1943.—For sub-section (3) of section 1 of the Reciprocity Act, 1943 (hereinafter referred to as the said Act), the following sub-section shall be substituted, namely:

"(3) It shall come into force on the 1st day of September, 1943."

The motion was adopted.

Mr. Govind V. Deshmukh: Sir, I move:

"That in clause 2 (renumbered clause 3) of the Bill the brackets and words '(hereinafter referred to as the said Act)' be omitted."

Mr. Chairman (Syed Ghulam Bhik Nairang): Amendment moved:

"That in clause 2 (renumbered clause 3) of the Bill the brackets and words '(hereinafter referred to as the said Act)' be omitted."

The Honourable Dr. N. B. Khare: As it is a consequential amendment to the first, I accept it.

Mr. Chairman (Syed Ghulam Bhik Nairang): The question is:

"That in clause 2 (renumbered clause 3) of the Bill the brackets and words '(hereinafter referred to as the said Act)' be omitted."

The motion was adopted.

Mr. Chairman (Syed Ghulam Bhik Nairang): The question is:

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

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

Clause 3 was added to the Bill.

Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan Urban): Sir, I move:

"That in clause 4 of the Bill, in the proposed section 5 for the words 'one year' the words 'six months' be substituted."

Sir, this is not a very important point, still it has bearing on what is happening in South Africa. The original section, which is sought to be amended by the Amending Bill, refers to the armed forces of a possession against which India proposes to take action being allowed to remain in India for a year after the termination of the present hostilities, i.e., section 3 of the Bill

The Honourable Dr. N. B. Khare: This amendment cuts down the period provided in the Bill from one year to six months. One year is the least which will be required to wind up affairs after the cessation of hostilities. It does not involve any principle at all. It only concerns entry, travel and residence, and so far as other things are concerned, they do not apply to this at all. I appeal to the Honourable Member to withdraw the amendment.

Mr. Hooseinbhoj A. Lalljee (Bombay Central Division: Muhammadan Rural): I rise to support the amendment that has been moved. I am surprised that my Honourable friend, Sir Frederick James, should have referred to the last Bill and the Select Committee. That Select Committee and all the work that we did on that Select Committee have been pronounced by the Government as unworkable, and I am very glad that at least as regards this period it has become unworkable. My Honourable friend, Sir Frederick James, feels that it will cause very great inconvenience to the South African people to pass through this country after the war with these handicaps. May I ask what is the condition of thousands of people every day suffering and undergoing those handicaps and humiliations in South Africa? Can you not think a little bit of the Indian people in that country? I am asking my Honourable friend, is that the logic that he wants to apply, is that the fairness that he wants to see? I am very sorry, that Sir Syed Raza Ali said, well, the armed forces of South Africans may be useful to us. Has it ever been? Are they ever going to do that? In fact, we have got a few officers forced upon us and they are ruling over us, and over our people who have been left to the tender care of these South African officers. Such considerations, after the experience we have had, are, to say the least, unfair. I do feel that we are entitled to ask the Government to move in this matter as fast as they can and as strictly as they can. Now, we have come to this position that in one part of the Empire in the midst of the great war, a great Field Marshal does not think that the sympathy of 40 crores of people is essential for the war. And still we are asked to show consideration and sympathy for a few of those South Africans out of 15 lakhs of people out to humiliate us. That is going too far. I have in my hand a speech delivered by Sir Shafaat Ahmad Khan, High Commissioner for South Africa, only on the 28th June last and it has been received by air mail. There he has practically said this:

"India has never been united on any other issue during the last 25 years and it has also attracted the attention of the Allies who are fighting a ruthless war for the sanctity of human rights and preservation of spiritual principle in man. It has also played into the hands of our enemies, and Germans and Tokyo utilise it in their propaganda against those democracies."

My demand is that let also Germans and Japanese feel that we will not tolerate humiliation of this sort and as a part of the Empire we will not tolerate inhuman action and help in the war effort of that other part of the Empire which ill-treats us.

Mr. Kallash Bihari Lall (Bhagalpur, Purnea and the Sonthal Parganas: Non-Muhammadan): I was feeling indifferent to this Act itself, but as I heard the debate and listened to the arguments, I am tempted to support this amendment on two grounds. I realise the soft corner that Sir Frederick James has for those people who may pass through this country after their war service. There is no intention of any inhuman treatment to anybody so far as we are concerned in this country, but in order to make this very purpose of retaliation effective, I suggest that Sir Frederick James should consider that a retaliatory measure itself is of no value when it is a question of only a few persons, say, 100 persons in this country after the war is over, as against so many thousands in that country. This retaliatory measure is of no value except that we console ourselves that we do the same as they are doing to us. For that purpose, if we shorten the period according to this amendment, at least those persons who will pass through our country will carry the news to their country about the treatment to them, because that will be an additional opportunity to the people of

this country to show their retaliation even by that means. This is an opportunity to show that if we have any intention of retaliation we can bring it into effect by this means; otherwise it will be ineffective.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): May I remind the House that soon after the war broke out a Bill was brought in this House for the purpose of recruiting forcibly all the Europeans and non-Asiatic people who were His Majesty's subjects? When that Bill came here I raised an objection that the subjects of those Dominions who do not give equal treatment to Indians should not be allowed to hold any rank of officer in any Indian regiment and if they want, they should join as soldiers and not as officers. To that the reply was given by Mr. Williams, who was the Secretary of the Defence Department at the time, that it was inopportune. He asked, was it right when the war had just started, when feelings could easily be made friendly, that we should start with this unfriendly gesture from this House, and he asked, was it not right that we should postpone these things till after the war, and let us wait and see that these things were removed during the war. He also said, when our soldiers will come in contact with each other, all these things will disappear. This view was at that time supported by the Group to which Sir Frederick James has the honour to belong. But I was apprehensive that this will never happen and I felt that was the best opportune moment to show that we wanted to treat them in the same manner as they wanted to treat us. Now, after three years of war, when Indians have shed their blood side by side with South Africans, when we showed all generosity to them in every manner possible, even to the extent of allowing the South Africans to become officers in the Indian regiments, we are given this treatment, we are given this kick. I think the South Africans have made themselves a disgraceful partner in the British Empire. I whole-heartedly endorse the words of my Deputy Leader that those people who do not give equal treatment to each other in the Dominions do not deserve to remain in the Dominions. I think that we should show as much resentment as we can and we should not postpone the date. We are still very gentlemanly with those people who do not know what gentlemanliness is. Therefore, Sir, I support this amendment.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Sir, I rise to support the amendment which has been moved by Sir Syed Raza Ali. My Honourable friend, Sir Frederick James said that the Select Committee reported that the period should be one year but it has to be remembered that the Select Committee reported in the month of January. Since then a new situation has arisen and it is in order to meet the new situation that this amendment has been brought forward. The Select Committee report has been completely washed out now. Time is an essential factor in the present situation, and I strongly urge that the amendment of Sir Raza Ali should be adopted by the House.

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

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): I lend my strong support to the amendment moved by my friend Sir Syed Raza Ali. This question of the treatment of Indians in South Africa has been exercising the minds of people in this country for a long long time. Throughout this period, the European element in this country has shown more sympathy with their compatriots in South Africa than with those with whom they live in this country. I remember during the course of the discussion on this Bill my friend Sir F. E. James said that retaliation in any form or shape against the South Africans will not do. We must have recourse to methods of persuasion and reconciliation. It is all very well to say so. Everybody knows that two millions of Indian soldiers are fighting the battles of the British Empire. Empire—that is a strange word. We must use the word Commonwealth or use both Empire and Commonwealth at the same time. We are shedding every drop of our blood to maintain the supremacy of Britain throughout the world. We are fighting

[Maulana Zafar Ali Khan.]
in North Africa, in the Middle East and we have done everything to show that we are for maintaining this system of rule in the world which is known as the British Empire or the British Commonwealth. What do we get for that. We get the Pegging Act. Our people, nearly two lakhs, went there, spent their money, raised it socially to the status of a well governed country but for all that they get this Pegging Act. They cannot buy property in the quarters where the Europeans reside and racial discrimination of the worst form has shown itself there. I thought Field Marshal Smuts was a gentleman. I thought he had some sympathy.

The Honourable Dr. N. B. Khare: How is all this relevant to the amendment?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is going into matters which do not arise out of this amendment. He must confine himself to the amendment.

Maulana Zafar Ali Khan: All I have to say is that the least we can expect from this Government is to reduce the number of months.

Mr. President (The Honourable Sir Abdur Rahim): We have had all this before.

Maulana Zafar Ali Khan: The amendment says that the period of one year should be reduced to six months. This is only small mercy. If we cannot get even this, what more can we expect. With these few words, I support the amendment.

Mr. Govind V. Deshmukh: My friend the Honourable Member in charge of the Bill had the chance of stating why one year was necessary and why in six months the forces coming from the several British possessions could not be cleared out of India. He did not give any reasons. A reference was made to what happened in the Select Committee on the last Bill. In those days times were different. The tide of war has now changed in favour of the Allies. It will be apparent therefore that in those days we could not think of transports being so very easily available for clearing out the forces from India. (*An Honourable Member:* "Not all the forces.") All the forces that came from the possessions of Great Britain. This time is more than sufficient. I was saying that the means of transport could be collected by their respective Governments to call their forces back. It seems to me that the Government of India thinks that every Government is as slow as this Government is. That is not so. If those Governments were to know that the forces from their countries would be prosecuted in this country and serious sentences would be given to them, they would be very prompt to remove their own men. They would not be callous or indifferent to their own men. I should, therefore, say that as soon as the war is over all these forces that come from the different colonies should be made to clear at once; but my friend has taken a lenient view. He is hospitable to them. Although they do not deserve any hospitality from us, we say that we exempt you from the operation of this Act for a period of six months. How on earth can you refuse to accept this amendment. I cannot understand the attitude of the Government. Other Governments are not like the Government here. They will look to the interest of their own people here better than this Government. This Government does not deserve any congratulations from us if they are going to behave in such a slow fashion. They had better be prompt to see that India is free from these forces who remind us of the loss of self-respect, who remind us of the ill-treatment that is given to our people in South Africa. Sir, I support the amendment.

The Honourable Malik Sir Feroz Khan Noon (Defence Member): Sir, I only wish to say a few words being in charge of demobilization and for that reason I am interested in this amendment. Let me say at the very beginning that so far as the principles of this Bill are concerned and so far as the wishes of the non-official Members of this House are concerned, I as an Indian am with

them whole-heartedly. The only question is with regard to this amendment whether after the war you allow these gentlemen from all the dominions a period of one year for clearing out or six months.

Sir Syed Raza Ali: Not from these other Colonies but from the offending Dominion only, namely, South Africa.

The Honourable Malik Sir Feroz Khan Noon: This Bill does not apply only to South Africa. It will apply to other British Dominions or Colonies also, Colonies in which we suffer disabilities as we suffer in South Africa. What I am suggesting is that so far as this Bill is concerned, it is not enacted only for South Africa. It applies to all the Dominions and you cannot say that we suffer disabilities only in South Africa. We suffer disabilities in other Dominions and Colonies also. Therefore, when we are in a very unhappy mood with regard to South Africa, do not let us forget that this Bill is not meant only for South Africa.

The second point that I should like the House to remember is this that we are fighting a war and when this war is over—and we do not know when it will be over—the taking away of troops cannot be done overnight. It may take two years or three years to disperse the troops from war areas back into their countries. In the last war there were several people who were stranded away from their countries for some years before they could get back. It is all a question of transport and I fear after the war it will be quite a long time before these troops can go back to their home countries. One thing is quite clear. As soon as the war is over, there will not be a single soldier who will not want to rush home as quickly as possible. Therefore, there is no justification for us to be afraid that these men who have been fighting in the war for a good few years away from their home will be anxious to stay here in order to enjoy the privileges of a country which does not need them. We must not forget that this Bill does not say that all these men are going to be kept here for a whole year. It may be that the Government may be able to clear them away within three months, leave alone six months. Nobody will be more happy than we to do it as expeditiously as possible. We as a Government only want time up to one year to be able to clear these people away in a reasonable manner. What is the use of enacting a law which we know may have to be breached in a large number of cases simply because of lack of transport. Therefore, I wish that the House should not press this point of one year and six months. So far as the Government are concerned, they are with you, namely, that these gentlemen should go from this country as soon as possible, but it is a question of transport. With this assurance from the Government that no time will be lost in getting them out of this country, I hope the House will not force this amendment because there is no difference in principle between your views and those of the Government.

Mr. Govind V. Deshmukh: May I ask, Sir, one question?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has already made his speech.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Sir, I had thought that the period referred to was the time after the passing of this Act, but it appears that it will come into operation only after the war. However, we all agree that the feeling in this country is very high against the South African Government and its people who are treating the Indians very badly. It is in the interests of the Government of India itself that instead of waiting till the end of the war, they should transfer all these soldiers and officers to the other fronts of war. There should be no delay because sometimes there may be occasions where the Indian and South African soldiers may come to blows. So, I think it is in the interests of the Government of India to transfer such persons from Indian fronts to other fronts. They may be sent to the other theatres of the war, say, England or elsewhere. The Honourable the Mover of the amendment has a very soft corner in his heart for these people and has moved a very modest amendment and I hope the House will accept it. The Government is not going to lose anything by its acceptance.

Sir Vithal N. Chandavarkar (Bombay Millowners' Association: Indian Commerce): Sir, those who value the most precious treasure of any human being, self-respect, ought to support this amendment. If I had any doubt as to what attitude I should take, it has been dispelled by the speech made by the Honourable Member in charge of Defence. He was thinking of the inconvenience arising out of the difficulties of transport. Did General Smuts think of the difficulties of the Government of India in regard to this matter? God alone knows the difficulties the Government of India has to face in India as a result of the war situation. Did General Smuts think of the difficulties which will be added to the difficulties that already exist and which have been created by the political situation in India as a result of the Act that has been passed there? I do not know why my European friends who are with us should speak in an apologetic tone on this subject. If anybody ought to be indignant about this matter, I say it ought to be the non-official Europeans in this country. The whole future of British connection with India depends upon the attitude which the Europeans in this country adopt in regard to all matters of Indians overseas, especially in the Dominions. If they want us to feel that they are with us, that there is a future for us in the British Commonwealth, as I said once before when speaking on the Burma question, whenever a question like this arises they ought to say without any mental reservation and without any qualification, and whatever the consequences may be, that they are with us. That is the only way in which they can ensure our connection with Great Britain. From all these points of view, I support this amendment and I do hope Government will reconsider their attitude and accept the amendment without any hesitation.

Sir Cowasjee Jehangir (Bombay City: Non-Muhammadan Urban): Mr. President, while speaking on this Bill, I said that it was merely a gesture of resentment. What I meant by saying that was that whatever this Bill may be and however stringent the rules may be, the South Africans can afford to laugh at it because the number of South Africans in this country is so small compared to the number of Indians in South Africa. What I meant to convey was that this Bill could never be strong enough. This Bill could never be effective enough to make the South Africans feel the enormity of their actions during the war.

Mr. Hooseinbhoj A. Lalljee: On a point of order, Sir. How does this arise on this amendment?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member ought to confine himself to the amendment.

Sir Cowasjee Jehangir: Any amendment moved that would make South Africa feel that India is hitting her back will have my support. If the South Africans feel that they have got to leave this country immediately the war is over and if it causes them any inconvenience to do so, the more pleased I will be. It will make them feel that there is legislation in India which puts them to some inconvenience. That exactly the point that ought to be stressed. The effect of this Bill ought to be that it should make the shoe pinch at least in some direction. I am quite sure that no Honourable Member wants to cause any inconvenience to any other Dominion which has not insulted India during the war, such as South Africa. That not being the intention, I would suggest an amendment to this amendment moved by my Honourable friend.

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

Sir Cowasjee Jehangir: As a compromise I suggest something.

Mr. President (The Honourable Sir Abdur Rahim): You cannot do so now.

Sir Cowasjee Jehangir: I am only suggesting that six months should be made to apply to South Africa alone.

Sir Syed Raza Ali: That would be done under the rules made by the Government of India. That is quite clear.

Sir Cowasjee Jehangir: If that can be done by the rules, my point has been gained. My point is only to cause some inconvenience to South Africa. If you can cause more inconvenience by reducing the period to three months, so much the better, by all means do it. But I do not desire, nor does any Honourable Member desire that troops from any other part of the world should be inconvenienced who have fought on the side of the Allies. Therefore I suggest that some sort of amendment is necessary which should make it apply only to South Africa and the period should be six months or less. In these circumstances, I would like the advice of the Government of India as to how this can be done. If an amendment to this clause can be moved somewhat to this effect, it would be a compromise.

Mr. President (The Honourable Sir Abdur Rahim): Has the Honourable Member given notice of any amendment?

Sir Cowasjee Jehangir: I am only suggesting it as a compromise. Otherwise, I would vote for this amendment.

Mr. N. M. Joshi (Nominated Non-Official): Sir, I feel that the Government of India have made out no case at all for not accepting this amendment. After all they have not told us how many South African troops there are in India. The Honourable the Defence Member said that this Bill may apply or will apply to all Colonies. That may be true, but the application of the Bill depends upon the Government of India. They have to issue directions. If the Government of India find that the directions relating to all the Colonies cannot be issued, they can issue directions as regards South Africa within six months. No amendment is necessary as was suggested by my Honourable friend Sir Cowasjee Jehangir. So long as the Government of India do not issue any directions as regards other Colonies, there is nothing to be done. As far as South Africa is concerned, the number of troops affected are perhaps nil, and the number of officers affected may be 100 or less. I therefore feel that the Government of India should accept the amendment.

Mr. Muhammad Nauman (Patna and Chota Nagpur cum Orissa: Muhammadan): Sir, I do not want to take up much of the time of the House on an amendment which is rather so innocent from our point of view. The Honourable the Defence Member also agreed that his feelings are quite the same as ours, except that the position which he is making out is a little different from ours. But in the end we may come to the same decision. What we want is this. As Sir Cowasjee Jehangir pointed out to the House, that it should be specifically pointed out to the South African Government that they will be treated in a stricter manner in comparison to other Dominions, and at the moment the question is not of gesture only. That is why, I think, the present amendment which is specifically proposed in connection with South Africans should be accepted by the Government. I hope the Government would take into consideration not only the general feeling, more or less the unanimous feeling of the elected section of this House, but also that section of Indians who form the Treasury Benches today. Government should appreciate the fact that what we are trying to point out is just to make South Africans feel that we want to give them less time than others to quit India. With these few remarks, I support the amendment.

Mr. K. C. Neogy: Sir, if my Honourable friend Sir Cowasjee Jehangir fell into an error on this particular point, I am afraid the responsibility lies on an Honourable Member of the Government. Because, while the Honourable the Defence Member was speaking, he tried to create the impression that the measure applied to all the Colonies wherever Indians may suffer from any disabilities. But we are considering an amending measure at the present moment. Let us not forget the original Act to which this Bill seeks to provide certain amendments. The original Act, I am afraid, has been forgotten by my Honourable friend the Defence Member. The original Act provides that retaliatory action, or action by way of reciprocity, could be taken with reference to a specific British possession, only when a specific notification extending the operation of this particular measure to that possession were issued by the

[Mr. K. C. Neogy.]

Government of India. We are merely arming the executive Government of India with certain powers to be put into operation against the offending Colony as and when the necessity arises. Therefore, let us not confuse the issues by trying to bring in elements of difficulty which do not exist. We are not considering South Africa; we are not considering any particular British possession at the present moment. We are concerned with an enabling measure. The whole question is, if and when a notification of such a character is issued by the Government of India enforcing the provisions of this Act as well as the rules to be framed thereunder, what will be the time limit that will be allowed for any troops belonging to that particular colony to remain in India without having to suffer from the operation of this particular enactment. Of course by way of illustration, we have taken up the case of South Africa because that is a recent case which we very much have in mind at the moment. I think the issues are definitely plain, and six months should in all conscience be considered to be a very reasonable period in which the troops of the offending colony should be expected to clear out bag and baggage from this country. I should think that even six months is too long a period for the purpose of dealing with a colony of this type. I do hope that Government will reconsider their attitude. I am very much hopeful that Government will in the end support this amendment, particularly in view of what fell from the Honourable the Defence Member.

The Honourable Dr. N. B. Khare: Sir, I want to end this agony. In view of the strong feelings expressed in this House, I will be prepared to accept the amendment.

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

"That in clause 4 of the Bill, in the proposed section 5 for the words 'one year' the words 'six months' be substituted."

The motion was adopted.

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

"That clause 4, as amended, stand part of the Bill."

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim): Clause 5.

Mr. Govind V. Deshmukh: Sir, I move:

"That in clause 5 of the Bill in sub-section (1) of the proposed section 6, for the word 'may' the word 'shall' be substituted, and after the word 'notification' the words 'before the end of August, 1943' be inserted."

Sir, the object of this amendment is to make the Government of India move in the matter as quickly as we possibly can make them do so. Sir, there is a history behind this amendment. In 1924, an Act was passed called the Immigration into India Act. At that time the discontent among Indians was very great over what South Africa and Kenya were doing and so this Act called the Immigration into India Act was passed which provided for the making of rules to carry out the objects of the Act. In 1938 I put a question to the then Secretary in charge, Sir Girja Shankar Bajpai, as to whether rules had been framed under that Act to prohibit immigration from other colonies into this country and the answer was in the negative. When we find that no period is fixed for the making of rules the Government of India sleep over the matter. We want to awaken them and pinch them so that they may see the need for putting this Act into force as soon as possible. (An Honourable Member: "Lash them.") We may lash them into action provided no bodily injury is caused but unfortunately they have neither a body to lash or kick nor a soul to be damned. The purpose of my amendment is to quicken the procedure and put this Act into force and I hope due notice of the past will be taken by this House as to how Government sleep when no period is fixed for making rules and the whole thing is forgotten. I hope in this particular case the Government of India will not forget their duty but will move in the matter as early as possible.

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

"That in clause 5 of the Bill in sub-section (1) of the proposed section 6, for the word 'may' the word 'shall' be substituted, and after the word 'notification' the words 'before the end of August, 1943' be inserted."

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, it is a good augury that the Honourable Member in charge has accepted two amendments and I hope he will realise that this amendment also is moved in order to strengthen his hands and with no other object. The Honourable Member says "Wait and see", by which he probably means that he is going to manage the business himself without being asked or forced by us to do it. What is asked now is justified on account of what has happened before, because the framing of rules and bringing them into force has been ignored in the past; and this amendment would not have been necessary if the rules were so framed under the earlier Act. But they made no rules whatever and that is why the Mover of this amendment is so sceptical about the intentions of Government about the framing of these rules. We have got bitter experience and therefore he asks for the making of these rules to be provided by statute. I think Government should accept this amendment.

Secondly, time is given within which this should be done. That is also because the previous Government did not do anything within a particular time. The rules may be held up indefinitely and then we may be told that there were imperfections in the Act. We therefore want to see that there are no imperfections. It is to bring this Act early into force that this amendment is proposed and I think the Honourable Member who has accepted two other amendments will accept this one also.

The Honourable Dr. N. B. Khare: Sir, I should have been very glad to accept this amendment as I have accepted two others but I regret I cannot do so. This amendment is very unreasonable; it compels Government to make rules before the end of August, 1943, which is utterly impossible. The rules will have to go into great details; all kinds of inquiries will have to be made and we have to provide against all possible things which may happen. It is impossible to give any assurance that Government shall make rules before August and if the amendment is passed it will take away the power of Government to make rules after the end of August. I shall of course proceed as soon as I can but it is quite impossible to accept the amendment.

Sir Syed Raza Ali: Sir, I wish to say a few words on this amendment. So far as the word "may" is concerned, I am surprised that the Overseas Member is not prepared to accept the amendment that the word "shall" be substituted for "may". I believe the Honourable Member is sufficiently interested in law to know that at times "may" and "shall", on a correct interpretation, mean the same thing. And there can be no harm in accepting the amendment. But the more substantial point is this. The Government will have to make inquiries and this question may take more time than is stipulated in the amendment. But there are two things which should be carefully borne in mind. I would ask my Honourable friend to remember that the first Bill on the subject was passed by the Legislative Assembly in 1924 but no rules were ever made under that Act. Government went to sleep for 19 years and did nothing. That shows that if there is any suspicion on this side of the House about the conduct of Government it is wholly justified. My Honourable friend took shelter behind the plea that they have to make inquiries into the laws of so many possessions and colonies and dominions, etc. If he proposes to do that let me tell him that he would be doing a very wrong thing because he is not required to embark on such a laborious and elaborate inquiry at this stage. His business is to inquire about the laws of South Africa against Indians. And he can find out 90 per cent. of our disabilities without going to South Africa. If he had consultations with some people who are interested in South Africa they would tell him everything. Then he has a High Commissioner there,—a very grandiloquent name,—and if he sends him a cable today he will receive

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a reply in three or four days. Therefore I think the suspicion of my Honourable friend Mr. Deshmukh is well founded if the speech of the Honourable Dr. Khare is a sufficient index of what the Government of India propose to do. It would be very wrong for Government to inquire into the laws of Fiji and Kenya and British Guiana and other British possessions. If Government want to kill the Bill they can of course defer action by not making any rules at all. But if he wants to take action, I would give him this humble advice: Let him proceed in the first instance against South Africa alone. With reference to all other colonies, possessions and dominions, he can make rules afterwards when he has gathered the necessary information. But it would be a very wrong thing to wait indefinitely and allow this Bill to be killed in order to gather information with reference to all the areas and territories of His Majesty's Government which covers about 1/4th of this planet of ours, namely the Earth.

I think the Government position has not been sufficiently elucidated. We, on this side of the House, do not want this matter to be pressed to a division, because, after all, there is no serious difference between the Government of India and ourselves, but surely we must know what is passing in the mind of the Government. If I could know that the Government propose to take action with reference to South Africa and to make general rules applicable to South Africa only within the next two months instead of one month, I do not think we on this side would be inclined to press this amendment to a division. But if my Honourable friend is going to embark on an ambitious and elaborate scheme which will cover all the colonies, possessions and dominions, which are part of the British Commonwealth of Nations, that would take five years and in that case it would be the solemn duty of Members on this side of the House to press this amendment to a division. Therefore, all depends on the attitude of the Government, which I must say, if my Honourable friend, Dr. Khare, will excuse me, has not been sufficiently elucidated by him. Let him say clearly whether he is prepared to make rules with reference to South Africa alone and publish those rules within the next two months.

The Honourable Dr. N. B. Khare: Sir, I am prepared to assure the House that we shall make rules as quickly as possible without losing any time whatever, but do so within one month is physically impossible.

Sir Syed Raza Ali: Do it in two months or three months, but say so.

Dr. P. N. Banerjee: So far as South Africa is concerned, two months will be enough.

The Honourable Dr. N. B. Khare: Sir, I can only say that we shall make rules as quickly as possible.

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

"That in clause 5 of the Bill in sub-section (2) of the proposed section 6, for the word 'may' the word 'shall' be substituted, and after the word 'notification' the words 'before the end of August, 1943' be inserted."

The Assembly divided:

AYES—30

Abdul Ghani, Maulvi Muhammad.
Ashar Ali, Mr. Muhammad.
Bajaria, Babu Baijnath.
Banerjee, Dr. P. N.
Bhutto, Mr. Nabi Baksh Illahi Baksh.
Chattopadhyaya, Mr. Amarendra Nath.
Choudhury, Mr. Abdur Rasheed.
Deshmukh, Mr. Govind V.
Eesak Sait, Mr. H. A. Sathar H.
Ghiasuddin, Mr. M.
Joshi, Mr. N. M.
Kailash Bihari Lall, Mr.
Kamaluddin Ahmad, Shams-ul-Ulema.
Krishnamachari, Mr. T. T.
Lalchand, Navalrai, Mr.

Lalljee, Mr. Hooseinbhoy A.
Liaquat Ali Khan, Nawabzada Muhammad.
Murtuza Sahib Bahadur, Maulvi Syed
Nairang, Syed Ghulam Bhik.
Nauman, Mr. Muhammad.
Neogy, Mr. K. C.
Parma Nand, Bhai.
Raza Ali, Sir Syed.
Sant Singh, Sardar.
Siddique Ali Khan, Nawab.
Umar Ali Shah, Mr.
Yamin Khan, Sir Muhammad.
Yusuf Abdoola Haroon, Seth.
Zafar Ali Khan, Maulana.
Zia Uddin Ahmad, Dr. Sir.

NOES—40.

Ahmad Nawaz Khan, Major Nawab Sir.
Aiyar, Mr. T. S. Sankara.
Ambedkar, The Honourable Dr. B. R.
Azizul Huque, The Honourable Sir M.
Bentham, The Honourable Sir Edward.
Bewoor, Sir Gurunath.
Chandavarkar, Sir Vithal N.
Chapman-Mortimer, Mr. T.
Chatterji, Mr. S. C.
Dalal, Dr. Sir Ratanji Dinshaw.
Dalpat Singh, Sardar Bahadur Captain.
Gray, Mr. B. L.
Griffiths, Mr. P. J.
Gwilt, Mr. E. L. C.
Habibur-Rahman, Khan Bahadur Sheikh.
Imam, Mr. Saiyid Haidar.
Ismail Alikhan, Kunwer Hajee.
James, Sir F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Jehangir, Sir Cowasjee.
Joshi, Mr. D. S.
Khare, The Honourable Dr. N. B.
Lawson, Mr. C. P.
Mackeown, Mr. J. A.
Maxwell, The Honourable Sir Reginald.
Miller, Mr. C. C.
Muazzam Sahib Bahadur, Mr. Muhammad.
Noon, The Honourable Malik Sir Feroz Khan.
Pai, Mr. A. V.
Raisman, The Honourable Sir Jeremy.
Richardson, Sir Henry.
Roy, The Honourable Sir Asoka Kumar.
Sargent, Mr. J. P.
Siva Raj, Rao Bahadur N.
Spear, Dr. T. G. P.
Spence, Sir George.
Sultan Ahmed, The Honourable Sir.
Thakur Singh, Major.
Trivedi, Mr. C. M.
Tyson, Mr. J. D.

Jehangir, Sir Cowasjee.

The motion was negatived.

Mr. President (The Honourable Sir Abdur Rahim): Sir Raza Ali.

Sir Syed Raza Ali: With your permission I propose to take up the item which is mentioned at No. 6 of the Agenda Paper.

Mr. President (The Honourable Sir Abdur Rahim): Are you going to move the next amendment?

Sir Syed Raza Ali: Not yet. I propose first to take up No. 6.

Mr. President (The Honourable Sir Abdur Rahim): But are you going to move the other amendment?

Sir Syed Raza Ali: It is not necessary to move that until we know the result of No. 6. Clause 5 raises a consequential point, the fate of which depends on No. 6.

Mr. President (The Honourable Sir Abdur Rahim): All right.

Sir Syed Raza Ali: Sir, I move:

"That after clause 5 of the Bill, the following new clause be inserted and the subsequent clause be re-numbered accordingly:

"6. After section 6 of the said Act, as substituted by the foregoing section, the following section shall be added namely:

7. Any person guilty of disobeying a rule made by the Central Government under section 6, sub-section (2) part (c), shall, on the complaint of an officer appointed or designated by the Central Government in this behalf, be punished, on conviction by a Magistrate of the First Class, with imprisonment of either description for a term which may extend to one year or with fine which may extend to one thousand rupees or with both."

The point is this. I must say at once that I do not think there is any point of substantial difference arising between me and the Government of India. The Government of India want under the Bill to take powers to themselves to make rules on a number of points, one of which is mentioned in part (d) and reads thus:

"For the enforcement by the prescription of a penalty by way of imprisonment or fine or both of any rule made under clause (e)."

The point narrows down to this: that whereas after the rules are made the Government want to provide a penalty for the breach of the rules in the rules themselves, I say that this point being a very important one, it is much better to prescribe the punishment in the Act itself instead of giving power to the Central Government to prescribe that punishment by rule.

I have gone as far as I could to make this provision acceptable to the Central Government. First of all, it will not be possible for an accused person to be prosecuted till a complaint is filed by an officer appointed by the Central

[Sir Syed Raza Ali.]

Government or designated by the Central Government. In all likelihood those officers will be appointed or designated, as the case may be, by the Department of Indians Overseas. I do not want to deprive them of their power. Secondly, in order to secure that the accused persons have a fair trial, I have provided in this amendment that the case should not be tried by any but a Magistrate of the First Class. That safeguards the interests of the accused person or persons.

Lastly comes the question of punishment. The punishment here is imprisonment of either description for a term which may extend to one year or fine which may extend to one thousand rupees or both. At this late hour I do not want to go into the merits of prescribing maximum punishment. That is what Lord Maucalay did in his original draft of the Indian Penal Code and that is what has been followed ever since in India. But my amendment prescribes the maximum punishment and leaves out the minimum punishment. No one would think that a Magistrate would impose a fine of Rs. 1,000 or a rigorous imprisonment for one year or both straight away. Of course, the Magistrate will deal with the case according to the circumstances.

But there is a little plea open to the Government of India. Unfortunately pleas are always open to the Government of India. They may be good, bad or indifferent, but those pleas are available. In this case, perhaps what is passing in the minds of the Government of India is this: How can you call it a Reciprocity Bill unless we know by facts and figures what are the punishments prescribed by the laws of the offending Dominion, Possession or Colony? We must know the punishment prescribed by every Dominion, Colony and Possession before we can prescribe the punishment here. But that is a very lame excuse. It is the same story of delay, procrastination and a discrimination to come to grips with the question. Let the question be delayed as long as possible. I believe my Honourable friend will say that he proposes to make enquiries into the punishments that are inflicted on Indians in Fiji, or in Mauritius, and so on. All that is not at all necessary. This is the proper place for it. As a matter of fact, I can say as one belonging to the legal profession that there is nothing against giving power to Government to make rules prescribing punishments. But on juristic principles it is always better for the Legislature to provide such punishment instead of giving that power to the executive Government. That is the principle of jurisprudence. It is not solely because that principle is sanctioned by jurisprudence that I want to emphasise that. What I want the House and the people outside to know is that we are in right earnest.

Sir Cowasjee Jehangir: We must pass the Bill today to show it to them.

Sir Syed Raza Ali: Quite right. My Honourable friend seems to be in a light hearted mood. But I take him at his word, I entirely agree with him. In fact, we must make it clear to them that we are quite serious about the matter. It may be that we are a powerless people, that we are a helpless people. We are living under a subordinate Government which cannot do anything. The position of Government is this. A long list of protests was read out by the Honourable Dr. Khare the other day, but he did not say that even acknowledgment was given to those representations made by the Government of India to the Union Government. (Interruption.) I am referring to the list of representations made by the Government of India.

The Honourable Dr. N. B. Khare: May I ask how it is in order on this question—the list?

Sir Syed Raza Ali: It is the most material thing. I say, in these circumstances if you give the power to this subordinate Government, this subordinate Government will not do anything at all. Therefore, pass this punishment clause yourself. They are so terribly afraid of any country; even they are afraid of the country of Ravans, of Burma. Of all these countries South Africa is the most powerful. Therefore, I say we are living under a subordinate Government which, at times, does not know its own mind. If it does, it does not know how

to put it into practice, and if it decides to put it into practice, then it alleges that even if the thing is done, it will have no effect and therefore it serves as an excuse for not taking any action at all. Therefore, for all these reasons it is best for this House that we should put this clause prescribing punishment, in the Act itself, instead of giving power to the Central Government, which power may not be exercised by the Central Government for another 19 years. Sir, I move.

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

"That after clause 5 of the Bill, the following new clause be inserted and the subsequent clause be re-numbered accordingly:

'6. After section 6 of the said Act, as substituted by the foregoing section, the following section shall be added, namely:

7. Any person guilty of disobeying a rule made by the Central Government under section 6, sub-section (2) part (c) shall, on the complaint of an officer appointed or designated by the Central Government in this behalf, be punished, on conviction by a Magistrate of the First Class, with imprisonment of either description for a term which may extend to one year or with fine which may extend to one thousand rupees or with both."

The Honourable Dr. N. B. Khare: This amendment takes away from the Government the power of prescribing the punishment under the rule-making powers and also of varying the actual punishment itself if necessary. A perusal of the Bill will show, and it is evident to everybody, that the Bill is enacted on the basis of reciprocity, and this amendment, if passed, would strike at the very root of that reciprocity.

Sir Syed Raza Ali: Why?

The Honourable Dr. N. B. Khare: It is not a plea, it is a substantive argument. It will tie down the hands of Government, because, supposing this amendment is passed, it will limit the punishment only to one year and a fine of Rs. 1,000. (Interruption.) Supposing there is a colony or territory which punishes such delinquents with a punishment of five years or 10 years, we cannot be reciprocal to them; we shall have to stick to this punishment of one year and Rs. 1,000 fine.

Sir Syed Raza Ali: Come to us then and we shall raise the punishment to five years.

The Honourable Dr. N. B. Khare: Supposing some Dominion takes it into its head to deport our nationals, then we cannot deport their nationals, we shall be tied down by this punishment. This amendment is very vicious. It takes off the effect of the Bill. Although it is brought with a very good motive, the result would be contrary to what the Honourable Member expects. Sir, I oppose the amendment.

Mr. Lalchand Navalrai: The object is that it should be sufficiently retaliatory. If we are not going to provide any punishment in this Act and leave it to the rules to be made hereafter, the Honourable Member says that he may propose 10 years or five years. Or he might propose till the rising of the Court and fine. In the Indian Penal Code we find that punishment has been provided for every offence, and neither under that Code nor in any other Act is punishment left to be provided for by rules to be made. It is very rarely that it happens. No doubt there are the Defence of India rules. But they are very exceptional. We know now how these rules are worked, and how we think that we have made a mistake in giving the power to the Government to make rules prescribing punishments. We should have provided punishments in the Act itself, but now we are not going to follow the example of the Defence of India Act. The Honourable Member in charge should tell us whether the punishment should be one year or less or more, and it should be incorporated in the Act itself accordingly, and he should not ask that all this should be left to the rules to be made and that he will provide the punishment there. We may take it that his inclinations are that he will not make this Bill null and void or make it so ineffective that it will not retaliate at all. But we should not

LEGISLATIVE ASSEMBLY.

Tuesday, 3rd August, 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.

DETENUS AND PRISONERS CONVICTED UNDER DEFENCE OF INDIA RULES.

152. *Mr. Nabi Baksh Illahi Baksh Bhutto: (a) Will the Honourable the Home Member be pleased to state the number of detenus and prisoners convicted under the Defence of India Rules?

(b) Is there any arrangement to revise each case individually after some time? If not, do Government propose to do so now?

The Honourable Sir Reginald Maxwell: (a) The number of persons detained under Defence of India Rule 26 from the beginning of the war up to 1st June, 1943, was 17,766, of whom 11,717 were still under detention on that date. The number of persons convicted during the same period under the Defence of India Rules was 75,941, while the number actually in jail on June 1st was 15,099. The above totals do not, however, include the North West Frontier Province for which Province figures are not available.

(b) There is no automatic arrangement for the review of each case of detention after a particular period. The principle which both the Government of India and Provincial Governments have constantly in mind, however is that no security prisoner shall remain in Jail whose detention is not essential in the interests of security and the efficient prosecution of the war.

Sardar Sant Singh: Has the attention of the Honourable Member been drawn to the recent report coming from the House of Commons wherein it was said that the House of Commons have constituted themselves into a body to examine the Defence of India Rules there in England and to see that no injustice is done by the application of such rules?

The Honourable Sir Reginald Maxwell: The House of Commons was talking about England and not about India. In any case, I have no official report about this.

Sardar Sant Singh: May I know if the Honourable Member will please make enquiries and if he proposes to constitute a similar Committee of this House to look into those rules?

The Honourable Sir Reginald Maxwell: The question does not relate to the Defence of India rules.

Mr. K. C. Neogy: Is not the answer this that India is not England?

Mr. Lalchand Navalrai: May I know whether these detenus have been detained under the orders of the Central Government or of the Provincial Governments?

The Honourable Sir Reginald Maxwell: Nearly all of them under the orders of the Provincial Governments.

Mr. Lalchand Navalrai: What is the system of examining or re-examining those cases? If not individually, how are they done?

The Honourable Sir Reginald Maxwell: I have dealt with that question in reply to the debate on the subject the other day and I have also replied to it under clause (b).

Mr. N. M. Joshi: In view of the fact that the number of Ordinances issued in India and also the number of rules issued under these Ordinances have become enormous and it is difficult for Honourable Members to find out what the exact Ordinances are and what the exact rules are, will the Government of India consider the advisability of printing and publishing all these Ordinances and rules in one volume?

[Mr. Lalchand Navalrai.]

allow the punishment to be left to the rule-making power, unless the Honourable Member agrees to placing the rules before the House. If he places the rules before this House, then in that case we shall have no objection, but otherwise we will not leave it to the Government to make rules for providing punishments. I therefore support this amendment.

Mr. Hooseinbhoj A. Lalljee: I am not at all surprised at the reply we have had from the Honourable Member in charge. You know very well, Sir, how we feel with regard to the treatment of India and we know very well also that he is more anxious than some of ourselves to move in the matter as soon as possible and to inflict as hard a punishment as anybody else could do, but, Sir, we have invariably seen the effect of the company. We have invariably seen that something more than a personal desire always plays an important part and who can deny that when we passed the Act in 1924 the Member in charge was not as serious as our friend Dr. Khare but still we find that 19 years have passed. Who can believe that the Honourable Mr. Aney was not serious the other day when he got this Reciprocity Bill passed. My friend the Leader of the House agreed that the Bill that was passed was an unworkable Bill. There are therefore other elements besides the Honourable Member himself which he has to take into consideration. He was once on this side. He knows that this side is not always wrong and if he is going to rely upon the new company that he has got in his new office, then I tell him with all due deference that he will be only able to do precious little. I tell him: Please take our help and our advice. I support the amendment.

Mr. K. C. Neogy: A good deal can be said against the extension of the practice of entrusting the formulation of important rules to the executive Government, because it is in a sense legislation by the executive and a lot has been said on this subject in other countries, but I should not, on the present occasion, like to dwell on that broad aspect of the matter. When the executive Government wants power to implement a legislative measure passed by the Legislature, we must be very careful not to give too much of power to the executive Government in this matter. Normally speaking, the provision of penalties is considered to be of a sufficiently serious character to merit specific provision by the Legislature itself. It is on exceptional occasions only, like the Defence of India Rules, that we find that penalties also have been prescribed by the executive Government. That should definitely be treated as an exception, not the rule.

I should in this connection like to correct a misapprehension which seems to be lurking in the mind of the Honourable Member in charge. The Honourable Member said that prescribing a specific penalty in the Act itself would militate against the reciprocal character of the measure that we are passing. Now, Sir, what is the reciprocity that is emphasized in this measure? If disabilities of a particular kind are imposed on Indian nationals in any particular colony, the Government in India would be entitled to impose similar disabilities on the nationals of that particular colony. That is the gist of the main provision of this enactment. Then the rule-making power is to be exercised for the purpose of laying down detailed provisions for setting up a machinery to ascertain the disabilities, for the establishment of a suitable agency to administer the rules and so on and so forth. Now, when we come to sub-clause (d) of the rule-making clause, as proposed in the amending Bill, we find that the Government want to have the power to prescribe penalties by way of imprisonment or fine or both. The imposition of a disability is one factor. The imposition of a penalty for having disobeyed any rule is a matter of quite a different character. I submit there is no element of reciprocity in the fixation of a penalty which may be imposed on the infringement of any rules which may be prescribed as a measure of reciprocity by way of retaliation. Then again I could not really understand the Honourable Member when he said that

"you are not giving us sufficient powers: we may prescribe deportation". But where is that power asked for in the amendment which he himself is proposing? The penalty that he contemplates is imprisonment or fine or both. Deportation would come in as a measure to be justified on grounds of reciprocity, that is to say, if a disability is attached to the residence of an Indian national in a particular colony by way of liability to be deported from that country,—if such a disability were to be found with reference to any particular colony, a similar disability could be imposed by us under this Act. If a person defies an order of deportation, what is the Honourable Member going to do? He must provide for the imposition of a specific penalty, and that penalty he seeks to prescribe by way of rules under clause (d); and deportation is not one of the penalties prescribed there. Therefore, I say that there is absolutely no substance in the objection that has been urged by the Honourable Member on this particular point. The amendment that has been proposed by Sir Raza Ali is merely for the purpose of virtually taking away the power to frame rules under clause (d) of the amending Bill. Let there be no misapprehension about it. We say 'we should prescribe the penalty'. Government say 'leave the power to us'. That is the only point of difference. I suggest that the House would be well advised in passing Sir Raza Ali's amendment.

Dr. P. N. Banerjee: I support the amendment moved by Sir Syed Raza Ali. The difference between us on this side and my Honourable friend Dr. Khare and his friends on the other is on this point, namely, whether the penalty should be prescribed by the legislature or by the executive. My Honourable friend Mr. Neogy has pointed out the disadvantage of entrusting the executive with legislative powers and he perhaps intended to quote the dictum of Chief Justice Hewart who wrote a book known as 'The New Despotism'. In that book, he pointed out the various difficulties which had arisen in regard to the investing of the executive with legislative powers. That is an important point. On fundamental principle, we should not entrust the executive with legislative powers and, as has been pointed out, the Defence of India Rules made by the executive under the power given by the Legislature have not been properly made. We regret now that the Legislature did not prescribe the rules.

Then, Sir, there is another advantage in having the penalty provided in the Act itself. That would make the Act self-contained. A further advantage will be this, that when this Act is published, everybody will know that this is the view of the Legislature. We do not know when the rules will be made. The rules will not be read by anybody. They may not be read in South Africa. They won't perhaps be read in any other Colonies. But if we make the rules here, that would emphasise our determination.

Lastly, I should like to say that there is no suspicion on our part with regard to the intentions of the Honourable Dr. Khare. But we do not know how long he will grace those benches by his presence. He may not be here after a few months (*An Honourable Member*: "Not even after a few days".) or even after a few days; after his departure the rules will be made. They may not be made at all; and if they are made, they may be made by the Secretary of the Department or other administrative officers. That would be a great disadvantage. I, therefore, hope that the Honourable Dr. Khare will accept this amendment which has been moved by Sir Syed Raza Ali.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 3rd August, 1943.

The Honourable Sir Reginald Maxwell: That is a question that hardly concerns me, but I may point out the great difficulty of paper.

PAPER CONSUMPTION IN INFORMATION AND BROADCASTING DEPARTMENT.

153. ***Mr. Nabi Baksh Illahi Baksh Bhutto:** (a) Will the Honourable Member for Information and Broadcasting be pleased to state the actual consumption of paper in his department in 1941 and 1942 and the estimated consumption in 1943?

(b) Is it a fact that his department is not economising in the use of paper?

The Honourable Sir Sultan Ahmed: (a) 1941—389 Tons, 1942—622 Tons, 1943—650 Tons.

(b) No. Every effort is being made, with considerable success.

DIFFERENTIAL PAYMENTS TO EUROPEAN AND INDIAN ARTISTS.

154. ***Mr. Nabi Baksh Illahi Baksh Bhutto:** (a) Will the Honourable Member for Information and Broadcasting be pleased to state the maximum payment made to a European artist and an Indian artist for a single performance?

(b) What is the maximum sum paid to an artist for a single day?

(c) Is it a fact that the European artists are paid on a higher scale than the Indian artist? If so, why?

The Honourable Sir Sultan Ahmed: (a) and (b). Information about the fees paid to artists is confidential and cannot be disclosed.

(c) No. The second part of the question does not arise.

Mr. Muhammad Nauman: May I know who is the individual who decides these? Is it any particular individual who decides what payment is to be made?

The Honourable Sir Sultan Ahmed: I have no definite information ready, but I am inclined to think that it is done by the Station Directors of the different stations.

Mr. Lalchand Navalrai: May I know if there is really difference in the payments to Europeans and Indians?

The Honourable Sir Sultan Ahmed: No, Sir.

Dr. Sir Zia Uddin Ahmad: We want information, not what the Honourable Member is inclined to think?

The Honourable Sir Sultan Ahmed: I have given the information.

Mr. Muhammad Nauman: As there have been constant complaints that the payments have not been made with equity, but rather on personal whims, will the Honourable Member please make enquiries?

The Honourable Sir Sultan Ahmed: That is not correct, because I have made enquiries so far as that is concerned.

Maulvi Muhammad Abdul Ghani: Will the Honourable Member please place the change in the rates of payments before the Standing Committee?

The Honourable Sir Sultan Ahmed: That can be done; that is possible.

CENSORSHIP ON MR. LOUIS FISCHER'S WRITINGS AND SPEECHES.

155. ***Mr. Nabi Baksh Illahi Baksh Bhutto:** (a) Will the Honourable the Home Member be pleased to state the reasons for imposing censorship on Mr. Louis Fischer's writings and speeches?

(b) Has it been brought to the notice of the Honourable Member that this order has created a very bad impression on American public opinion?

The Honourable Sir Reginald Maxwell: (a) The reason was the prejudicial and inaccurate nature of his writings and speeches about India, which have contained matter calculated to cause disaffection against Government and to prejudice relations between the United Nations.

(b) No.

Mr. K. C. Neogy: In so far as Mr. Louis Fischer's articles contained inaccurate statements, will the Honourable Member be pleased to indicate in what respects and on what points they are inaccurate?

The Honourable Sir Reginald Maxwell: That cannot be done in answer to a question.

***Mr. K. C. Neogy:** Has any attempt been made so far to give a reply to Mr. Louis Fischer's articles in so far as they may contain inaccurate statements of facts?

The Honourable Sir Reginald Maxwell: That again does not seem to arise out of this question. I have stated the reasons for imposing the ban.

Sardar Sant Singh: Is this the reason for imposing the ban, that the articles contained such facts that the inferences drawn from them are not very palatable to the Government of India?

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

Mr. Muhammad Nauman: Has not the Government considered it necessary to issue some sort of communique from the Home Department saying that those facts were inaccurate and they have been prejudicing the minds of Indians?

The Honourable Sir Reginald Maxwell: The Home Department have to judge from time to time what kind of contradictions are necessary. There is a great deal of undesirable propaganda published from time to time, but we cannot reply to all of it, the best thing is to censor it.

Mr. Lalchand Navalrai: May I know if it has been pointed out to Mr. Louis Fischer that his statements are inaccurate and that he should in future do better?

The Honourable Sir Reginald Maxwell: I think he is probably beyond learning.

Maulvi Muhammad Abdul Ghani: Have the Government taken any steps in the National War Front to issue a contradiction to these articles?

The Honourable Sir Reginald Maxwell: That question should be addressed to the Honourable Member for Information and Broadcasting.

Mr. K. C. Neogy: Is the Honourable Member aware that the orders of Government in regard to this matter have invested Mr. Louis Fischer's articles with special importance and that those articles are being read with great interest?

The Honourable Sir Reginald Maxwell: That is a matter of opinion.

SALE, IMPORT AND EXPORT OF GOLD.

156. ***Mr. Amarendra Nath Chattopadhyaya:** Will the Honourable the Finance Member be pleased to state what quantity of gold was sold in India during the year 1942 and up to the 15th of June, 1943? How much gold was bought in India, and exported to the United Kingdom and America since the declaration of war.

The Honourable Sir Jeremy Raisman: The Government have no information regarding sales and purchases of gold in India. They consider that it would be contrary to the public interest to publish figures of exports of gold to the United Kingdom and to the United States of America, but I can assure the Honourable Member that there have been no such exports for the past 18 months and more.

NEWSPAPERS SUPPLIED TO MR. GANDHI.

157. ***Mr. Nabi Baksh Illahi Baksh Bhutto:** Will the Honourable the Home Member be pleased to state the names of the newspapers supplied to Mr. Gandhi?

The Honourable Sir Reginald Maxwell: I place on the table a list of the newspapers supplied to Mr. Gandhi.

List of Newspapers supplied to Mr. Gandhi.

- (1) *Bombay Samachar* (Gujarati) Bombay.
- (2) *Bombay Chronicle* (Bombay).
- (3) *Dawn* (Muslim League Official Organ Delhi).
- (4) *Gram Udyog Patrika* (English monthly).
- (5) *Hindu* (Madras).
- (6) *Hindustan Standard* (Calcutta).
- (7) *Hindustan* (Urdu Weekly—Lucknow).
- (8) *Hindustan Times* (Delhi).

- (9) *Khadgi Jagat*—monthly, Hindustani (Wardha).
 (10) *Modern Review*—monthly (Calcutta).
 (11) *Rashtra Bhasha Samachar*—Hindi (Wardha).
 (12) *Sarvodaya* (Hindi—Wardha).
 (13) *Statesman* (Calcutta).
 (14) *Talimi Sangh Magazine*—monthly Hindi (Wardha).
 (15) *Times of India* (Bombay).

Mr. Lalchand Navalrai: Are they too many to be mentioned.

Maulvi Muhammad Abdul Ghani: Are there any Urdu papers included in the list?

Mr. N. M. Joshi: Will the Honourable Member read out the names of papers?

The Honourable Sir Reginald Maxwell: There are 15 papers.

Rao Bahadur N. Siva Raj: Is *Dawn* one of the papers supplied?

The Honourable Sir Reginald Maxwell: Yes, Sir.

INDIANS AS STAFF OFFICERS IN DIFFERENT BRANCHES OF GENERAL HEADQUARTERS.

158. ***Mr. Govind V. Deshmukh:** (a) Will the War Secretary please state the total number and the number of Indians as Staff Officers in the following Branches:

(i) General staff: (1) Operations Branch, (2) Intelligence Branch, and (3) Military Training Branch;

(ii) Adjutant General's Branch;

(iii) Quarter Master General's Branch; and

(iv) Master General of Ordnance Branch?

(b) Has the percentage of Indians employed in these several Branches increased since 1940? If so, by how much?

Mr. C. M. Trivedi: (a) I regret that it would not be in the public interest to reveal the total numbers of officers employed in the branches and directorates concerned, but the percentage of Indian to British Officers employed on the 1st July, 1943, was 9.81 and the proportion of those holding graded staff appointments was 3 Indian to 100 British.

(b) Yes, Sir; the percentage of Indians employed in these branches and directorates has increased from 2.23 in 1940 to 9.81 in 1943.

Mr. Govind V. Deshmukh: Do Government consider that a good progress?

Mr. C. M. Trivedi: I consider, Sir, that it is satisfactory.

Mr. K. O. Neogy: Is the Honourable Member in a position to give us figures of percentages separately for the Operations Branch, Intelligence Branch and Military Training Branch?

Mr. C. M. Trivedi: If the Honourable Member will give me notice I shall be able to answer that question.

Mr. K. O. Neogy: But notice was given.

Mr. C. M. Trivedi: I have not got the percentages separately worked out.

Mr. K. O. Neogy: Why have the percentages been lumped up together and why could they not be supplied under each of these sub-heads?

Mr. C. M. Trivedi: If the Honourable Member will give me notice, I shall be glad to work out the percentages.

COMPLAINTS AGAINST THE EXECUTIVE OFFICER, AGRA CANTONMENT.

159. ***Seth Yusuf Abdoola Haroon** (or, behalf of **Qazi Muhammad Ahmad Kazmi**): Will the Honourable the Defence Member please state if it is or it is not a fact that there were representations from the Muslim public of the Agra Cantonment against the re-organisation scheme of the Executive Officer and that it was specifically brought to the notice of the higher authorities that the said Executive Officer had openly adopted an attitude hostile to the Muslim employees of the Board? If so, what action did Government take on these representations, and what action, if any, do they propose to take against the Executive Officer for his irregularities and communal discrimination?

The Honourable Sir Sultan Ahmed: A representation was received in August 1941. Government made enquiries through the General Officer Commanding-in-Chief, Central Command, and are satisfied that the re-organisation proposals made by the Executive Officer were made purely on grounds of efficiency. The recommendations of the Executive Officer were dealt with in detail by a Special

Committee of the Cantonment Board, composed of two British officers of the rank of Major and a Hindu and a Muslim elected member of the Board. I have read through the proceedings of this Committee with great care and I am satisfied that even though Mr. Zoberi dissented from his other colleagues in many directions, the decisions reached were on merits. The Honourable Member is fully aware that it is not unknown in local body administration in all countries that measures of retrenchment justified on grounds of public interest are often very difficult to carry through because of the personal interests of various employees being adversely affected. Consequently, every argument is used to oppose most schemes for the retrenchment of staff and unfortunately in India communal bias provides a very easy argument. Government are satisfied that no action on their part is called for in this case.

GRANT OF KING'S COMMISSION TO V. C. Os.

160. ***Mr. Govind V. Deshmukh:** Will the War Secretary please state if V.C.Os. have ever been given King's Commission, either emergency or permanent? If so, when, and how many?

Mr. C. M. Trivedi: Yes, Viceroy's Commissioned Officers have been given King's Commissions both permanent and emergency.

Seven Viceroy's Commissioned Officers were given direct permanent commissions as *King's Commissioned Indian Officers* after the last war. Three of these were commissioned in 1919, two in 1920 and two in 1922.

Twelve Viceroy's Commissioned Officers were given permanent King's Commissions as *Indian Commissioned Officers*. Three of these were commissioned in February 1935, three in July 1935, two in February 1936, one in July 1936 and three in February 1939.

Up to the 15th July, 1943, 935 Viceroy's Commissioned Officers and Viceroy's Commissioned Officers have been granted emergency commissions. These have been appointed at various dates from the 12th December, 1940.

Sir Muhammad Yamin Khan: By "King's Commission" does he mean anything separate from the Indian Commission?

Mr. C. M. Trivedi: I refer to what is called the I. C. O., i.e., the Indian officers commissioned after the discontinuance of entry to Sandhurst for Indians.

Mr. Lalchand Navalrai: On what basis is this promotion given?

Mr. C. M. Trivedi: It is given on the basis of selection and merit.

Maulvi Muhammad Abdul Ghani: What is the number of Anglo-Indians who have been given the King's Commission from among the Viceroy's Commissioned Officers?

Mr. C. M. Trivedi: I have no information, Sir, on this point.

FATAL ACCIDENTS AT THE FLYING CENTRES IN INDIA.

161. ***Mr. Govind V. Deshmukh:** Will the War Secretary please state:

(a) if there have been any accidents resulting in death to persons at any of the flying centres in India while undergoing training for flying during the last twelve months;

(b) if such persons were Indians or Europeans or both; and

(c) if the causes of such accidents were inquired into; if so; what these were?

Mr. C. M. Trivedi: (a), (b) and (c). It would not be in the public interest to announce flying accidents or their details in War time, whether they occur during flying training or in operational units. I may however assure the Honourable Member that all accidents are carefully investigated in order to incorporate any lessons resulting from them, into the training and operational methods.

Mr. Muhammad Nauman: Were there any accidents which resulted in loss of life and, if so, was any compensation paid to their families?

Mr. C. M. Trivedi: There have been a certain number of such accidents.

Mr. Govind V. Deshmukh: Are Government aware that secrecy in such matters causes discontent and anxiety to the general public and would it not be more in the public interest to disclose the accidents that are caused?

Mr. C. M. Trivedi: I have already said that it would not be in the public interest to disclose details about these accidents.

Mr. Muhammad Nauman: Was any compensation paid to their families? What is the reply to that?

Mr. C. M. Trivedi: There is provision for family pensions.

Mr. Govind V. Deshmukh: As this question is the result of public anxiety the Government realise that not to disclose the real state of affairs would make the public still more anxious as regards those who have joined and are being trained in these flying centres?

Mr. C. M. Trivedi: Disclosure of details would give information to the enemy, but I can assure the Honourable Member that the accidents have been very few.

Mr. Lalchand Navalrai: May I know if these accidents come to the notice of the public when they take place or they are not known to anybody and take place in secret?

(No reply was given.)

Mr. K. C. Neogy: Is the Honourable Member aware of the general public impression that a large number of these accidents have been due to the fact that antediluvian machines were supplied for training purposes?

Mr. C. M. Trivedi: I can assure the Honourable Member that the accidents have not been due to the supply of what he calls antediluvian machines.

SECURITY PRISONERS IN ASSAM.

162. *Mr. Ananga Mohan Dam: (a) Will the Honourable the Home Member be pleased to state the number of security prisoners detained up to the 31st June, 1943, in the different jails of Assam?

(b) How many of these prisoners were arrested under the direction of the Central Government?

(c) Did the Government of India ask the Assam Government to arrest some of the members of the Assam Assembly who were members of the All-India Congress Committee, although they did not attend the session of the All-India Congress Committee held in Bombay in August 1942? If so, how many, and the reasons for their detention?

(d) Do the Government of India propose to enquire from the Assam Government if the security prisoners are allowed personal and family allowances in all cases?

The Honourable Sir Reginald Maxwell: (a) I would draw the Honourable Member's attention to the fact that the month of June has only 30 days; I cannot therefore supply him with figures for the number of persons detained up to the 31st June. The total number of persons detained in Assam from the beginning of the war to 1st June, 1943—the latest date up to which figures are available—was 351; of this total, 300 were still under detention on the 1st June.

(b) None.

(c) and (d). No.

POLICY RE RELEASE OF SECURITY PRISONERS.

163. *Mr. Ananga Mohan Dam: Will the Honourable the Home Member please state the policy of the Government of India with regard to the release of security prisoners, and have the Provincial Governments been directed to review the case of each security prisoner with a view to releasing him if he had been detained merely on suspicion?

The Honourable Sir Reginald Maxwell: No person is detained under Defence Rule 26 unless the authority responsible for passing the order is satisfied, in terms of the preamble to that Rule, that his detention is necessary. No

specific directions have been given to Provincial Governments, but it is understood that they do review cases from time to time with the object of releasing persons whose detention is no longer necessary.

Mr. Lalchand Navalrai: Did they examine these cases *suo motu* or on the application of any one?

The Honourable Sir Reginald Maxwell: Very largely *suo motu*. I gave figures to the House in the debate the other day when I said that between four and five thousand persons had recently been released.

Mr. Abdur Rasheed Choudhury: Is it a fact that some people are detained merely on suspicion?

The Honourable Sir Reginald Maxwell: It depends on what the Honourable Member means by "merely on suspicion". No one is detained without something definite being known about him.

Mr. Abdur Rasheed Choudhury: Does suspicion and not facts play any part in the policy of detention of these people?

The Honourable Sir Reginald Maxwell: No, Sir. Suspicion is based on facts known to the Governments concerned.

Mr. Kailash Bihari Lal: May I know from the Honourable Member if the Government of India have laid down any principles or have given any directions to the Provincial Governments with regard to the release of detenus?

The Honourable Sir Reginald Maxwell: No, Sir. I said that no specific directions have been given to the Provincial Governments.

UTILIZATION OF STERLING BALANCES FOR CAPITALISING STERLING PENSIONS, FAMILY PENSIONS, ETC.

164. *Mr. K. C. Neogy: (a) Will the Honourable the Finance Member please state if the Government of India have reached a tentative decision to capitalise the sterling pensions, family pensions and provident funds out of the accumulated sterling balances of the Reserve Bank of India?

(b) If the reply to (a) be in the affirmative, what sum do the Government of India propose to allocate for the purpose, and how is the arrangement proposed to be worked?

(c) Does the Honourable Member propose to enlighten the House on the reasons for an immediate decision in this matter? Was the question of the utilisation of any portion of the sterling balances on other measures, such as repatriation of the foreign capital employed in India, including the British investments in private industries and enterprise, considered before the present decision was reached?

(d) Will the responsibility for payment of these British pensions continue to be borne by India notwithstanding India's parting with the large sum of money securing payment for the same?

The Honourable Sir Jeremy Raisman: (a) The proposal which was outlined in para. 48 of my last Budget speech has since been referred to His Majesty's Government who have the matter under examination.

(b) The amount involved is approximately £150 million. The working of the scheme was explained in the paragraph of my last Budget speech to which I have already alluded.

(c) This proposal has been under consideration for some time now. All aspects of the utilisation of the Reserve Bank's sterling balances have been considered. Even after earmarking this sum for pensionary remittance provision there will remain very substantial and still growing balances available for other purposes.

(d) As I explained in my Budget speech, the Government of India will remain legally liable for payment of these pensionary charges but as a result of this purely financial arrangement they would automatically be provided from time to time with specified sterling amounts which, so far as can be estimated, would be adequate to meet the legal liabilities concerned.

Mr. K. C. Neogy: Do I take it that the question of utilization of the sterling balances by way of repatriation of the foreign capital employed in

India was seriously considered as an alternative to the proposal which has found favour with the Government as indicated in this question?

The Honourable Sir Jeremy Raisman: I have stated, Sir, that all aspects of the utilization of sterling balances have been considered. There is no question of an alternative being involved because, as I have also pointed out, even after this scheme is implemented there will remain ample balances for other purposes.

Mr. K. C. Neogy: Do I take it that the question of repatriation of the foreign capital employed in India is going to be seriously considered, or was considered in the past?

The Honourable Sir Jeremy Raisman: The only point which arises here is whether the implementation of this scheme constitutes a bar to the implementation of other schemes, and my answer is that it does not. But of course the question of utilizing the sterling balances for any other purposes must be considered on the merits of those schemes.

Mr. K. C. Neogy: May I know what the Government think of the merits of repatriation of the foreign capital employed in India?

The Honourable Sir Jeremy Raisman: That, Sir, is hardly a matter which I could deal with in reply to a question.

Mr. Muhammad Nauman: May I know whether, with reference to part (c), the European commercial community in India has been consulted on this and because they do not favour this attitude the Government is not taking into serious consideration this matter of repatriation?

The Honourable Sir Jeremy Raisman: No, Sir. What the Honourable Member has suggested is entirely incorrect.

Seth Yusuf Abdoola Haroon: Will the Honourable Member give an opportunity to the House to discuss this question?

The Honourable Sir Jeremy Raisman: The House had full opportunity to discuss this question during the last Budget Session.

Mr. T. T. Krishnamachari: May I ask the Honourable Member if the Government have got a scheme of priorities and, as a result, the question of capitulation of sterling balances comes before the question of repatriation of other sterling assets in this country?

The Honourable Sir Jeremy Raisman: There is no formal priority, but methods of utilizing sterling naturally assume priority according to their feasibility and practicability at particular times.

SIKHS IN THE POSTS CREATED IN CIVIL DEFENCE DEPARTMENT.

165. *Sardar Sant Singh: Will the Honourable Member for Civil Defence please state the number of posts created since the coming into existence of his Department, the number of Sikhs employed therein, and the number of posts carrying salary of over Rs. 300, a month, and the number of Sikhs getting that salary?

The Honourable Sir Sultan Ahmed: A statement is laid on the table.

Statement.		
	(a) Number of posts created since the coming into existence of the C. D. Department.	Number of posts in existence on 31st July, 1943.
Gazetted posts (including Superintendents)	32	21
Assistants (including Assistants in charge)	33	32
Clerks	41	38
Stenographers	15	10
Draftsmen	8	1
Inferior Servants	71	68
TOTAL	200	170
(b) Number of Sikhs employed	9	9
(c) Number of posts carrying salary of over Rs. 300	32	21
(d) Number of Sikhs getting pay of over Rs. 300	NIL	NIL

Sardar Sant Singh: May I know from the Honourable Member if there is any Sikh in the Civil Defence Department drawing over Rs. 300 per month?

The Honourable Sir Sultan Ahmed: Nil.

Sardar Sant Singh: Will the Honourable Member please state reasons for thus ignoring the quota of Sikhs in this particular Department?

The Honourable Sir Sultan Ahmed: It is very difficult to answer that question without being guilty of showing discourtesy, but I do suppose that the Department must have considered the merits of all the candidates and they found that there was no Sikh available.

Sardar Sant Singh: May I know if any applications were invited for the posts carrying this salary and above and whether there was any applicant belonging to the Sikh community?

The Honourable Sir Sultan Ahmed: I have no information.

Maulvi Muhammad Abdul Ghani: May I know the position of Mussalmans?

The Honourable Sir Sultan Ahmed: This question does not arise.

Mr. Lalchand Navalrai: What about the Sindhis?

(No answer was given.)

HIGH FARE RATES CHARGED BY THE G.N.I.T., DELHI AND DESIRABILITY OF GIVING CONVEYANCE ALLOWANCE TO SECRETARIAT STAFF.

166. *Sardar Sant Singh: (a) Will the Honourable the Home Member please state the rates of fare charged by the G. N. I. T. Delhi from Secretariat to Kashmere Gate, Connaught Place and Minto Road in 1939 and now?

(b) Is it a fact that the fares have been almost trebled?

(c) Are Government aware that this affects adversely their Secretariat staff living in or near the localities mentioned in part (a) above, in that they have to pay very highly for transport?

(d) Do Government propose to grant conveyance allowance to their staff in view of the high transport charges by the G. N. I. T. and consequently by tongas? If not, are they prepared to control the fares for transport and bring them down to the pre-war rates, or to increase them within reasonable limits so as to be within reach of the poorly paid staff?

(e) Alternatively do they propose to consider the running of free Government buses for their staff as in the case of their military personnel, and to utilise spare military buses for the purpose in order to avoid any extra cost?

The Honourable Sir Jeremy Raisman: (a) The services referred to by the Honourable Member were started only in 1940. The fares were as follows:—

(i) Secretariat—Kashmere Gate—4 annas.

(ii) Secretariat—Connaught Place—2 annas.

(iii) Secretariat—Minto Road—2½ annas.

The corresponding rates for 1943 are 1½ annas higher in each case.

(b) No.

(c) This is only a particular instance of the effect of the general rise in the level of prices.

(d) No, but some new vehicles have recently been released to the G. N. I. T. in order to enable them to open new, and to strengthen existing services.

(e) No.

Mr. Hooseinbhoj A. Lalljee: This question has been put to the Honourable the Home Member.

The Honourable Sir Jeremy Raisman: After some discussion it has been decided that the question appertains more closely to me, and therefore I have answered it.

Mr. Hooseinbhoj A. Lalljee: We are very much obliged that the Honourable Member has accommodated us like that.

EXAMINATION OF POST-WAR CURRENCY PROPOSALS.

167. *Mr. K. C. Neogy: Will the Honourable the Finance Member be pleased to state:

(a) what steps the Government have taken to examine the full implications for India of the post-war currency proposals put forward by the Government of

the United Kingdom and those put forward by the Government of the United States of America;

(b) whether Government propose to invite the representatives of the commerce and industry and other non-official experts to collaborate with Government in the examination of these proposals at any stage;

(c) whether Government are aware that the Federation of Indian Chambers of Commerce and Industry have appointed local Sub-Committees in Bombay, Calcutta and Delhi to study these proposals;

(d) whether Government propose to invite the Federation of Indian Chambers of Commerce and Industry to nominate their representatives to collaborate with any experts employed by Government in the examination of these proposals; and

(e) whether prior to committing the Government of India to any of these plans or any particular proposals or suggestions embodied in the plans, the Honourable Member will, apart from committing the representatives of the commerce, trade and finance, place the tentative views of the Government before the Central Legislature for consideration?

The Honourable Sir Jeremy Raisman: (a), (b) and (d). Both plans were published in India on the 5th July and have been given the widest possible circulation and publicity. The two plans are under examination by the Reserve Bank and Government are now awaiting the views of the Bank and also public reaction and comment. On receipt of these opinions Government will consider the most suitable further procedure.

(c) Government have no information regarding this.

(e) I would draw the Honourable Member's attention to the reply which I gave on the 23rd March last to part (d) of his question No. 358, and to the remarks which I made on the 27th July last during the discussion on Mr. Jamnadas Mehta's attempt to move an adjournment motion on this subject.

Mr. Jamnadas M. Mehta: Is it proposed to invite labour representatives for consultation and expression of opinion?

The Honourable Sir Jeremy Raisman: Government have not yet decided what the most suitable procedure will be, but I will take note of the suggestion of my Honourable friend.

DUTY-FREE INDUSTRIAL COLOURED SALT AND THE FISHING INDUSTRY IN SIND.

168. ***Seth Yusuf Abdoola Haroon:** Will the Honourable the Finance Member please state:—(a) whether it is a fact that when the concession for the issue of duty-free industrial coloured salt sanctioned by the Government of India was extended to the Province of Sind from the year 1939, only one company of Salt Works at Maurypur (Sind) enjoyed the monopoly for the manufacture of industrial coloured salt; if so, why the other Salt Works were not apprised of the said manufacture of coloured salt in question;

(b) if the Honourable Member is aware of the fact that from the year 1941 other salt manufacturers came into the field and produced and supplied the industrial coloured salt to the Fishing Industry at a low rate;

(c) whether it is a fact that the Superintendent of Salt Revenue in Sind at Maurypur, Karachi, recommended the said scheme for the duty-free industrial coloured salt to be withdrawn in the year 1942; if so, why, and on what grounds;

(d) if it is a fact that the scheme for the duty free industrial coloured salt has proved beneficial and advantageous to the poor fishermen and the Fish Industry of the Province of Sind; and

(e) whether it is a fact that the Government of Sind rejected the aforesaid recommendations of the Superintendent of Salt Revenue in Sind, and instead requested the Government of India for the continuity of the said scheme for another year?

The Honourable Sir Jeremy Raisman: With your permission, Sir, I will reply to questions Nos. 168, 169, 170 and 171 together.

The Government of Sind administer the Salt Department in that province on behalf of the Central Government and I am not, therefore, in a position

at present to furnish all the information asked for by the Honourable Member. A reference has been made to that Government and I shall place the replies to these questions on the table of the House in due course.

Mr. Lalchand Navalrai: Could I know from the Honourable Member whether he knows that the concession was stopped without giving any notice and that these people are suffering very much.

The Honourable Sir Jeremy Raisman: I do not even know that!

DUTY-FREE INDUSTRIAL COLOURED SALT AND THE FISHING INDUSTRY IN SIND.

169. ***Seth Yusuf Abdoola Haroon:** (a) Will the Honourable the Finance Member be pleased to state why the rules of 1939 governing the issue of the duty-free industrial coloured salt were subsequently amended in 1942 and, consequently, the Superintendent of Salt Revenue in Sind without giving any notice to the fishing community withdrew the said concessions for certain classes of fishermen and fish dealers numbering several hundreds of persons, and who all have been deprived of their daily bread?

(b) Are Government aware that the revised rules have practically caused a good deal of loss, difficulties and inconveniences to the *bona fide* fishermen and fish dealers who, in the ordinary course, were benefited by the said scheme?

(c) Are Government aware that since October 1942 when the revised rules were brought in force, several *bona fide* fishermen have been compelled to buy the duty-paid salt from bazar for fish curing and preserving purposes resulting in extra heavy expenses?

(d) Is it a fact that a vast quantity of natural salt is lying in collective heaps on the Southern Sea Coast line of Sind, and that there is a Patrol Launch belonging to His Majesty's Customs for patrol duty in the sea to watch that this natural salt is not smuggled for any consumption?

(e) Is it a fact that if the white duty-paid salt purchased from bazar for preserving catches of fish is found in the boats of fishermen who ply their fishing boats into the sea for catching fish and of those fishermen who are denied the supply of the duty-free industrial coloured salt under the said scheme they are hauled up and given much trouble by the Customs Preventive Staff on patrol duty, on the mere suspicion that the white salt found in their boats is the smuggled salt lying on the sea coast line? If so, why is the said scheme of duty-free industrial coloured salt not made on the permanent basis, and why is it extended from year to year?

(f) Is the Honourable Member aware that the Fishermen's Committee, Karachi, has recently submitted a memorial to the Government of Sind suggesting certain amendments in the said revised rules?

(g) If the answer to (f) above be in the affirmative, on what grounds were the said amendments not taken into consideration?

DUTY-FREE INDUSTRIAL COLOURED SALT AND HIDES AND SKINS MERCHANTS IN SIND.

170. ***Seth Yusuf Abdoola Haroon:** Is the Honourable the Finance Member aware of the fact: (a) that hides and skins merchants are not being allowed to obtain the duty-free industrial coloured salt for the purpose of curing hides and skins; if not, why not; and

(b) That the local salt merchants who paid salt duty into the Government Treasury in the months of January and February, 1943, have not so far been allowed and permitted by the salt authorities in Karachi to take their supply of salt; if not, why not?

DUTY-FREE INDUSTRIAL COLOURED SALT AND HIDES AND SKINS MERCHANTS IN SIND.

171. ***Seth Yusuf Abdoola Haroon:** Does the Honourable the Finance Member propose to consider the advisability of appointing an I.C.S. officer to the post of Superintendent of Salt Revenue in Sind, and that the rules for concession be applied to the hides and skin merchants in Sind to enable them to obtain the duty free industrial coloured salt for curing skins and hides?

†For answer to this question, see answer to question No. 168.

DESIRABILITY OF BRINGING DEFENCE OF INDIA RULE 26, IN LINE WITH REGULATION 18(b) OF ENGLAND.

172. *Mr. Govind V. Deshmukh: (a) Is the Honourable the Home Member aware:

(i) of the criticisms passed on Rule 26 of the Defence of India Rules and the comparison made by the Chief Justice of the Calcutta High Court in the judgment delivered in the Contempt of Court cases on the 14th July between this rule i.e., 26 and Regulation III of 1818;

(ii) that rule 26 is against a very old principle of law '*Audi Alteram Partem*', i.e., hear the other side; and

(iii) that under the Emergency Powers Act of 1939 passed in England, Regulation 18B, providing for the detention of a person not brought to trial, gives him an opportunity of knowing the grounds for detention and showing cause against the detention?

(b) Does the Honourable Member propose to bring rule 26 of the Defence of India Rules on the same lines as Regulation 18(B) 3, 4, and 5 as suggested by the Chief Justice?

The Honourable Sir Reginald Maxwell: (a) I am aware of the press reports referred to and of the allegation made in part (ii) which I do not necessarily accept. I am also aware of the provisions of the law in England.

(b) A copy of the judgment has been applied for but has not yet been received. On its receipt Government will consider what questions, if any, need examination.

Mr. K. C. Neogy: Is the Honourable Member considering the desirability of issuing injunctions to the Honourable the High Court not to indulge in such silly effusions in future?

The Honourable Sir Reginald Maxwell: The question seems to contain a reflection on the High Court.

Mr. K. C. Neogy: It involves no more reprehensible an attitude on my part than the attitude displayed by the Honourable Member.

The Honourable Sir Reginald Maxwell: That is not a question.

Mr. K. C. Neogy: Is the Honourable Member considering the desirability of issuing instructions to the censorship authorities that there should be strict censorship over such observations of the High Court in future?

(No reply was given.)

Mr. Govind V. Deshmukh: May I know the reasons why the Government do not necessarily accept the view laid down?

The Honourable Sir Reginald Maxwell: I do not think I can debate the matter in answer to a question.

Mr. K. C. Neogy: May I know

Mr. President (The Honourable Sir Abdur Rahim): I have already called upon the Honourable Member for the next question.

DESIRABILITY OF DISTINGUISHING MILITARY MEN WHO HAVE BEEN ACTUALLY WITHIN THE FIGHTING AREA.

173. *Mr. Govind V. Deshmukh: Will the War Secretary please state, if Government intend to have a mark for the military officers as well as rank and file who have been actually within the fighting area to distinguish them easily from officers and others holding the same military rank who have been either in India or overseas but far away from the fighting lines?

Mr. C. M. Trivedi: The whole question of distinctive War service badges is under consideration in consultation with His Majesty's Government and Dominion Governments. A decision in the matter has not yet been reached.

Dr. Sir Zia Uddin Ahmad: Is the Government considering making some kind of distinction between the military officers who are actually serving on the front from those who are sitting in the offices, particularly in Supply Department?

Mr. C. M. Trivedi: I have said the whole question is under consideration.

Mr. Hooseinbhoy A. Lalljee: Do I understand that the Government of India is also in communication with the Dominion Governments in this matter?

Mr. C. M. Trivedi: I have already given the answer.

Mr. Hooseinbhoy A. Lalljee: The reply is that you are in communication with His Majesty's Government and the Dominion Governments. My doubt is that you are not directly doing it with the Dominion Governments.

Mr. C. M. Trivedi: I have said that we are in consultation with His Majesty's Government who is also in consultation with the Dominion Governments?

Mr. Hooseinbhoy A. Lalljee: Who is?

Mr. C. M. Trivedi: His Majesty's Government.

SILVER POLICY OF THE GOVERNMENT OF INDIA.

174. *Mr. K. C. Neogy: Will the Honourable the Finance Member be pleased to state:

(a) whether, in view of the progressive worsening of the food situation in the country, and in view of the suggestions made from certain competent quarters that in order that Indian peasantry should be offered acceptable store value so that they may willingly part with their produce, silver should be made available to them, the Government of India have decided that Indian silver, which is at present to their credit in London, should be brought back and made available to the Indian public;

(b) whether, in view of the recent acquisitions of large quantities of silver by the Government of the United Kingdom from the United States of America under lease-lend, the Government of India have decided not to sell any more quantities of their silver in London; and

(c) whether there is any truth in the reports that the question of making a request to the Government of the United States of America to provide India with silver on lease-lend is under the consideration of the Government of India?

The Honourable Sir Jeremy Raisman: (a) As I have explained on more than one occasion to the House, the Government of India have never held more than a fraction of their silver stocks in London. The small stock which existed in London at the beginning of the war was finally disposed of long ago so that this part of the question does not arise.

(b) His Majesty's Government have not approached the Government of India for any further sales to them since I replied to Mr. Lalchand Navalrai's question No. 53 on this subject on the 12th February last.

(c) It would not be in the public interest to confirm or deny these reports at present.

Mr. Jamnadas M. Mehta: Are Government aware that between 1927 and today, about Rs. 100 crores worth of silver has disappeared from the Currency Reserves, and will they say where it has gone?

The Honourable Sir Jeremy Raisman: I am afraid that I am in no better position than my Honourable friend to say where a great deal of the silver currency has gone.

Mr. Jamnadas M. Mehta: But my Honourable friend has had the control of it. I had not. Otherwise I would have told him.

Sardar Sant Singh: May I know if the Honourable Member is aware that during the last war when stocks were purchased from cultivators they were paid 50 per cent. in gold and 50 per cent. in paper currency?

The Honourable Sir Jeremy Raisman: I have no precise recollection of that fact though I know that gold was used to some extent during the last war.

Sardar Sant Singh: Will he follow the same policy now, too?

The Honourable Sir Jeremy Raisman: I regret I cannot answer that question at this moment.

Dr. Sir Zia Uddin Ahmad: What is the cause of the abnormal rise in silver in terms of the paper rupee?

The Honourable Sir Jeremy Raisman: That is not a matter which could be answered simply in reply to a question on the floor of this House, but I consider

that speculative movements in the bullion market had a great deal to do with part of the rise.

Dr. Sir Zia Uddin Ahmad: Is the Honourable Gentleman contemplating to stabilize the prices of silver in terms of the paper rupee?

The Honourable Sir Jeremy Raisman: I am not quite clear what kind of action the Honourable Member contemplates.

Dr. Sir Zia Uddin Ahmad: By stabilising I mean no fluctuations. The stabilisation of the price of silver is the first element, without which the stabilisation of other articles will be impossible.

The Honourable Sir Jeremy Raisman: Government are certainly desirous of preventing undue fluctuations in the value of any important commodity, such as silver, and in particular they are determined, as far as possible to prevent any sharp rise in price.

Sir Cowasjee Jehangir: Has Government issued lately an Ordinance in this matter?

The Honourable Sir Jeremy Raisman: Yes, Sir. Government of India have taken power to prohibit bank advances against bullion.

Sir Cowasjee Jehangir: At what stage will Government take action in this matter?

The Honourable Sir Jeremy Raisman: When they consider that the prevalence of speculation in the bullion market justifies that action.

Sir Cowasjee Jehangir: In their opinion?

The Honourable Sir Jeremy Raisman: Yes, in their opinion.

Sir Muhammad Yamin Khan: Does the Honourable Member think that the price in silver which is in present coins of the country has gone up because there is very little silver in the present rupee and everybody counts the price of the silver of a rupee in the rupee coin itself?

The Honourable Sir Jeremy Raisman: If that were the determining factor then the price would be different from what it is today.

Dr. Sir Zia Uddin Ahmad: Does the Honourable Member realise that any effort on the part of the Commerce Member to stabilise the price will be impossible unless the Finance Member considers it as a part of the monetary policy of the country that the stabilisation of prices should be taken up first and he should begin with silver?

The Honourable Sir Jeremy Raisman: I have already said that the object of our policy is to stabilise the prices of all important commodities and in pursuing that policy it is naturally also the object of Government to act simultaneously on all sections of the economic front.

Dr. Sir Zia Uddin Ahmad: Why does not the Honourable the Finance Member give us an opportunity to discuss this very important question and fix a date?

The Honourable Sir Jeremy Raisman: I understand that a Resolution by the Honourable Member has already gained first place in the ballot, and therefore there is no necessity for allotting a special day.

Dr. Sir Zia Uddin Ahmad: But that Resolution deals with a very small part of the monetary policy.

The Honourable Sir Jeremy Raisman: But it is open to the Honourable Member to raise all relevant questions on that discussion.

UNSTARRED QUESTIONS AND ANSWERS.

HOARDING OF COMMODITIES WITH THE HELP OF LOANS SECURED FROM BANKS, ETC.

32. Mr. K. O. Neogy: Will the Honourable the Finance Member be pleased to furnish:

(a) what information he possesses indicating excessive hoardings of commodities by the public or traders, with the help of loans secured by them from banks or money-lenders against the security of bullion or stocks of commodities; and

(b) statistics in regard to the volume of hoarding of commodities as well as the volume of loans received by hoarders or lending institutions which are utilised for purposes of hoarding stocks of commodities?

The Honourable Sir Jeremy Raisman: (a) I am not prepared to divulge either the nature or source of the information in my possession regarding these matters.

(b) The collection of exhaustive figures on the lines suggested would prove a formidable, if not impossible task, involving an altogether disproportionate amount of labour.

VOLUNTARY DEPOSITS OUT OF EXCESS PROFITS.

33. Mr. K. O. Neogy: Will the Honourable the Finance Member be pleased to state:

(a) what response has so far been received from the assesses to the scheme of Voluntary Deposits out of excess profits, giving figures showing the amounts of such voluntary deposits received by Government from the E. P. T. assesses; and

(b) the number of E. P. T. assessments completed so far in each province, and the number of E. P. T. assessments outstanding and waiting to be completed in each province?

The Honourable Sir Jeremy Raisman: (a) The response received from E. P. T. assesses has not been satisfactory, the amount deposited upto the 31st May, 1943 being about rupees two crores only, which is a little more than half of the amount that could have been deposited;

(b) Information in respect of each province is not readily available. The following figures show for each Commissioner's charge, the number of cases in which returns have been received, the number of assessments so far completed (including cases filed as 'no liability' cases) and the number outstanding upto the end of June 1943:

Charge.	No. of returns received.	Cases completed.	Cases yet to be completed.
Madras	1428	1721	117
Bombay, Sind and British Baluchistan	4587	3905	682
Bengal	2546	2110	436
Central and United Provinces	1340	1261	79
Punjab, N.-W. F. and Delhi.	1080	1013	67
Bihar and Orissa	623	637	46
Assam	51	44	47
Bombay (Central)	180	105	75
Calcutta (Central)	137	60	77
Total	12,442	10,856	1,586

MACHINERY FOR SCRUTINISING AND CONSIDERING APPLICATIONS FOR CONSENT TO ISSUING OF CAPITAL.

34. Mr. K. O. Neogy: Will the Honourable the Finance Member be pleased to state in regard to the administration of the Defence of India Rule 94-A (Control of Capital Issues):

(a) what machinery Government have evolved for scrutinising and considering the applications received by them for their consent to the issuing of capital; and

(b) whether any non-official representative of commerce and industry is associated with this machinery to scrutinise and consider the applications?

The Honourable Sir Jeremy Raisman: (a) An Examiner of Capital Issues has been appointed. His duties are to see that all necessary information has been supplied, to obtain the advice of the appropriate authorities and thereafter to obtain the orders of the Government of India and communicate these orders to the parties. The appropriate authorities include, in the case of industrial ventures, the Departmental Committee referred to in the Press Note of 18th May, 1943 a copy of which is appended and, in the case of financial concerns

such as banks insurance companies, finance and investment companies, a reference is made to the Reserve Bank of India, as stated in that Press Note. In appropriate cases, the Examiner consults other Government departments; for example, the War Transport Department, when the proposals involve important movements of goods by rail in war time, and the Superintendent of Insurance in the case of insurance companies.

(b) No.

NOT TO BE BROADCAST OR PUBLISHED BEFORE MAY 18, 1943.

Press communiqué.

A new Defence of India Rule No. 94A has today been issued under section 2 of the Defence of India Act, 1939, prohibiting:

- (1) without the prior consent of the Central Government:
 - (a) an issue of capital in British India,
 - (b) any public offer of securities for sale in British India,
 - (c) the renewal or repayment of any security maturing for payment in British India,
 - (2) without the prior consent of the Central Government an issue of capital anywhere, whether within or without British India, by any company incorporated in British India,
 - (3) the issue in British India of any prospectus or other document offering for subscription or publicly offering for sale any security which does not include a statement that the consent of the Central Government has been obtained to the issue or offer of the security,
 - (4) subscription for any securities issued by a company in respect of any issue of capital made in British India or elsewhere unless such issue has been made with the consent of the Central Government.
- Applications which are made to the Central Government in pursuance of the provisions of this rule should be addressed to the Secretary to the Government of India, Finance Department. Such applications in so far as they relate to issues of capital in connection with proposed industrial enterprises will be considered by a departmental committee on which representatives of the Commerce and Industries and Supply Departments will be associated with the Finance Department. The Reserve Bank of India will be consulted in regard to applications involving the issue of capital for proposed financial enterprises, including banks, investment and finance and insurance companies. The object of the rule is to prevent in the circumstances of the present time the growth of mushroom companies which stand little chance of survival in the post-war period and other undesirable practices such as the reconstitution or recapitalisation of concerns on the basis of their present abnormal profits to the detriment of an indiscriminating investing public. There is no intention of handicapping or retarding sound and legitimate industrial development or expansion calculated to promote the war effort of the country or to increase production to meet the civil requirements of the country at the present time or in the near future, in which cases the application for sanction will encounter no difficulty.

Finance Department,
New Delhi, May 17, 1943.

APPLICATIONS RECEIVED AND SANCTIONED REGARDING THE ISSUE OF CAPITAL.

35. Mr. K. C. Neogy: (a) Will the Honourable the Finance Member be pleased to furnish statistics as regards the number of applications received by Government in connection with the issue of capital in respect of each industry under the Defence of India Rule 94-A?

(b) How many of the applications received have been sanctioned by Government under the heading of each industry?

(c) Out of the applications sanctioned, what is the number of those that relate to new companies, and the number of those that relate to the issue of capital by companies incorporated before the promulgation of the said Rule 94-A?

(d) What is the total amount of capital in respect of each industry that has been permitted to be issued and the amount in respect of which permission may have been refused so far?

The Honourable Sir Jeremy Raisman: (a) Up to 24th July, 726 applications. Classification has not yet been made.

(b) Out of 271 applications sanctioned up to that date, 18 represented conversions involving no new money. Of the balance, 112 related to industrial concerns. Classification of the results as between different industries has been taken in hand, but has not yet been completed.

(c) Out of the 271 consents already mentioned 132 related to new companies. The expression "new companies" is here used to include not only companies

registered on or after 17th May 1943, but also companies registered shortly before the date which had not made their initial issue of capital by that date.

(d) This information is also being compiled but is not yet available.

INDIAN SILVER HANDED OVER TO THE UNITED KINGDOM GOVERNMENT, ETC.

36. Mr. K. C. Neogy: Will the Honourable the Finance Member be pleased to lay on the table:

(a) the figures of the total quantities of the Indian silver that the Government of India have year by year handed over to the Government of the United Kingdom since the time of the establishment of the Reserve Bank of India in 1935;

(b) the total quantity of silver so far sold by them year by year since that time; and

(c) the average rates on which this silver was and is being sold?

The Honourable Sir Jeremy Raisman: (a) and (c). No sales of silver were made to His Majesty's Government in the years 1936-37 and 1937-38 and only insignificant sales in the year 1938-39. In regard to the subsequent years I would invite the Honourable Member's attention to the reply I gave to part (a) of his starred question No. 62 on the 16th September last.

(b) Figures for the total sales of silver will be found in the Appropriation Accounts for each year.

THE RECIPROCITY (AMENDMENT) BILL—concl'd.

Mr. President (The Honourable Sir Abdur Rahim): I think the issue under discussion was a new clause to the Reciprocity Bill by Sir Syed Raza Ali.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): I wish to add a few words and draw the attention of the Legislature that it should remove all kinds of uncertainties. It is for this purpose that the Honourable Member moved this amendment. But the punishment to be inflicted for the violation of rules should be such that the trial Courts may not find any difficulty in exercising their judgment. With these words I support the amendment.

Sir Vithal N. Chandavarkar (Bombay Millowners' Association: Indian Commerce): In regard to this amendment, in my opinion there are only two tests to be applied. According to the strict principles of jurisprudence, it is quite true that all provisions regarding punishment should be in the statute itself, and, as far as possible, the House should be most reluctant to leave such matters in the hands of the Executive. But there are two considerations. The first is, where is the balance of advantage? I take it that the Government wants a little more elasticity in this measure. If they want to retaliate against any offending country, they would like to correlate our punishment with the punishment provided in the corresponding Dominion's statute. If any particular Dominion levies, say, £500 as fine for an offence our Government also wants that their hands should not be bound down by a provision in the statute itself but that it should be left to the rule-making power in order to provide a corresponding punishment for a similar offence committed by the national of that particular Dominion. If the House desires that the principle of retaliation should be effectively enforced, I personally feel, although as a lawyer I agree with Mr. Neogy that we should be most reluctant to leave such a power in the hands of the executive Government, yet in this particular case realising as I do that the object of this measure is to retaliate,—I feel that the House will be well advised to leave this power in the hands of the Government and not to pass this amendment which might hamper the freedom of the Government if they want to take suitable retaliatory action.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): I am speaking now because of the speech of the last speaker. I think the Government knows that the matter under discussion is as regards South Africa and this House is not concerned at all with other colonies. If the Government had

[Sir Muhammad Yamin Khan.]

seriously thought about what punishment should be given to the people of that Dominion, they could easily have found out by this time what punishment should be proposed for such people, and this House would have been fully prepared to accept any proposal from the Government as regards the punishment they want to impose. In the absence of any indication from the Government as to what their proposals would be, this House is justified in proposing the punishment as outlined in this amendment. But we shall be fully prepared to accept any amendment which may be made either now, or if they have not got the time or the Honourable the President does not allow it, then they can make an amendment in the other House when this Bill goes there and bring it back to this House.

This House will then at once accept any reasonable proposal as regards punishment by the Government. But on the principle that this House itself should provide punishment in the Bill itself, these proposals have been made, and in the absence of any contrary or other proposals, I think this House should accept what has been proposed by the amendment.

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadan): I am afraid my Honourable friend, Sir Vithal Chandavarkar, has missed the point. Reciprocity is as regards qualifications or disqualifications and not as regards punishment; and so far as punishment is concerned, we have given a latitude by this Bill as regards fine and imprisonment. For the present I do not think Government are in a mood to impose a heavier punishment than what is provided in this particular amendment. It seems to me that the House itself is quite satisfied if the punishment to be awarded is one year. But if the House considers afterwards that that punishment is not sufficient, it may come forward with its own proposals. But our present fear is that if we do not fix a period like this now and give an indication of the line on which the Government should proceed—our fears are that you will not provide substantial punishment if any South African commits a breach of the rules that will be made. I therefore hope that the House will support the amendment.

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

"That after clause 5 of the Bill, the following new clause be inserted and the subsequent clause be re-numbered accordingly:

"6. After section 6 of the said Act, as substituted by the foregoing section, the following section shall be added namely:

"7. Any person guilty of disobeying a rule made by the Central Government under section 6, sub-section (2) part (c), shall, on the complaint of an officer appointed or designated by the Central Government in this behalf be punished, on conviction by a Magistrate of the First Class, with imprisonment of either description for a term which may extend to one year or with fine which may extend to one thousand rupees or with both."

The Assembly divided:

AYES—29.

Abdul Ghani, Maulvi Muhammad.
Abdullah, Mr. H. M.
Azhar Ali, Mr. Muhammad.
Banerjee, Dr. P. N.
Bhutto, Mr. Nabi Baksh Illahi Baksh.
Chattopadhyaya, Mr. Amarendra Nath.
Choudhury, Mr. Abdur Rasheed.
Choudhury, Mr. Muhammad Hussain.
Deshmukh, Mr. Govind V.
Eswar Sait, Mr. H. A. Sathar H.
Ghaseuddin, Mr. M.
Ghannavi, Sir Abdul Halim.
Joshi, Mr. N. M.
Kailash Bihari Lall, Mr.
Lachand Navarai, Mr.

Lalljee, Mr. Huseinbhoj A.
Liaquat Ali Khan, Nawabzada Muhammad.
Maitra, Pandit Lakshmi Kanta.
Murid Hossain Qureshi, Khan Bahadur.
Nawab Makhdum.
Murtuza Sahib Bahadur, Maulvi Syed.
Nairang, Syed Ghulam Bhiq.
Nauman, Mr. Muhammad.
Neogy, Mr. K. C.
Raza Ali, Sir Syed.
Siddique Ali Khan, Nawab.
Yamin Khan, Sir Muhammad.
Yusuf Abdoola Haroon, Seth.
Zafar Ali Khan, Maulana.
Zia Uddin Ahmad, Dr. 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.
Chandavarkar, Sir Vithal N.
Chapman-Mortimer, Mr. T.
Chatterji, Mr. S. C.
Daga, Seth Sunder Lall.
Dalal, Dr. Sir Ratanji Dinshaw.
Griffiths, Mr. P. J.
Gwilt, Mr. E. L. C.
Habibur-Rahman, Khan Bahadur Sheikh.
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.
Joshi, Mr. D. S.
Kamaluddin Ahmad, Shamsul-Ulema.
Khare, The Honourable Dr. N. B.

Lawson, Mr. C. P.
Mackeown, Mr. J. A.
Maxwell, The Honourable Sir Reginald.
Miller, Mr. C. C.
Muazzam Sahib Bahadur, Mr. Muhammad.
Mudaliar, The Honourable Dewan Bahadur Sir A. Ramaswami.
Noon, The Honourable Malik Sir Feroz Khan.
Pai, Mr. A. V.
Raisman, The Honourable Sir Jeremy.
Richardson, Sir Henry.
Sargent, Mr. J. P.
Shahban Khan Bahadur Mian Ghulam Kadir Muhammad.
Siva Raj, Rao Bahadur N.
Spear, Dr. T. G. P.
Spence, Sir George.
Sultan Ahmed, The Honourable Sir.
Thakur Singh, Major.
Trivedi, Mr. C. M.
Tyson, Mr. J. D.

The motion was negatived.

Mr. President (The Honourable Sir Abdur Rahim): There is another amendment to clause 5, standing in the name of Sir Raza Ali. He said that this amendment is consequential on the adoption of the new clause.

Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan Urban): This was to be a consequential amendment. After the voting on the amendment which has just now been announced, I do not propose to move this amendment.

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

"That clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

Clause 6 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Dr. N. B. Khare (Member for Indians Overseas): 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."

Sir Syed Raza Ali: At this stage which is the final stage, I would like to say a few words on the action that we have taken by agreeing to pass this Bill. Sir, I do not know what to say about the attitude of the Government of India. Like the famous Curate's egg, I believe it is good in parts. That is the utmost that I can say about the action of the Government of India. I must compliment my Honourable friend Dr. Khare who started in right earnest by convening a conference on the 7th of last month. That raised our hopes. We thought that after all here was a man of action who had succeeded another man of action. Let me make it clear that I had the pleasure of working with Mr. Aney, who unfortunately is no longer a Member of the Government of India or of this House, for more than 18 months. Now, that he is not here, let me say openly that I have not known any Overseas Member acting so courageously, so bravely and so independently as Mr. Aney did. It is too early to say anything about the Honourable Dr. Khare, but 12 Noon. the speeches that he makes in this House mostly consist of monosyllables. They are uttered in under-tones and altogether his attitude seems to be apologetic to the South Africans.

The Honourable Dr. N. B. Khare: Brevity is the soul of wit.

Sir Syed Raza Ali: Sir, my Honourable friend is right, but if he would look at his own colleagues, the most important of whom made a speech yesterday lasting an hour and a quarter, then I do not think the claim of brevity being the soul of wit would hold good.

[Sir Syed Raza Ali.]

Sir, the position is this. I am glad that this House has displayed some degree of unanimity on this occasion, but while I am not dissatisfied with what we have done to this Bill, I think the public cannot derive much good from it. The Indian Legislature cannot be of much help having regard to the constitution under which we are working. It is the Honourable Member Dr. Khare and the Government of India that count. Now, I hope my Honourable friend, after this Bill is passed which will I trust be done in a few minutes, will not take the view that he has done his duty. The time for action will come after the Bill is passed. The passing of a Bill is more or less a nominal thing. Again, the Bill itself is not sufficient if we are to awaken the sense of responsibility in the Union Government which it owes to its Indian South African nationals. Speaking generally, my comment on the policy of the Government of India is that the Government of India's policy always consists of defence; they are always on the defensive, they never think of taking the offensive. That is a very wrong policy. The best form of defence is to take the offensive and that unfortunately the Government of India have never done. My Honourable friend can say that there was no occasion for the Government of India to take the offensive so far as our relations with South Africans are concerned. That occasion was, if I may be excused for making a personal reference, when I was in that country and I put all my heart into the question of popularising the idea of giving franchise to Indians. I worked very hard for two and a half years. I addressed scores of meetings. A number of Indo-European Associations favoured this movement and that was just the proper time because the Native Franchise Bill had been passed. The South African is a manly fellow. Whatever his attitude may be towards our countrymen, the South African loves a fight. He loves giving a blow and does not mind receiving a blow in return. But the Government of India were frightened by his manliness. My attitude towards these people was that if they gave me a violent blow, I gave them an equally violent blow within 24 hours. I do not know what they thought of me but the general impression is that I got on very well with these fellows. That was the time when the Government of India ought to have concentrated on this question. I am not going to disclose what happened. I can say this that the Honourable Member in charge never stopped me from pursuing the policy I was pursuing. But my successor whom the Government of India appointed was a member of the Indian Civil Service and they knew that if another public man was to succeed me, they could not have their own way. Therefore, a man of the Indian Civil Service was appointed who would take his orders submissively from the Government of India without exercising his own judgment.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Did he upset your schemes?

Sir Syed Raza Ali: That gentleman was an Indian and he is a friend of mine. But whether the holder of the post is an Indian or an Englishman, nothing turns on that. Every member of the Indian Civil Service they appoint will wear the colour that is given to his political views by the Government of India. It will not be so with a public man. A public man after all is a public man. After five years, today is the first day that I have come across the word 'franchise' used by the present High Commissioner for India. Never before was the word 'franchise' used either by the High Commissioner or by the Government of India.

Mr. President (The Honourable Sir Abdur Rahim): This is the third reading of the Bill and the Honourable Member should not deal with matters outside the Bill.

Sir Syed Raza Ali: This Bill is a large part of the Government of India...

Mr. President (The Honourable Sir Abdur Rahim): This is not the time for this kind of speech.

Sir Syed Raza Ali: The point is this that if the Government of India know what they are going to do and how they are going to protect the interests of Indians from those Dominions, Colonies and Possessions which may take it into their heads to pass anti-Indian legislation, they have got to be quite clear and definite on the subject. My impression is that this Bill, important though it may be, only touches the fringe of the main problem. The main problem is much bigger. So far as the Bill is concerned, the most important thing that has got to be done by the Government of India, and the sooner it is done the better, is to make rules under that clause which empowers the Government of India to do so. If they are dilatory on this question, if they procrastinate and take a jolly long time to make rules, that would defeat the object of the Bill entirely. The whole subject was discussed the other day. I believe the debate that took place on most aspects of the question would be vivid to the mind of the Honourable Dr. Khare and I hope he will take action on the entire problem and will also avail himself of the rule-making power that has been entrusted to the Government by this Bill. This Bill is a very short measure; it is a halting measure, somewhat of a hesitating measure, but if the Government of India supplement the provisions of this Bill by taking courageous action in other directions, it may be that we will still go down but I hope in that case we will go down fighting.

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): Sir, I had no desire to make a speech on this particular occasion, but as I had not the right to make a second speech on the last amendment that was defeated by the House, I desire to make a very few observations for the purpose of knowing from the Government as to the method which they propose to adopt in framing rules regarding the enforcement of punishments. It took my breath away when my Honourable friend Sir Vithal Chandavarkar described himself as a lawyer. The attitude taken up by the Honourable Dr. Khare is excusable because he is not a lawyer. He said that we will have to regulate our punishments according to the scale of punishments prescribed by any offending colony.

The Honourable Dr. N. B. Khare: I am a surgeon.

Mr. K. C. Neogy: Very well. He should not venture to open his mouth on such questions. It is in a spirit of enquiry that I am making a few observations. Do I take it that there will be different types of punishments prescribed for the same kind of offence, if committed in respect of different colonies? For instance, if the infringement of any particular rule which may be prescribed by us takes place in the case of, say, a citizen of a particular colony, he will have to pay a fine of, say, one rupee, but if that same offence is committed by a citizen of another colony, he may be given a few stripes! Is that what is intended? If that is so, I should very much like to hear what the ex-Law Member of the Government of India has to say, and what he thinks about this scheme, and whether he is aware of any precedent in the whole legislative system of the world which might be cited in support of such a fantastic idea.

The next thing is this. We know that different codes prescribe only the maximum punishment in respect of different offences. Now, Sir, the code of a particular Dominion may have prescribed the maximum punishment in respect of the infringement of a rule which may be operating there, against which we want to retaliate here. Now, Sir, is my Honourable friend Sir Vithal Chandavarkar going to put forward the suggestion that in so far as the punishment to be inflicted in this country, must correspond exactly to the punishment which is permissible to be inflicted in the offending Dominion, we had better send the records of the particular case to the Government of that Dominion for advice as to what should be the punishment that is to be passed, having regard to the circumstances of the case, because otherwise the principle of strict reciprocity cannot be observed?

Mr. President (The Honourable Sir Abdur Rahim): The House has already rejected that amendment.

Mr. K. C. Neogy: I want information as to how the Bill as now amended is going to work in practice so far as this aspect is concerned?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member may make constructive suggestions.

Mr. K. C. Neogy: There is just one more observation and I will resume my seat. Does the Honourable Member suggest that there should be strict reciprocity in these matters of punishment in each individual case, and would he go so far as to give directions to the Magistrate that the punishment to be passed in a particular case must not exceed so much, or must be in the nature of a particular sentence in order to conform to his remarkable ideas of reciprocity? I definitely want information from whomsoever may vouchsafe it from the Government Benches—it may be the Honourable the Law Secretary, or it may be the ex-Professor of Law whom I find on the front Bench in the person of my Honourable friend Dr. Ambedkar,—as to what exact course the Government is going to pursue in this matter.

Sir F. E. James (Madras: European): Sir, I rise not only to congratulate my Honourable friend the Member for Indians Overseas on having piloted the Bill so far but also to clear up a misunderstanding as to our position on this Bill which apparently yesterday's debate upon clause 4 of the Bill revealed. The House will remember that this Group took a certain view of the amendment moved by my Honourable friend Sir Syed Raza Ali to reduce the period of exemption, from directions issued by the Central Government under that clause, from twelve months to six months. We took that view on purely practical grounds, a view which was incidentally shared by the Honourable Member for Defence. Sir Syed Raza Ali himself agreed when I said that in opposing his amendment, we were not doing so on the ground of any principle involved in the Bill. I remember my Honourable friend agreed and accepted that position.

Sir Syed Raza Ali: What all I said was that no question of principle is involved.

Sir F. E. James: My Honourable friend accepted that. But subsequent speakers, and in particular my Honourable friend Sir Vithal Narayan Chandavarkar persisted in suggesting that our attitude on what we regarded as a minor point modified, qualified and toned down the genuineness of our support of the Bill in particular and our attitude to the cause of Indians overseas in general. Now, Sir, I submit that that is hardly fair to the record of the Group in this House. It is true that yesterday we opposed this particular amendment. The Government of India itself did not know its own mind; it wobbled so much that it very nearly fell over itself. But when we realised that the feeling in the House was strong on this matter, we advised the Government Whip that we would withdraw our objections to the amendment, and eventually the Government accepted the amendment. Now, Sir, I should be sorry if any one in this House went away with any misunderstanding of our position as a result of the discussion on this small point. I should be very sorry if my Honourable friend Sir Vithal Narayan Chandavarkar, who is an old and valued friend of mine, were under the slightest misapprehension as to our position on this Bill. He has not been a Member of the House for a very long time, but I would remind him that for the last 15 or 20 years this Party has supported without reserve or qualification the cause of Indians overseas in this Legislature. I myself have on many an occasion asserted, as I did the other day, that if these difficult racial problems are not capable of solution within the British Commonwealth and Empire then those institutions will, as soon as their component parts secure their freedom, cease to be an association of various races and nationalities, and will become a commonwealth of white races alone. That would, in my view, be a great tragedy. A great ideal in which many of us have firmly believed, and still believe, would be lost for ever. This Party, of course, is entitled to express its views, as I hope the House will realise, as to the methods to be employed in dealing with these difficult problems, and the manner and the time of their operation. But I do trust that the House will in future realise that such views on what I may call the minor and practical issues not affecting principle, do not qualify or modify in any way whatever our general attitude to the problems relating to Indians overseas. I most sincerely trust that the House will accept this unequivocal statement of our declared policy. It is not

new, it is only a repetition. It is in the spirit of a policy which has now been pursued so long by this Party that it has almost developed into a tradition, it is in the spirit of that policy that we unreservedly support this Bill and hope that the House will shortly pass it into law.

Sir Vithal N. Chandavarkar: Sir, I would not have addressed the House had not Mr. Neogy and Sir Frederick James referred to a few observations that I made in the course of the debate. With regard to Sir Frederick James I should like to assure him that I had not the slightest intention to cast any slur on the honesty of purpose of the European Group. It is true that I have been a Member of this House for only a very short period, but I may assure him that ever since I began to understand the English language, I have been following the proceedings of this august Assembly very closely as also the proceedings of my own Provincial Council. I was also present at a meeting held in Bombay Town Hall in December 1913 when we met to protest against the policy of the South African Government. The meeting was held under the presidency of His Highness the Aga Khan and all the old stalwarts of Bombay in those days were present, and among these stalwarts were influential members of the European community in the city of Bombay. In their speeches and their attitude, their indignation was as strong as that of any Indian. Those of us who come from Bombay know the valued support that we have received from the European community in these matters and also in several other matters affecting the welfare of this country. Whatever may be the experience of other centres, those of us who come from Bombay, whatever differences we might have with the Europeans on other important matters, have had the privilege and pleasure of working whole-heartedly with the Europeans of our city in this matter.

As for Mr. Neogy I am afraid he misunderstood me. As far as the general principle is concerned, I am whole-heartedly with him that we should not leave the question of punishment to Government in the exercise of their rule-making powers. I do not refer to any other cases; I refer to the punishment to be provided for offences. As to what the quantum of punishment should be in particular cases, even a first-year student of the Law College knows that the matter is entirely in the hands of the courts and not in the hands of the Executive Government. The legislature can only provide the maximum punishment. If the amendment in question had been accepted, the punishment provided in that amendment would have been the maximum punishment and the hands of Government would have been tied. Even if Government wanted to enhance the maximum punishment, they would have had to come to the Legislature which meets at intervals twice or thrice a year, for amending the law. But, as I understand the situation, as a result of the defeat of this amendment the hands of Government are free and by the exercise of their rule-making power they can adjust their policy to the conditions of different colonies, and provide suitable maximum punishments. As for the awarding of punishment I do not think it is necessary.

Mr. K. C. Neogy: Sir, may I interrupt my Honourable friend? Is it his intention that the maximum punishment to be prescribed by rule in respect of one and the same offence should be different in the case of the different offending colonies?

Sir Vithal N. Chandavarkar: That is a matter of policy which I take it Government will decide. But if the South African Government provides for an imposition of a fine of £500, I would like my Government to provide for a fine of Rs. 7,500. If any other colony is not so harsh and is disposed to be more lenient, it is open to Government to make a different rule.

Mr. K. C. Neogy: May I have the Honourable Law Member's opinion as regards the juristic principle enunciated by the Honourable Member?

Sir Vithal N. Chandavarkar: It is not a question of any mere abstract principle of legislation or a penal measure. We are not dealing with a penal code dealing with offences of moral turpitude. It is a question of mere retaliation, and as to what the extent of that retaliation should be I will support any

[Sir Vithal N. Chandavarkar.]

provision which leaves Government a free hand, whether you believe in their honesty of purpose or not. In the present case, I, for one, am prepared to trust the Honourable the Overseas Member to safeguard the interests of the country.

Mr. Hooseinbhoj A. Lalljee (Bombay Central Division: Muhammadan Rural): Sir, I rise to congratulate the Honourable the Overseas Member for acting so quickly and clearly in this matter. Treasury Benches have acted in a manner which will satisfy the aspirations of the people. Very often with regard to the question of Indians overseas Government have respected the wishes of the people, and if we had some differences with Government that was because they would not enforce measures which the people desired. Our difference with Government in this case was with regard to the period of six months and 12 months. There also Government clearly said that their intention was not that it should not come as early as possible but that there were administrative difficulties, and I have no reason to believe that they are not as anxious as we are to move in the matter. There has also been a lot of discussion with regard to the penalty but there also it is clear that Government are anxious to inflict such penalties as the case would deserve. Many of us of course feel that if it is in the Act it will strengthen the hands of Government; and my plea as a businessman is that even now if they take our advice it will strengthen their hands and enable them to carry out their wishes. I agree entirely with Sir Vithal Chandavarkar that in Bombay as also in other parts of India our European friends,—though I like better to call them our British friends,—have been very fair and sympathetic with regard to this question of the treatment of Indians overseas. And I believe they can exert a good deal of influence over their people in England as well as in South Africa and help to avoid the prevailing bitterness. Sir, I once again congratulate Government on having carried out at once the desires of this House and acted seriously in this matter of the treatment of Indians in South Africa.

Sir Muhammad Yamin Khan: Sir, I am glad that Government did not lose any time in bringing this measure before the House and they realised the feeling of the country in regard to this matter, and I whole-heartedly support this Bill. We had our differences with regard to certain clauses but we abide by the decision of the House as declared by the voting. I do not want to go into the details of the different clauses as have been adopted here.

I am very glad that my Honourable friend, Sir Frederick James, has made the position of his Group very clear, and I am glad that they are at one with the rest of the Indians in this matter and they will give their wholehearted support as far as the treatment of Indians in the Colonies and Dominions is concerned. I am also very thankful and grateful to Sir Frederick James for the revelation which he has made, namely, that the Government was guided by their views in withdrawing the objection which they had proposed. As soon as the Government found that the European Group had no objection, they accepted the amendment of this House. It is a great revelation indeed and I am glad that Sir Frederick James has enlightened this House that the Government is always guided by the views of the European Group even in matters on which the Indian section feels very strongly, and they can only accept the amendments if the European Group has got no objection. The House ought to be very grateful to him for knowing this secret understanding between the Government of India and the European Group.

Another suggestion which I would like to make is this: The House will remember that in the beginning of the war—probably it was in 1940—this House showed great leniency to the South Africans in not raising any objection to their getting into the Army, and I suppose there are many people from South Africa who have got Emergency Commissions in this country. In giving effect to the provisions of this Bill, I suggest that the Government should not forget this fact. The feeling of Indians is that these people should not be placed over their head as officers. The Government should see that either these people,

who have got the King's Commission or the Emergency Commission for the duration of war, should be sent back from the Indian Regiments to the British Regiments or to any other Regiments—I have no suggestions to make in this respect—but they should certainly be removed from every position in which they are in any capacity working as officers over Indians. That position we do not want to see. As they hold Commissions and are British subjects I cannot make a proposal that Commission should be taken away from them, because that is a service to the King and the Empire and they have to remain in that capacity. I only want that these people should be transferred to such positions where no Indian may feel that he is placed under any man from South Africa.

Another suggestion I would like to make is that those people who gave their nationality in the beginning as 'domiciled in South Africa' should not be allowed to change it now, and any plea that domicile has been changed since then should not be accepted. Whatever nationality was given at the time of recruitment or getting the Commission should remain as absolute for the present until further decision is made by this House.

These were the suggestions I had to make. The courtesy shown by this House in the matter of treatment of their nationals has not been properly responded to by the South Africans and they should not be allowed to utilize that any more to their own benefit and to our disadvantage. They must realize that we feel that they have not correspondingly shown us the same treatment which was shown to them, and therefore we want to withdraw that. With these few words I support the Bill as it emerges now.

Sardar Sant Singh (West Punjab: Sikh): Sir, I support this Bill. I have watched with interest the first activity of the Honourable Member whom we had the privilege of associating with on the Bench just opposite to that where he is sitting today. The change from that Bench to this Bench probably has been a revolutionary one, and the first Bill that he has been called upon to pilot in this House is a battle between the two feelings which I am sure he possesses today: One is the feeling of independence which he used to show from the Opposition Benches and the other is the re-reading of the Government of India Act by which he has come to realize that the Government of India is not a sovereign body. It is a subordinate body and as such it takes its inspiration not from this House or from the people of this country but from the Secretary of State sitting in England. Conflicting feelings of this sort must have modified him a great deal when framing this particular Bill.

There is no doubt that this country is in a very unhappy position in regard to its nationals living abroad, particularly in South Africa. It is always at critical moments that the South African Government moves to place more restrictions upon the liberty and the freedom of the Indians living there. It is surprising to note why the British people and the American people and those Governments which are in alliance with the British people at this critical juncture have permitted one of themselves to take a measure which can be said, without any fear of contradiction, to help Hitler rather than the cause of Allies. To go against the nationals of this country who are living in an Empire which is said to be 'Commonwealth of Nations' is really to help those who are against us and who are our enemies. However, that step has been taken. An appeal has been made to us that we should not be guilty of the same act as the South Africans are. There is a good deal of force in this argument, but may I ask those who make this appeal whether they realize that the courtesy and oriental culture which is behind such an appeal has been understood in that country as a sign of weakness and not as a sign of greatness. In a country where such considerations are taken to be our weakness, we are afraid we are compelled to take action which will show that we are not weak but we have got some self-respect and we can retaliate also. What form this retaliation is to take is a matter left entirely in the hands of the Executive Government.

The very fact that his Bill was passed in the last Session of the Assembly and it has been amended today, should give an impression to the world at large

[Sardar Sant Singh.]

that India does not mean to remain at standstill but is bent on taking some action. Certain aspects of retaliation have been indicated by several Honourable speakers who have preceded me. I am at one with them. But may I ask Honourable Members that without taking into consideration the question whether proportionately we can hit back as strongly as South Africans can hit Indians, will it not be the right way to hit back even if it is to hit them mildly?

Mr. President (The Honourable Sir Abdur Rahim): Is the Honourable Member speaking with reference to this Bill?

Sardar Sant Singh: I am referring to the Bill. Hitting back is an indication that we refuse to accept this humiliation lying down. There are certain imports from South Africa to this country and *vice versa*. Isn't it possible to stop them? The other method which I want to endorse is the view expressed by my Honourable friend who preceded me. As regards commissions in the army, it may not be practicable politics to say that these commissions should not be taken, but it is practical politics that they should be transferred to other units. At the same time I would suggest that the Government should adopt the policy of refusing to issue fresh commissions.

Sir Muhammad Yamin Khan: Which Government should refuse issuing Commissions?

Sardar Sant Singh: The Government of India.

Sir Muhammad Yamin Khan: But the commission is given by the King.

Sardar Sant Singh: But it is not without consultation with the Indian Government. I assume that they have a voice in such matters and they will assert themselves.

The point I want to make clear is that it is not a very gratifying thing to know that the Secretary of State of India has told us that he can do nothing in the matter. It should be pressed upon the Secretary of State that the Indian feeling in this matter is very strong and the Colonial Secretary should be asked to interfere and stop any further disqualifications on Indians.

Sir Syed Raza Ali: You mean the Dominion Secretary?

Sardar Sant Singh: Yes. I would therefore ask the Government of India to be up and doing and say to the South Africans that the Government of India is taking this matter very seriously and they mean business this time.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): The other day I congratulated my Honourable friend, Dr. Khare, on the expeditious manner in which he had sought to implement the recommendations of the conference that met here a few weeks ago. The Bill which he placed before us was good in certain parts, and it was our intention to improve this Bill to such an extent that it would be good in all respects. Unfortunately, there has been a considerable difference of opinion between the Legislature and the Executive and I am sorry to find that my Honourable friend succumbs to the wiles of the Executive and ignores the views of the elected Members of this House. Sir, this is a typical bureaucratic attitude. I wish him success in his career, but I hope in future he will look to the elected Members of this House for an inspiration and not to the nominated bloc or the European Group. Sir, this Bill ought to have been further improved. But something is better than nothing and I have to support the motion, though not quite willingly, which has been moved by my Honourable friend Dr. Khare.

Maulvi Syed Murtaza Sahib Bahadur (South Madras: Muhammadan): I associate myself with my previous speakers in congratulating my Honourable friend, Dr. Khare, who was once a non-official Member on this side and who has now the honour of being an official Member.

Sir, this question of Indians in South Africa being ill-treated has been a burning question for the last three decades or so. I may be permitted to make certain observations regarding this. This could not have reached such a pitch as it has, had the Government of India and the British Government taken an active part in mending matters. They regarded Indians as nonentities. As a

matter of fact, they still regard Indians as "nobodys" and that is why our cause is being ignored, not only by this Government but also by the British Government. Therefore it is that we have to congratulate the Government at least now, and particularly the Honourable Dr. Khare at having introduced this measure. At the same time, Sir, I cannot help passing a few remarks. The amendments proposed by some of our Honourable friends as the House is aware were modest ones. Only two of them were approved of by the Government. The others have been rejected and that is why we do not feel very happy over the passing of this Bill into an Act. Sir, I do not want to occupy any more time of the House.

Mr. Kailash Bihari Lall (Bhagalpur, Purnea and the Sonthal Parganas: Non-Muhammadan): It is the general practice that during the Third Reading of a Bill the Honourable Member in charge is congratulated and the feeling is expressed that the Act may prove to be a good one. But on this occasion certain amendments have been rejected by Government and it is due to this that there have been some harsh speeches. Some have already suggested how the Act should be put into operation. I have nothing much to add. We have seen the anxiety of Sir Vithal Chandavarkar for arming the Executive Government with unlimited power so that Government may be able to take proper steps in due course. But my own apprehension is this. When there was a hint that Dr. Khare was not a lawyer, he said that he was a surgeon, indicating thereby that his operating knife would be better put into action when this Act was brought into force. My fear is that in the company in which he is or in the atmosphere in which he is, he may be reluctant to use his knife as he has indicated, and a time may come when, if the Government of South Africa gives a slap on the face of an Indian, he may be inclined to reciprocate it by imprinting a kiss on the cheek of the South African.

The Honourable Dr. N. B. Khare: Kick is the proper thing, not kiss. I thought you meant a kick.

Mr. Kailash Bihari Lall: My only apprehension is that there may be that sort of reciprocity. I do not want to say anything excepting, as remarked by other speakers, that we only wish that it may be put into operation in the spirit in which it has been adopted. As our Hindi saying goes:

"Nahi Mamoo se Kana Mamoo Bhala".

When there is no maternal uncle it is better to have an one-eyed maternal uncle than to have none. When there is a prospect of none, it is better to have a Reciprocity Act-like this, and I hope it will be put into operation in the spirit in which it has been supported. With these words, I congratulate the Honourable Member.

Sir Cowasjee Jehangir (Bombay City: Non-Muhammadan Urban): Let 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.

The Honourable Dr. N. B. Khare: I must say that when my Honourable friend, Dr. Banerjee, charges me with succumbing to wiles or things of that sort—I do not know what he means by wiles—he is indulging in mid-Summer day-dreaming. Let me assure him point blank and frankly that there have been no wiles of any kind and no succumbing. Let him disabuse his mind as soon as he may if he likes to do so. Then, another friend over there was very glad that perhaps in my person he has got a *kana mamoo* and that it is better to have an one-eyed uncle than to have none at all.

Mr. Kailash Bihari Lall: May I explain? *Kana mama* is the Act and not yourself.

The Honourable Dr. N. B. Khare: I stand corrected. It does not matter. I think this philosophy which he has come to adopt on his return from jail and rejoining this House will perhaps find a better field elsewhere. I congratulate him for this change in his attitude and I hope he will appeal to other people, I mean, his other friends also. This philosophy, which he has already adopted

[Dr. N. B. Khare.]

with success, means, in short, that half a loaf is better than no bread—a very good philosophy in life. Let him appeal to other people, his friends, who are outside somewhere, I do not know where they are.

In this debate no new points have been raised that necessitate any reply from me, but I have been asked specifically by my Honourable friend over there to reply to a certain point, which I will do here. He has asked me as to what is the practice in other countries? Am I going to consult other countries and send some representatives from here to those countries where such an Act may be in operation? My Honourable friend is not in his place, I am sorry. But, I must say that so far as I am aware there is no Reciprocity Act in any other country which he can think of. India is the only country which has the misfortune to be required to have this legislation passed of a reciprocity nature. It is a misfortune, we should be sorry for it. Therefore, if there is no Act in other countries I cannot tell him what is the practice in those other countries.

Sir Syed Raza Ali: I do not want to interrupt my Honourable friend. He is not right. To the best of my recollection there is an Immigration Act in South Africa and there is an Immigration Act in force in the United States of America, both of which are based on principles of reciprocity in matters of immigration.

The Honourable Dr. N. B. Khare: This is not immigration. This Reciprocity Act prescribes the treatment to be meted out to the nationals of those countries here.

Sir Syed Raza Ali: That is what I mentioned.

The Honourable Dr. N. B. Khare: This Act gives power to Government to impose same or similar disabilities upon the nationals of those countries or colonies or dominions where some disabilities are imposed upon our nationals. It is a fact that treatment meted out to our nationals in those countries or Dominions is different in different countries, and we have to make rules which have necessarily to be different for each of those countries, and the punishment which we will impose will be different. That is all I can say. As I said before, I am a surgeon, I am not a lawyer.

Sir Syed Raza Ali: Use your knife against South Africa.

The Honourable Dr. N. B. Khare: I know when to use a knife and when to stop using a knife also. You cannot use a knife without knowing its consequences. You should not kill the patient. I will say that if anybody has got a very big abscess I will make a deep and big incision. If it is a small abscess I will make a small incision. But if he has got gangrene, I will necessarily amputate.

Sir Syed Raza Ali: This is a case of gangrene.

The Honourable Dr. N. B. Khare: That should be left to the Government. I assure the House that when we frame rules pertaining to these various things we shall certainly be advised by our legal advisers and Government will frame them in consultation with the Legal Advisers. I hope that is sufficient for the House and I do not think there need be any misgiving on the part of any Member whatsoever and I appeal to the House to pass the Bill.

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

"That the Bill, as amended, be passed."

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, as reported by the Select Committee, be taken into consideration."

When this matter was last before the House I promised that I would send the Bill to the Delhi University and place the opinions of the Delhi University before the Select Committee when the Committee met. The Committee met

at the end of May and had before it the opinions of the Court of the University, of the Executive and Academic Councils sitting together, and of the Vice-Chancellor. The Report is before the House. I propose to let it speak for itself. I would only like to call attention to the great degree of unanimity that has been achieved, up to the Select Committee stage at all events, with regard to this Bill, unanimity not only about the changes that we should make in the Delhi University Act, but, also about the things that we should leave standing in the parent Act.

As regards the changes, which were, of course, the only matters that figure in the Select Committee's report. I would draw attention to the unanimous character of the decisions arrived at in the Select Committee on such important matters as the method by which the whole-time Vice-Chancellor, if there is to be one, should be chosen, as to the composition of the Committee of Selection in the University and as to the authority and machinery for according or withdrawing recognition of colleges. On one major issue in the Bill, the three-year degree course, there was unanimity with one exception, one dissentient. The House will, of course, give due weight to the expression of misgivings of the dissentient member of the Select Committee, taking into account his great experience in University matters elsewhere; but I hope that the time will come when Dr. Banerjee will see that his misgivings are unjustified and his pessimism was not called for and that he will live to admit the mistake.

I should like to make one more observation. The Committee as it met was not quite complete. We were, through no fault of our own, somewhat circumscribed as to our choice of dates for the Select Committee. We fixed a date on which we had good reason to believe we could have the attendance of all the members of the Committee. Unfortunately, my friend Sir F. E. James was unable, with his colleagues, to tear himself away from the scenes of the trials and triumphs of the Eighth Army in the Middle East and at the time that we got word that he could not be back by the date fixed, it was impossible for us to change our dates. I very much regret that we had to sit in his absence. We should very much have valued his great abilities in our committee. I do not propose to say anything more at this stage. I move that the Bill be taken into consideration.

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

"That the Bill further to amend the Delhi University Act, 1922, as reported by the Select Committee, be taken into consideration."

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Sir, I move:

"That the Bill be circulated for the purpose of obtaining opinion thereon by the 31st December, 1943."

Sir, you will remember that when the Bill in its original form was presented to the House I moved a similar motion. The Bill was referred to the Select Committee but I now find that very great changes have been made, which necessitate that the Bill should be circulated for eliciting opinion thereon. This University is called a residential university but if we look into the methods adopted by the University we find that it has none of the characteristics of such universities. It ought to be the concern not only of the professors and teachers but also the concern of the taught and the parents who send their children for education and there are other interests in the country which ought to have their say in the matter of this University. The universities in India, when they were first started, were particularly meant to produce clerks and ministerial officers. Now those days are gone and the country does not any more stand in need of such requirements. The country requires progress of education in every sense and keeping this in view various changes are required to be made in the constitution of the universities particularly of the type of residential universities. Here, this Bill, although it is called an amendment of the Act of 1922, is so far as I can see, a new Bill. A number of new statutes have been substituted and many new matters have been brought in and the

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courses of study for degree and diploma are going to be changed. This is the first type that we find in India and therefore it requires much greater consideration by the people and particularly by the citizens of this province. This Bill does not affect Delhi only but it affects the country at large in many ways. Therefore we should be very cautious before we pass on to consider the various clauses of the Bill. We know from the last census that the progress of education in India is very slow and, subject to correction, I say that it is practically illiteracy which reigns over the country. In a country where the illiteracy is about 87 per cent., is it not pitiable that during the last hundreds of years we have not been able to spread education in such a way as to make the citizens of India, even half of them, to be literates? Now, the view of the Universities in India should be for the progress of education. They should impart education not only of the type which was required in the old days when the British rule was established in this country but we should give education on various subjects. The country and the Government of India as well have felt all of a sudden the necessity of technical education and they are trying their level best to achieve that end. I should say that during the course of a year thousands of technicians have been produced and with much rapidity and their merits are not of an inferior kind. When the time for this necessity came, the Government became alert. So, when legislating on a matter like this, we should keep all these things in view. In this measure I do not find anything helpful to advance the type of education which the country needs the most, namely, industrial and technical education. Very meagre provision has been made in this Bill on this behalf. The country stands in need of suggestions in regard to this type of education, so the legislature may realise how far their suggestions will be of use to the country. These are the days when we should not be content with mere theories

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.

Maulvi Muhammad Abdul Ghani: I was speaking this morning for sending the Bill for circulation. This is the time when we should have regard for the needs of the country as a whole. In this connection, I want to draw the attention of the House to the Education Report in India 1938-39, which is the latest issued by the Department of Education. It says among other things that considerations among others necessitate a changed attitude towards educational problems. Refer page 27 of the Education Report, Government of India 1938-39. It speaks on: (a) an increasing desire among educationists and others to bring about changes in the educational system in view of the altered conditions of life, (b) the growing volume of unemployment among the educated classes, (c) the emphasis laid on purely literary forms of instruction in schools, (d) the inadvisability of too frequent examinations and so on and so forth. There are about eight or nine suggestions which in the view of the Central Board of Education have to be considered now, and these are the right times to consider all the necessary changes required to be made in the legislation of universities.

Now, Sir, this legislation is before us, and we find here that those views of the Central Advisory Board of Education have been ignored. Therefore there is no hurry for taking the Select Committee report. I suggest that it should be circulated. At the time when the Bill was introduced, it was said that the opinions of all persons and parties interested in the welfare of the Delhi University will be considered. Up till now, so far at least I am concerned, I

have no knowledge of the opinions of either experts or of anybody interested in education. In the absence of such opinions, I am justified in tabling my motion for circulation of the Bill again. This University was founded in 1922 as a residential University and from the results achieved up till now, we are very much disappointed and people here, on account of the impending changes proposed to be made in the University, have sent their wards to other Universities, and even an Intermediate College like the Ramjas College has got itself disaffiliated from the Delhi University and got affiliated to Allahabad University. This University has just imposed a qualifying test which has proved very disastrous to the students in securing admission to the degree class which is going to be three years hereafter. If you have any consideration for the results of the admission during the various years, you will find they are disappointing. During 1935-36, the admission of students was 2,344; in 1936-37, it was 2,172; in 1937-38, it was 2,279. I cannot say what is the number in the year under review, that is 1943-44. Having regard to the results, it is not encouraging. We know that a lot of taxpayer's money is being spent on the maintenance of the Delhi University. About a year ago we made a special grant for this University, probably buildings. After all we did make this grant for the maintenance of this University.

Having regard to the report of the Select Committee we are very much disappointed that there has been no improvement of any kind, except one which may be called a retrograde or onward step, and that is the three years' degree course which has been or is going to be introduced here. It has frightened students who have taken refuge in other universities and the fate of those who appeared at the qualifying examination is well known to every one; perhaps only 4 or 5 or something like that came out successful in the qualifying test. I find here that the interests of professors and officers have been safeguarded and adequate provision has been made for them but not much attention seems to have been paid to the needs of the present and future generations of young men. Therefore it requires the views of various interests to be offered on it. We are having an amendment of the Act and it is our duty to see that it is amended to suit the needs of the students. There also we have been disappointed.

Recently the Central Advisory Board of Education have set up five kinds of expert committees one of which will inquire into the system of examinations prevailing in the different Indian universities. That committee is now going on with its work and the result, so far as this University is concerned, will be known by the Examination Committee's Report. The determination of the kind of examination to be introduced into a university should wait till the views of this expert committee are known. It is not desirable that in the name of a residential university we should have an examining body. After all this University is an examining body like other universities; a certain number of students are enrolled every year who receive education and are examined. No particular system of examination has been provided here. In the west there is not one single university which only examines the boys; they give such kind of education as would enable the students to have knowledge of the subject taught. Here such training is given as makes the students grope in the dark and they do not know what has been taught to them. They are accustomed to cramming and somehow or other pass the examinations. It is very discouraging and very hard on the younger generation; their whole spirit is crushed by this system of examinations. For instance, a student prepares and sits for a certain test. He passes in all subjects except one, but in the next year he has to appear in all the subjects in which he has previously passed as well as the one in which he failed; and it may so happen that he passes in the subject in which he had originally failed but fails in some other subject, and he has to sit for the whole examination again. How long should such things be allowed to continue? Is it fair or just that once a student is tested in a certain subject and found efficient he should again be made to sit for a test in that very subject? No reasonable person can accept that theory or

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support this kind of examination. There is no system of compartmental examination as in the Western universities where boys who fail in one subject have to undergo another test only in that subject, and that also not after a year but only after a few months so that his progress is not impaired. He has to wait only for a certain period and during that time he is not prevented from going and joining the higher classes. Here too in the law classes a student is allowed to go on to the final course even without passing the preliminary examination but before being allowed to be declared as passed he must pass the preliminary examination.

Sir Cowasjee Jehangir (Bombay City, Non-Muhammadan Urban): What provision of the Bill is that in?

Maulvi Muhammad Abdul Ghani: There is no provision here. I want that some kind of provision should be made here.

Sir Cowasjee Jehangir: Is that not a part of the administration of the University?

Maulvi Muhammad Abdul Ghani: If we provide in this legislation that they shall have to frame their statute in such a way that it shall include these facilities, it will improve the Bill considerably. All these schemes are wanting here and I simply urge that no consideration is being given in any university in India to encourage the younger generation, and all efforts are made—whether intentional or unintentional, I cannot say—to crush the spirits of the younger generation. Sir, you know the way in which the professors and teachers behave towards their pupils and you may compare their behaviour with those in this profession in other countries. There they treat their pupils like their sons on equal status when they are out of the college, whereas here it is just the reverse. Here the teachers and professors try to pass themselves as masters in the real sense of the word and not as well-wishers like a father to a son. In no university you will find that spirit here. These elementary things are wanting in our institutions and unless all these things—though minor in themselves—are taken seriously into consideration, the progress of education in this country will go in the backward direction notwithstanding all the increase in expenditure on education. We know that the Government of India and other bodies prepare reports. These reports may be of use to the Government to show to the outside world that various Provincial Governments and the Central Government spend such considerable amounts of money over imparting education to the people of this country, but that is only for propaganda purpose and not for the actual benefit of the country.

If you will compare the results in the sphere of education, you will find that it still requires about 384 years more to educate each and every one in this country. In the progress report for the year 1938-39 on page 3 it is stated:

"The percentage of people under instruction in all recognized and unrecognized institutions has increased from 5.38 to 5.64."

That is to say, during the year 1938-39 the progress was 26 per cent. only. Calculating on this basis, it will require 384 years to give literacy to the people of this country. Well, the Government may therefore come forward and say that they have not so far spent 384 years in this country and therefore we should wait and see. According to the last census, the progress which we have made in respect of literacy so far is only 13 per cent. of the population, which is very discouraging.

I want to place before the House a few things more. Here the composition of the University includes certain kinds of interests, but in my opinion there are many interests which are left out and some interests are inadequately represented. I will give you an indication. So far about 96 amendments have been tabled in respect of this Bill. That shows that there is a great deal of difference of opinion in regard to different clauses of the Bill and it should be circulated for opinion. I do not think there is any great hurry about the passage of the Bill. On the last occasion I said clearly that unless there is

some interest to be protected or there is someone waiting behind the screen whose interests are to be safeguarded we should not hastily pass this Bill. In saying that I am not imputing any motives to the Government, but I am just saying that it may be like that. What we should have foremost in our mind is that we are dealing with something which concerns the youths of the future generation, and therefore even if there are any other interests they can be sacrificed. I, therefore, say that if we have any desire to change the legislation, we should wait and have the opinion of experts whom we have appointed—and by the use of word "we" I mean the Government of India and we should not sit on judgment at this stage. Let the University run in its own way.

3 P. M. The only amendment necessary, in my opinion, is to have a salaried Vice-Chancellor and nothing more. In all the universities a similar thing should run. Then it would give facilities to the guardians and to the youths of the country.

I have said that certain interests have suffered on account of their inadequate representation on the University. There are several kinds of bodies which guide the destinies of the Delhi University, e.g., Readers and Professors, Members of the Court, of the Executive Council and of the Academic Council: there are the Faculties of Arts, of Science, of Law and others.

The University was founded in 1922 and during the 21 years that have elapsed no adequate representation has been given to a section of people whose percentage here is above 40 per cent. I am not introducing any communal colour. But so far as the Muslims are concerned they have received most inadequate representation and in support of my contention I want to cite before the House certain figures:

Out of ten officers in the University there is not a single Muslim. Out of 30 Professors and Readers there are only 5 Muslims. Out of 123 Members of the Court only 24 are Muslims. These have crept in on account of the nomination system introduced by the Chancellor of the University. Out of an Executive Council of 24, only three are Muslims. Out of an Academic Council of 44 only six are Muslims. Out of 25 members of the Faculty of Arts only 4 are Muslims. Out of 24 members of the Faculty of Science only 3 are Muslims.

In short there are 332 seats of which 44 are given to Muslims, the percentage being in the neighbourhood of 10.2, I will only say that this section of the population deserves adequate representation.

I should have thought that some kind of provision should have been made for technical education upon which the various reports of the Central Advisory Board of Education have stressed. In view of the absence of any provision for technical education I do not think that there is any necessity for any amendment of this nature. But if the Government is bent upon having the Act amended, then they should consult the various classes of people and various classes of interest affected, as to what kind of education they want. After hearing those representations, then it will be fair and just for the Government to pass any kind of amendment with additions or subtractions as the case may be, and the expenditure on this university may then be justified. With these few words I move my motion and I hope that the House will at least agree with me that there is necessity for changing the scope of the University to the extent required by the new type of education as suggested by the Central Advisory Board of Education, and this can only be done by sending the Bill for circulation for getting the opinions of people affected.

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

"That the Bill be circulated for the purpose of obtaining opinion thereon by the 31st December 1943."

The next motion, if it is moved at all, is Dr. Sir Zia Uddin Ahmad's motion for recommittal to the same Select Committee. Does he want to move it?

Dr. Sir Zia Uddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Yes.

Mr. Deputy President (Mr. Akhil Chandra Datta): Before he moves it the Chair must be satisfied that that motion is not a dilatory motion. *Prima facie* it is. That is why I ask Dr. Sir Zia Uddin Ahmad to satisfy the Chair that

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it is not. I might tell him how I should like to proceed, because if he can satisfy the Chair on this ground, first, that this course is rendered necessary by the manner in which the Select Committee has handled the Bill—that is one of the grounds on which this motion can be moved. Another alternative ground is that unforeseen circumstances have since emerged after the Select Committee reported. Under either one or both of those grounds the motion will not be dilatory.

Dr. Sir Zia Uddin Ahmad: There are certain points in the Bill which I find I cannot improve by only amending certain clauses. They require thorough consideration and that is the reason why I suggested this particular amendment.

Mr. Deputy President (Mr. Akhil Chandra Datta): That is all your ground?

Dr. Sir Zia Uddin Ahmad: Yes.

Mr. Deputy President (Mr. Akhil Chandra Datta): I do not think that is a proper ground for allowing this dilatory motion.

Dr. P. N. Banerjee (Calcutta Suburbs—Non-Muhammadan Urban): But he can speak on the main motion and the circulation motion?

Mr. Deputy President (Mr. Akhil Chandra Datta): Certainly. **Dr. Sir Zia Uddin Ahmad.**

Dr. Sir Zia Uddin Ahmad: Sir, before I mention the grounds on account of which I differ from the recommendations in this Bill I would like to submit one point as the background, and that is, the University is intended for the benefit of the people living here. We should realise in our mind what kind of people we have to deal with. Here in Delhi we have got a very large population connected with the Government of India. There are persons who come and go. They are drawn from different provinces. They stay here for a certain number of years and they may be transferred to any part of the country. When we revise the constitution of the University we must keep in mind the requirement of this population. Their children come from any university at any time of the year and they go back to any province. This is the class of people whom we have to consider when we draw up a constitution for this University. Again, we are now enacting a Bill in the Central Legislature. This is an opportunity when we should keep in mind the defects in the working of the various universities created not only by the Central Legislature, but also universities created by Provincial Legislatures, and we ought to give a lead to all the other universities.

There are three or four major points which require very serious consideration. First is the question of appointment of Vice-Chancellor. This is a very thorny question. We have now got the experience of many years where we have got different conditions in different universities, and we ought to review the whole question and find a solution. Till the publication of the Calcutta University Commission's report in 1918, the practice had been that the Chancellor appointed the Vice-Chancellor whose term of office was two years and the post was honorary. That was the practice, but we should not forget that in those days the universities were only examining bodies; they were not teaching universities. The Vice-Chancellor had nothing to do with the discipline of the students. That system worked very well for a certain number of years. It drew men from public life, very often from the High Court, to work as Vice-Chancellor for two years and they guided very ably the affairs of the universities. But after the report of the Calcutta University Commission, it was accepted that the primary object of a university is not to hold examinations but to teach. When the function of teaching became an integral part of the universities, everybody began to think that they could not have part time, unpaid Vice-Chancellors. They required a practically whole time officer to look after the teaching, discipline and the administration of the university. Then we had different methods devised after this report for the election of the Vice-Chancellor. In our university we found that the primary selection was made

by the Executive Council and the Court was the final authority for the selection of the Vice-Chancellor. So, the whole thing depended upon the vote of the Court. The working of the several universities shows that this is not a very happy academic procedure. When the election of a high salaried officer depends upon the votes of a large number of people, then it very often degenerates into a kind of political election where the members of the Cabinet try to keep their own party in a majority. Now, that has not proved a very great success. In other cases we found that the selection is made by the Chancellor out of the list recommended by the Executive Council, as in Dacca and Lucknow. That is really much better than the final selection by the Court. In the Aligarh University, the thing is very different. Any member can get up at the meeting of the Court and propose any name whatever and the matter is decided by the vote of the members of the Court. This has also not proved a success. I think in this particular case, the Delhi University, as the Bill emerges from the Select Committee, has given a lead. They have now suggested that we should have a committee of reference, consisting of three persons and they may make certain selections and the final nomination should be made by the Chancellor. This is no doubt a lead given about the election of the Vice-Chancellor but as it is, the provisions of the Bill are contradictory. If you go to clause 23 of the Statutes, the position is reversed. The Vice-Chancellor is appointed for two years, by what method, I do not know. The term of the appointment as suggested by the Act differs from what is mentioned in the Statutes of the same Bill. That is one method and also there is a second method which is the point which I would very much like to be made very clear as to how the Vice-Chancellor is to be selected. It is not a question of personalities at all. It is a question of principle and I think the principle which we should accept is that the recommendation should be made by a committee of reference of three persons who are not connected with the university. They should select the best men they could find. They recommend two or more persons and the Chancellor may make the final selection. That is really a good step forward which, I believe, the other universities should also follow. This method of selection is very similar to the universities in Europe. The selection is always made by an impartial committee having no direct connection with the university. When we come to the other details, such as remuneration the question becomes complicated. It is much better to leave these things alone. Some rich person may not like any remuneration. Others may not be able to support themselves without some remuneration. I would rather leave this alone. The question of whether emoluments should be given and if so what emoluments should be given should be left to the Chancellor. After all, for the sake of emoluments, we should not sacrifice the best interests of the University. We must select the best man and see under what conditions we can get him. It is much better to leave this thing vague, instead of discussing whether it should be 1,500 or 2,000 or 2,500. We must leave it to the Chancellor to decide in each case on what conditions the best man could be secured. That is one point on which I am not quite happy and this point requires serious consideration.

The second point which requires very serious consideration is the migration of students from other universities to Delhi University and back from Delhi University to other Universities and professional colleges. This thing is left absolutely vague. Clause 11 amends section 36 of the Act but this particular point could not be visualized in any manner whatsoever, whether they propose to have it done by ordinances or else how it will be done. I may tell you that I individually am in favour of a three years' course and I want that this experiment of a three years' course must be tried under most favourable conditions. If this scheme fails, no other university will follow the three years' course. I am strongly of opinion that this is an improvement but this experiment must be tried under most favourable conditions and we have to recognise what class of students who have to deal with. We will probably have to organise in Delhi

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A special class whose standard may be the standard of the 11th class for the benefit of the students who desire to join Delhi University after passing Matriculation examination. Here in Delhi we have split Intermediate classes into two, one class goes to the University and the other class goes to the High School. We have here to deal with a class of schools which are superior in type but must remember that the majority of our students are drawn from the officers and servants of the Government of India. In other provinces such as the Punjab, Bengal, Bihar and so on, they have not got this type of schools and the students from there come over here for admission to the university. What will they do. You will have to provide some kind of preliminary class connected with the University for the benefit of these students. I see no hint given anywhere that a preliminary class will be opened in the case of students from these schools and after some tests they will be admitted to the first year class of the university.

Then the second thing is that the students who will come after passing the Intermediate should be put in the second year. The one year that they have put in in other universities should count. There ought to be a provision in the Bill that any student who has attended one year's course in a college elsewhere may be admitted in a class higher than the first year. Of course, in England, the conditions are the same all over the place. There, the standard of the high schools is the same and the standard of the universities is the same. There is no need, therefore, to cater for the students who are educated under different conditions. In a country like India, conditions differ enormously. It is very desirable, therefore, that we ought to cater for this class of people who come from different universities. Therefore we ought to make a provision that the students who come here after passing the Intermediate examination, either of the Secondary Board or of any other university, should receive special concessions and should be eligible to join the second year class of the university and not the first year.

Then about the students who go back from this University to the provinces. Those who have completed the second year class and go back to their universities will not be able to join the third year class unless there is some kind of test. We should institute special test at the end of the second year for those students who want to go back, which may be recognised by other universities. Therefore, though we may not have a kind of general examination for everybody, I think for the benefit of those who want to go back to their universities, we should have some kind of test at the end of the second year class, not for all but only for a few and this test should be recognised by other universities as equivalent to their Intermediate examination.

We should also keep in mind that in most of our professional colleges the conditions of admissions are higher than the Matriculation and lower than the B.A. Nearly all the medical colleges in India take those students who have passed the Intermediate examination with medical group,—chemistry, zoology and biology. Most of the engineering colleges admit students who have passed the Intermediate examination in science with mathematics, physics and chemistry. What would happen to those who want to join the professional colleges? Will they have to take the whole B.Sc. and then join? If so, their course will be increased by two years. Or for the benefit of those who want to join the professional colleges, University will introduce a special course both for medical as well as for engineering students? These are the two things which we will have to cater for the students who want to go back from the University to the professional colleges and to other Universities and also to cater for those who come under different conditions from the provincial Universities to the Delhi University. Unless we make arrangements for these things, the Delhi University is not likely to be popular. There will be huge representations tomorrow from the servants and the officers under the Government of India who are now employed in Delhi. The population of Delhi has now gone up tremendously

and it is becoming still bigger and bigger. In fact, the other day the Labour Member said that this year he is spending 1.75 lakhs on building the houses for the staff of the Government of India and it does not include the buildings required for the Americans. So, here we have got a large staff and they have got their children and they must be catered in the Delhi University. The requirements of this huge population cannot be ignored.

I find that I cannot amend matters simply by moving certain amendments to the existing clauses. As I said, we are now giving a lead to all the other Universities in India. In giving this lead, we ought to make transitional provisions for a period of, say, five years and by that time I hope the conditions in other places will also change. We must make a transitional arrangement for the migration of students. If we fail to do so, then the three years' course will be unpopular. At one time, I myself thought of introducing this three years' course at Aligarh. We have students from all parts of India. They come right from Calcutta and Shillong on one side and Karachi and Peshawar on the other side. We found that it is very difficult to work this scheme unless we have very elaborate arrangement for the transitional period for the migration of students from one university to the other. Therefore, I beseech the Honourable the Secretary for the Department of Education, Health and Lands to consider the requirements of this class of people who are going to migrate from other provinces to Delhi and they would bring their children with them for whom a provision has to be made. I should like to visualise in my mind before I accept this particular Bill what arrangements are going to be made. You might say that probably the ordinances will prescribe these conditions. If so, there must be some indication to that effect. Unless we can visualise in our mind about this very important fact, it is exceedingly difficult for us to accept that this university will become a popular university. I am myself in favour of three years' course, but if you do not start this experiment under good conditions so that we may be able to cater for the existing requirements, I apprehend that our experiment will fail and it will have a re-action not only in Delhi but in all other universities, and there will be a re-action in the opinion of those who are very strongly in favour of having three years' course in the university. The Calcutta University Commission after very careful consideration also came to the same conclusion, but on account of the varied conditions prevailing in the country they had to give it up however much they liked it. They had to wait till the conditions had improved.

The third point on which I am exceedingly unhappy is the relation between the university and the colleges. This is a point which I considered very carefully when I was on the Calcutta University Commission in connection with Dacca. In Dacca we had at that time two colleges and the third was in course of establishment and we tried our best to see that these colleges should retain their individuality. We found after careful consideration that if we retained them as recognised colleges it will be exceedingly difficult to maintain harmony. Similarly, if we accept this Bill as it is, the colleges in Delhi cannot possibly exist. They will have to die sooner or later and it is better that we should kill them now instead of telling them that we are doing our best for their prosperity. They cannot prosper under the conditions laid down in the present Bill. Anybody who has been a member of the governing body of any school or college will visualise in his mind that there is a constant fight between the governing body and the teachers, because the teachers demand certain emoluments which the governing body cannot pay. The same is bound to be the case in Delhi. Take, for instance, the question of recognition. Here we will find that the university will always take the side of the teachers. The university and the teachers will be on one side and the managing body of the college will be on the other side. The award of grant is in the hands of the university. Therefore, if you have all the teachers and the university combined against the governing body of the colleges, then the governing bodies will find very difficult to collect

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seriously considered. The Government of India have forced some of their own universities to organise a standing finance committee which is a statutory body and vested all financial powers in that committee in order to avoid the situation which I have just outlined. No such attempt is made in this Bill. They have said that there will be a standing committee which will be appointed by the Executive Council but that is not a statutory body as in the two other universities created by the Government of India, viz., Benares and Aligarh. I do not think the Select Committee clearly visualised in their own mind the division of powers between the teachers and the non-teachers in academic and financial matters. It is a delicate question which has not been answered by any university yet and we have different conditions in different universities. I think conditions are nowhere happy and I think the Delhi University ought to have given a lead in this matter because they are in a good position to do so, but in this case no such lead is given.

Then there are a few minor points which I think should be considered. In the United Kingdom there is a committee called the Grants Committee appointed by the Exchequer and not by the Board of Education. This committee inspects the universities, considers their requirements and recommends to the Chancellor of the Exchequer as regards the grants to be given to certain universities for the development of particular departments. Here unfortunately the Government of India have provided in two or three enactments a kind of committee of inquiry. But this committee is more a punitive body which is only appointed when things go wrong. It is not really a kind of Grants Committee which inspects the universities in the usual manner. The Grants Committee in the United Kingdom consists of three persons none of whom has any direct connection with the universities. They are experienced educationists who have spent their lives in education, administrative and teaching, and every university is inspected at least once in every five years. Then the committee reports as to whether the grants are well utilised, whether more money is needed, what particular departments need to be developed, and so on, so that there may be no unhappy competition between the various universities because they do not want any unhealthy rivalries. This Committee works under the Finance Department and not under the Education Department and its report is accepted both by the universities and by Government. I think in this Bill also we should enact that this university should be inspected once in every five years by a special committee appointed not by the Education Department but by the Finance Member. Two of the members should be appointed by the Finance Member and one nominated by the Chancellor so that this committee should periodically inspect this university and report on its working, i.e., the relations between the colleges and University, the manner of giving grants to the colleges and all other details. In the first five years the inspection will probably have to be made more than once, perhaps every two years, but later on one inspection in five years will be sufficient.

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

There is another point is this. We have several amendments fixing the number of Muslims in various bodies. This question has been very much debated, i.e., whether in a purely academic body which we call the temple of learning we should have communal representation. It was carefully considered by the Calcutta University Commission and I would like to read some passages from their report which was signed by four educationists of great renown in England, viz., Sir Michael Sadler, Sir Philip Hartog, Mr. Ramsay Muir and Prof. Gregory, and also by Sir Ashutosh Mukherji. His son Dr. Shyama Prasad Mukherji was also with us all the time working as a kind of secretary to his father and from him I learnt all the details of the working of the

university. This is what the report says about communal representation, speaking about the Dacca University:

"While not excluding Mussulmans from the other halls of residence of the University we have insisted on the immediate establishment of a Muslim Hall. . . . We have suggested that the Court should always contain, among others, (a) 30 graduates of the university, of whom 15 should be Muslim graduates elected by the Muslim graduates, and (b) 40 members appointed by the Chancellor, of whom not less than 20 should be Mussulmans, and that the Executive Council should always include (i) four persons appointed by the Chancellor, of whom two shall be Mussulmans, one being a teacher of the university, and (ii) four persons elected by the Court, two of these being elected by the Muslim members of the Court who have registered themselves as Mussulmans from among their own number. In the constitution which we have proposed for the Academic Council we have advocated the inclusion of a number of persons, not exceeding one-tenth of the persons otherwise included in the Council, to be co-opted by the Council from persons belonging to the teaching profession and being members of the staff either of the University of Dacca, or of an intermediate college in the Dacca district, or of the Dacca Madrassah. We have also suggested that if the other categories proposed do not include a sufficient number of Mussulmans to make up a fourth of the Council, the Council shall be required to fill up the vacancies in the category which we have just indicated so as to bring the number of Muslim members as nearly as possible up to the fraction prescribed."

In addition to this they also say:

"We have also urged the establishment of a Muslim Advisory Board to advise the University on matters affecting the interests and convictions of Muslim students."

So there is a definite recommendation made by eminent authorities that if we reserve some places for the Mussalmans in various administrative bodies of the university the action will not be unacademic.

Mr. J. D. Tyson: Did they suggest it for Calcutta?

Dr. Sir Zia Uddin Ahmad: Yes, I will read that also. This is in paragraph 3 on page 214, chapter XLIX of Vol. V, of the report:

"In the constitution which we have proposed for the reorganised University of Calcutta we have provided for the inclusion in the Court of representatives of registered Muslim graduates, as also of representatives of the Muslim community." . . . etc.

And they also suggested the formation of a Muslim Advisory Board for the Calcutta University also. I quote these passages only to indicate that if we legislate to include a certain number of Mussalmans in various administrative

bodies, it is not an unacademic action and a procedure of this kind has been advocated by a very thorough academic representative body which included men like Sir Michael Sadler, Sir Philip Hartog, Mr. Ramsay Muir, Mr. Gregory, and above all Sir Ashutosh Mukherjee, and any suggestion which comes from Sir Ashutosh Mukherjee must deserve very careful consideration.

These are some of the suggestions which I thought we ought to consider. I do not know whether I can improve all these things by tabling amendments. I have tabled certain amendments in order to introduce these points which I have just outlined, but I feel that in one or two cases I cannot think out any amendment of the Bill by which I can achieve my object. One is the migration of students from the Delhi University to other Universities and professional colleges. That I could not visualize, and by tabling one or two amendments I found that I cannot achieve the object. The second thing is about the relation between the University and colleges. That is really a very important point which requires very careful consideration, and I found that I could not table any amendment which may achieve this particular object and the scheme that has been worked out in detail I am sure will ultimately lead to the abolition and disappearance of the college system. If you don't want to have the college system, you should say so. Take a bold step as you have done in the case of Dacca University. Let the colleges confine their attention to discipline and to tutorial guidance and so on, as in Dacca Hall, Jagannath and Muslim Halls. That would be a bold step. But if you begin to maintain colleges with governing bodies of their own and then provide on the top a kind of recognition of colleges as a whole, and recognition of teachers by a special method, which has been outlined in the Bill, that will have very great reaction on the relation between the University and the colleges.

[Mr. S. C. Chatterjee.]

study for their first degrees, is of too short a period for any technical training which is going to be worthwhile. On that ground again, Sir, I hope that if the House would accord its support to the Delhi University Amendment Bill, it would be giving help in the direction of making it possible to try out new schemes of university education which might truly be regarded as progressive.

I say with due deference to Dr. Sir Zia Uddin and the Honourable Member who has moved this motion for circulation, that I am not convinced that any case has been made out for circulation. I do not, Sir, impute any intention to the Mover of the amendment that his motion is a merely dilatory motion. But I submit that it would have the effect of holding up what I honestly believe to be a measure of reform which is overdue.

Dr. Sir Zia Uddin Ahmad: How does he propose to provide for the migration of students from the Delhi University to other universities?

Mr. S. C. Chatterji: I recognise that that is a question which might well be asked particularly with regard to an university which is located in Delhi city which is rapidly becoming a cosmopolitan city. But, Sir, I submit that it is hardly necessary to introduce into the Act itself necessary measures to make it possible that students from other universities might migrate to Delhi or migrate from Delhi to other universities. I think, Sir, that that is a matter which might well be left to university bodies like the Academic Council or the Executive Council and I am sure that they would—as this House have done this morning—if it should become necessary, frame retaliatory ordinances to see that their degrees and their courses receive due recognition elsewhere.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): There are two motions before the House. The first is with regard to the circulation of this Bill as it has emerged from the Select Committee, and the second is with regard to the consideration of this Bill. When this Bill was introduced and it was sent up to Select Committee, the question was thoroughly discussed. Several objections and grounds were made, and I contributed to an extent my own objections, and the objections which the country and the educationists had. I had expected that those would be removed by the Select Committee even if there was not going to be any circulation made, but at least myself and some others on this side are disappointed in that respect.

That, this is an important Bill cannot be gainsaid. Is there any one Member, I ask, who would say that this is not an important measure for the Delhi University, and who would deny that this is an innovation in the system under which the Delhi University is being carried on?

Sir Cowasjee Jehangir: Are you in favour of circulation or not?

Mr. Lalchand Navalrai: I am not against circulation. Please hear what I am going to say on this very first point, because we are considering not only the circulation motion but the motion for consideration also on its merits. I submit that the whole Act of 1922 is being changed, and there should have been no hurry in getting the Bill through this House. I think it will be admitted by the Government that this Bill is not for the Delhi University alone. If it had been so, then we would have accepted the undertakings that the Government give on their behalf or the educational authorities or the university authorities give on their behalf. But it is not so. This Bill will affect almost all the universities in India because it is not an exclusive university. It is not a university of which only students from Delhi take advantage or the surroundings thereabout. If we go to the university we find that the students are drawn from all provinces,—from Sind, from Bombay, from Madras, and other provinces. Moreover, Delhi is the capital town of India. The Government officers do not live alone in Delhi, but their children reside with them and they take advantage of the university. Therefore, I say that it cannot be said that this Bill is such that it can be passed without consultation and consent of the other universities. On the last occasion when this Bill was introduced and the motion for Select Committee was made, the House on this side condemned the hustling of this Bill through

with so many innovations. On this side we demanded circulation and there should have been circulation before it was asked to be sent to the Select Committee. It seems to me that Government have been made, at the suggestion of some officers of the university, to ignore any other consideration but to get this Bill through. I personally know as a member of the Court of the University of Delhi that our Honourable Vice-Chancellor, the present Vice-Chancellor is keen on seeing that this Bill is passed now. But it should not be done. It is said that when the Government have committed themselves to give grants, it should be taken advantage of. How much grant will you get, especially in the days of the war, for the progress that is desirable in our universities? Government will start with these promises, but when they are asked, they will say, we will give by and by when the money is needed. At what time are we promised these grants? At a time when every rupee in India is being asked to be given for war purposes! I think that their promise cannot be fulfilled. Therefore, the grant question would not solve the difficulty. The difficulties are so many, and therefore we said at the time when the Bill was going to be sent to Select Committee that there should be circulation. That was not agreed to by the Government. Then what was the promise? We said that even the opinions of the University of Delhi and its authorities had not been secured. Well, that was not done by circulation, so that along with the opinion of the Delhi University, the opinion of the other Universities would also come up. That would have solved the difficulty. I say that it affects all the Universities and not only the Delhi University. In that sense, the circulation motion is not a dilatory motion at all. Ordinarily when a matter comes up from the Select Committee any motion like that may be suspected to be a dilatory motion but it is not so in this case. This Bill is such that it should be considered cautiously and seriously, not only by a few people but by educationists of very high standing and position. In that case, I submit that the amendment that has been put in with regard to circulation is one that the Government will be well advised to accept.

When this Bill was going to the Select Committee, several objections were taken. I had put in my objections to the Bill in detail. I won't go into those details but I will summarise what the points were and then consider whether those objections have been met by the Select Committee. If not, the Select Committee's report is not one that can be approved by this House. We find that the change in regard to the three years degree course is provided in section 36 of the Act of 1922. Now, that section with regard to the degree course has remained in force for a long time. It can be given after four years education in college. That has continued to remain since 1922. No objection was taken by any person during this time and it was only very recently that this innovation was called for. The four years degree course has continued to be in force for such a long time. They cannot say that the course has any defects but it may be the intention of the Government to say that they want to improve it. They want to see that the education given to the graduates is of a high order, so that they may be more competent. It is all very well to say that but what about the lower standards. You are providing for the top. You are disturbing seriously the lower standard of education that is being given in the high schools. This is not my opinion alone but it is the opinion of the educationalists also and also of the students and scholars who have made use of the Delhi University. They say that the standard of education in the high schools and even in the colleges is lesser than in the Bombay, Madras and Calcutta Universities. After ten years, they become matriculates. In other places, such as Bombay, Karachi, it is seven years. If we compare the students who come out from Delhi and those who come out from Bombay and other places, I submit that the standard will be lower and this is a matter of general knowledge which we derive from those who have gone to the college. They expect that by giving one year more to the lower classes in the high schools and making it 11 years,

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minds and they will be very pleased to hand over all the colleges to the university and wash off their hands from them. This is bound to occur and I wish that this position should be properly realised. Under the Universities Act of 1904, the college as a whole was recognised. There was no such thing as the recognition of individual teachers. Here we are introducing the recognition of individual teachers which is quite different from the recognition of the college as a whole. It is very easy to estimate the value of a college, its efficiency and influence by considering the staff as a whole. But when you begin to recognise the teachers in the same manner as University teachers, you will throw financial burden on the colleges which they will not meet. Therefore, we have really to find out some solution of this very vexed problem, namely, the competition between the universities and the various colleges. Now, I have applied my mind to this problem and I have come to the conclusion that we should follow the example of Dacca and accept the recommendations of the Dacca University Commission. We should make these colleges only as halls of residence and let the entire teaching be conducted by the university. The teachers will be appointed by the university and they will be assigned to various colleges for tutorial purposes. That is one way of solving the problem. The second way of solving the problem is to split up the teaching into two parts. Let the Pass B.A. be a college teaching. They will appoint their staff for this purpose and the university will judge the efficiency of the college as a whole, not the individual teachers. Let the other higher teaching such as B.A. honours and M.Sc. be done by the university. In that case the appointments of university teachers should be made by the university and after appointment they may be assigned to various colleges. In that case the colleges will look after the teaching up to B.A. Pass. They will appoint their own staff. The university will see that the staff is efficient and that it is not below the standard. There will not be the individual recognition of the teachers as is laid down in the Bill. When we come to the higher teaching, the staff will be University teachers, appointed by the University, paid by the University. They might be attached to the various colleges giving tutorial instructions. The other thing that is possible is as is done in Cambridge. There may be a good teacher in a college who is competent to teach M.A. class and Honours class. That particular teacher should be recognised by the University and he should be given remuneration. Therefore recognition should be limited only to those persons who give instructions in the name of the University in subjects higher than B.A. Pass. The University may give extra allowance with the permission of the colleges to the teachers so recognised. The colleges will be automatically forced to employ staff with the highest educational qualifications so that they may be recognised by the University for giving instructions in subjects higher than B.A. Pass. That will be of very great help and that is what we should try to achieve. We may also introduce the system of inter-collegiate lectures.

The argument is put forward about colleges in Cambridge. In Cambridge the colleges are self-sufficient. They appoint their own staff, and some of the staff are also recognised by the University for purposes of University instruction. But they continue to give teaching in their own colleges. Remember, that the position in Cambridge is very different from the position of the colleges in the Delhi University. In Cambridge, the colleges came into existence before the University was founded. They are endowed institutions, they do not depend for funds on the University. The University has got no endowment. The colleges make provision for the maintenance of the University, and the University is controlled by the colleges, and not the colleges maintained by the University. In the Delhi University the colleges will be controlled by the University, while in Cambridge the University is controlled by the colleges, because the University is maintained by funds contributed by various colleges. Here the Government Grant

will be distributed by the colleges. What we really have to create is the atmosphere so that the University and the colleges taken together might form one compact body, they may help each other. But this cannot be done under the arrangements provided in the Bill. We are creating a situation in which there will be a constant fight between teachers and the governing body. The teachers will be supported by the University, the governing body will be supported by the public and the Legislature, so that there will be a fight in which the University and the staff on one side, and the governing body and the public on the other side. We do not know what will be the result.

Sardar Sant Singh (West Punjab: Sikh): Divide and rule.

Dr. Sir Zia Uddin Ahmad: There is a great apprehension in the minds of people that under this Bill we have got potential grounds for constant fight between the governing body on the one side and the University and the staff on the other side. If unfortunately this should happen, it will have a very serious effect on the discipline of the students. Half the students will side the headmaster, half will side the governing body, with the result that no discipline will be left in the institution.

There is another point which I do not know whether the Select Committee considered it. I saw one of the amendments which says that teachers should work for 54 hours a week. I do not know whether any teacher can work for 54 hours. They are not the labourers of my Honourable friend the Labour Member who work for 54 hours a week. There also, we have a constant demand for reduction to 48 hours. My Honourable friend Mr. Joshi wants it to be reduced still further to 42 hours and so on. It is a point which is really very difficult to solve in the case of Universities. It is very difficult to lay down how many hours a teacher should work. If my Honourable friend the Joint Secretary in the Education Department will look into the figures and work for himself about the actual time spent by the teachers in a University, specially in a teaching University, he will find that it will work out to from 30 minutes to about 45 minutes per day. Whenever employers see this figure, they are startled. Of course, the teachers always argue that they cannot be classified in the same category as the followers of my Honourable friend the Member for Labour, that the kind of work they have to do requires a good deal of time to be spent in preparing lessons. As any rate there is always a kind of misunderstanding between these things.

There is also a question of the control of the purse. Should it be controlled entirely by teachers or by non-teachers? It is a very serious question, it has arisen in most of the Universities. But this particular point has not been decided. In some cases, whenever the purse is controlled by the teachers themselves, every member of the staff, whenever he gets up, he goes in the morning and salutes these demi gods, and he spends less time in preparation of lessons, in the discipline and training of his own pupils. He spends more time in calling on persons in whose hands his promotion and emoluments depend. Therefore whenever you see patronage vested in teachers themselves, we find from experience that we have a kind of demoralisation in the University itself and people go about seeing their own colleagues and humour them so that they may get the best benefit whenever opportunity arises. My Honourable friend the Joint Secretary will note that in Cambridge and Oxford the case is different. There the management is vested in the teachers themselves. They are the partners in a business concern, income is divided among themselves. In the case of modern Universities in England the case is different. If you go to the Midland Universities which are not maintained by permanent endowment as the older Universities are, the teachers have not got a final say in the distribution of the funds. Whenever the question of finance comes in, we find teachers have got very little voice. non-teachers control the finance. The teachers control the academic side of the University, non-teachers control the financial side of the University. Now in the present Bill, I think it is very desirable that this question should be

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There is another point to which I would like to draw the attention of the House: The recognition and refusal to recognize ought not to depend simply upon the Executive Council. In other Universities it is vested in the Court. Therefore I say that the Executive Council should not decide the question of recognition or non-recognition. Supposing the Executive Council consists of 17 members, out of which 11 are present at one time which forms the quorum, and six members say that such and such colleges should not be recognized, these six persons can decide the fate of those colleges and their decision would be final.

Mr. J. D. Tyson: May I intervene for a moment. I am afraid the Honourable Member has not read the recommendation of the Select Committee on this point, namely, that recognition can only be taken away by an absolute majority of the Executive Council, that is to say, if the Executive Council consists of 27 members there must be 14 in favour of taking away recognition.

Dr. Sir Zia Uddin Ahmad: Yes. But there is a note attached to the Report that you must take the majority of the members present. That is of course by one member.

Mr. J. D. Tyson: I do not deny that one member perhaps has said that, but in the Report of the Select Committee it is an absolute majority

Dr. Sir Zia Uddin Ahmad: This shows the direction in which wind blows. Even if absolute majority were to decide, this is not sufficient either. It is a question of disaffiliation. Whatever the number may be—whether it is 7 or 8 or 10—this is a minor point. The important point is that it should not be left only to the Executive Council; it may have special predilections. A matter of this kind ought to be referred to the Court for final decision and appeal to the Chancellor. In the majority of cases under the old University Act—if my Honourable friend will consult the Act of 1904, drawn up in Lord Curzon's time—the power is given to the Senate and not to the Syndicate. Here you have vested the powers in the Executive Council. A matter of this kind ought to be left to the Court.

A provision for appeal to the Chancellor is one thing which is very desirable. If you want to keep these colleges as such, make the position of colleges clear, but if your intention is to finish them as you have done in the case of Dacca, you should say so boldly.

Finally, I may say that I am very strongly in favour of three years course and I say that this experiment should be tried under very good and favourable conditions. If you will try this experiment under unfavourable conditions, it will have a great reaction on the educational system in India.

With these words I resume my seat.

Mr. S. C. Chatterji (Nominated Non-Official): I rise to oppose the motion asking for circulation of the Delhi University (Amendment) Bill at this stage after it has been reported on by the Select Committee appointed by this House. Sir, I was not a Member of this House when the Bill was first introduced and referred to the Select Committee, but I have looked through the report of the debate on both the motion to introduce the Bill and to refer it to a Select Committee. Sir, as far as I have been able to gather, I understand that the main purpose of the Bill is to make it possible for the Delhi University to introduce a three years degree course. That, Sir, I take to be the most important educational feature of the whole Bill. It has long been felt in the best informed university circles in the country that a large part of the work which has hitherto been done in degree colleges ought to, and perhaps would, be better done in better equipped and better staffed high schools or higher secondary schools. We have just heard the opinion of one whom, in this House, I suppose, without casting any reflection on any other Member of the House, I may describe as an expert on university education, Dr. Sir Zia Uddin Ahmad. He has given it as his opinion that this is a desirable measure of educational reform.

I remember to have read in the proceedings of the debate on this Bill at the last Session that Nawabzada Liaquat Ali Khan also described this measure of reform as a desirable experiment which might well be tried. I am, therefore, I hope, Sir, on safe ground when I say that I give my wholehearted support to this Bill, because it does promise to be an experiment which most educationists in the country now regard as overdue.

Sir Zia Uddin had one difficulty with regard to putting this experiment on trial. He said that he would like to be assured that the experiment would be tried in the most favourable conditions. Sir, it is just because it seems to me that in Delhi the experiment would be tried in such favourable conditions that I support the Bill.

The Delhi University does not have jurisdiction over a very wide area. The high schools from which entrants into the University come are not so large in number as in some of the older and larger universities in the country. Since the Saddler Commission report made the recommendation that the part of a degree college comprised of the intermediate classes might be separated from the universities reorganised according to the recommendations of that body, the University of Dacca and the Universities of Lucknow and Allahabad in the United Provinces have been up against a serious difficulty, namely, that once these two classes are removed from the University or from degree colleges which are attached to universities the students do not have long enough time to derive the full benefit of university education at least up to their first degree examination. Also, Sir, it has been felt that unless the schools could be very much improved, standards of university education would go down.

Now, Sir, those responsible for the Delhi University Amendment Bill, it seems to me, have taken care, and have I think, taken practical steps, if I am correctly informed, to ensure that standards will not go down. I understand, Sir, that the Central Government have placed, or are about to place at the disposal of the degree colleges of the Delhi University much larger grants-in-aid. I also understand, Sir, that steps have been taken to improve the stuff of some at any rate of the existing high schools in Delhi. I therefore think, Sir, that in Delhi, because of the munificence of the Government of India even during war time, we shall have, or we may have a reasonable hope of having such favourable conditions as Dr. Sir Zia Uddin would desire for such an experiment.

I welcome this measure for another reason. One of the most serious defects of the Indian Educational system, as is common knowledge, is the domination, the excessive domination of examinations. I think, Sir, one great advantage of this new Delhi scheme will be that three examinations at the higher stages of education would be reduced by one. I think, Sir, that is a great gain. Also, Sir, biennial examinations to my mind are an evil, inasmuch as they place undue strain on examinees, and if the staff of the existing high schools in Delhi is satisfactorily improved, I see no reason why the work that is now done up to the intermediate standard may not be achieved in the eleven years that boys and girls will spend at these higher secondary schools.

It has been remarked by the Mover of the amendment asking for circulation of the Bill at this stage that he would like to see progress made in university education in new directions, and I think, Sir, he particularly mentioned the lack of facilities for technical education of the higher standard in the country. I entirely agree with him that that is the most dire need of the country at the present time, but in this matter again, Sir, I think it may well be hoped that the reformed or reorganized University of Delhi before long will have a Faculty of Technology. Already, I understand, the Government of India have taken the initiative of opening in Delhi a Polytechnic School, and I hope that as that institution develops there will be possibilities of opening courses of study in Technology at the Delhi University. But, Sir, I submit that two years, which is the present length of time for which the students

LEGISLATIVE ASSEMBLY.

Wednesday, 4th August, 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.

PETITIONS FROM POSTAL AND TELEGRAPH UNIONS *re* INADEQUACY OF DEARNESS ALLOWANCE.

175. *Mr. Amarendra Nath Chattopadhyaya: (a) Will the Secretary of the Posts and Air Department be pleased to state how many petitions from different Postal and Telegraph Unions he has received regarding the inadequacy of Dearness Allowance?

(b) Is the Honourable Member aware of the fact that in *mofussil* towns and villages in Bengal the price of staple food has gone abnormally high and is higher than that prevailing in the Sudder and Presidency towns?

(c) Is the Honourable Member prepared to follow the steps that have been taken by the Railway Department regarding supply of foodstuff to the Postal and Telegraphs employees from their Departmental Stores at a reasonable price? If not, why not?

(d) Is it not a fact that the Posts and Telegraphs Department, as a communication department, stands almost in the same category with the Railway and deserves every encouragement from the departmental authorities in the matter of food supply?

Sir Gurunath Bewoor: (a) Numerous petitions of this nature have been received.

(b) Prices vary from time to time but Government are aware that they have ruled abnormally high in Bengal.

(c) Steps have been taken to supply essential foodgrains at concessional rates in Bengal and Assam on the lines of the scheme sanctioned by the Provincial Government which has been adopted for all Central Government employees other than Railway employees.

(d) Yes.

Mr. Muhammad Nauman: With reference to this question about the concessional rate, is it on the same lines as the Railways are selling to its employees between 40 to 50 per cent. cheaper than the market price?

Sir Gurunath Bewoor: I understand that in Calcutta and the *mofussil* of Bengal the articles are sold roughly at a concession of about 40 per cent.

Mr. Muhammad Nauman: Is it at the same rate as the railways are giving to its employees or not?

Sir Gurunath Bewoor: The Railway arrangements are quite distinct. The arrangements which we have made are those applied to all Central Government employees and the arrangement is more or less on the lines of the Provincial Government's schemes.

Mr. Muhammad Nauman: I want a definite answer, whether it is on the same lines as the railways? To merely say it is distinct is not enough.

Sir Gurunath Bewoor: I have replied to that already.

Pandit Lakshmi Kanta Maitra: May I know if it is not a fact that, the concessional rates allowed to the postal employees are far higher than the concessional rates allowed to other departments of the Provincial Governments? I say that the Provincial Government allows greater concession to their employees than the postal employees?

Sir Gurunath Bewoor: I do not think so. Our scheme is on the same lines as that of the Provincial Government.

[Mr. Lalchand Navahrai.]

stage to consider all these points. Afterwards if we come to the conclusion that the Select Committee report as it has emerged from the Committee will be accepted by the House, then that is a different question. Then we can pass the Bill with a few amendments here and there. If at this stage while considering the Report of the Select Committee, we find that it does not meet adequately with all the points raised, then we will throw it out straightaway. But if the Report does not fall through, and if amendments are to be made, then I request the Honourable Member in charge to consider and give as much facility as possible to Honourable Members who have tabled amendments, so that those amendments will at least tone down the difficulties encountered in the Bill.

I will not go into details. I will first take up the question of appointment of a paid Vice-Chancellor. This is taken up in the Minute of Dissent of Dr. Banerjee. The intention is that the initiative should come only from the authorities of the University and not from the Chancellor himself. Here in this House, we elect the President. Not even the highest authority in the country, not even the Viceroy can nominate the President of this House. In like manner the Vice-Chancellor of the University should be suggested by the University itself. The Vice-Chancellor is more or less the head of the institution because the Chancellor will not attend to all the business. The Vice-Chancellor will be the working Chancellor. When you are giving powers to that gentleman, I submit it should be done with the consent of the University. It is for the University to say "we will appoint such and such a gentleman". That would be a salutary provision. We know certain amendments have been tabled with regard to the manner in which the appointment should be made. What I am submitting is that the initiative should come from the University itself, that a paid Vice-Chancellor is required. In the beginning in the House what we said was that there should be only an executive authority of the University that should take the initiative and ask for a paid Vice-Chancellor to be appointed, also how much should be given him. Not that the Chancellor of his own motion should say that the Vice-Chancellor should be a paid one and that he should be paid such and such an amount, that the Chancellor should take the whole initiative and after preparing the whole ground he should send the papers to the University for consultation. I cannot understand such a position. Therefore what we wanted was that it should not be the consideration alone that should be asked for by the Chancellor, but that the move should in the first instance come only from the University, from the Executive Council of the University. In that connection, I find that a wholesome change has not been made. What we find in this amending Bill is contained in clause 5, proviso. It says:

"Provided that if the Chancellor of his own motion or at the instance of the Executive Council after consultation with the Academic Council is of opinion that a Vice-Chancellor should be appointed on the condition that he gives his whole time to the work of the University, the following provisions shall apply" etc.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 4th August, 1943.

[Mr. Lalchand Navalrai.]

you can get the work from them of two years more. That means the F. A. and the Intermediate. According to this Bill, you expect that the schools will give education of such a nature which would fit them up to the Intermediate class. Now, that means, in the schools, as the present system is, when they come to ten years, they pass the matriculation. When they have been passing the Matriculation after ten years, how do you expect they will pass in nine years. There will be two years to them to have F.A. and to have the status of the Intermediate also in the high schools. Even if you increase the masters and give them more pay, I do not think for your schools up to the 10th year or the 11th year, you will get professors there on the pay that you would give them. Now, education in the colleges is being given by professors of higher quality, higher aptitude and higher capacity. Those persons will not come to your high schools on a lower pay. Have you calculated how much expense the lower standards will have to bear? You have laid before us nothing about that scheme. We should be satisfied first that the scheme would work and that you are able to give them money and provide masters for higher education, professors exactly like those who are working in the colleges. We have nothing before us. You are improving the quality and the capability of only the higher people, that is, the graduates. But so far as the other students are concerned, you have not placed before us anything from which we can satisfy ourselves that your scheme of giving education for Intermediate class will be more satisfactory. In fact, we do not know how much money has been promised or given to the colleges for making this three years course and how much has been given to the High Schools. When the Bill was being discussed when it was going to the Select Committee, these facts were not placed before us. So, I ask that these facts and figures should be placed before the House before the Government can expect that this Bill will be passed. At present we know that even the present Masters of the High Schools are not satisfied with the salaries they are getting. I think a graduate Master starts his life on Rs. 40 or Rs. 50. If he starts on that salary, what can you expect from him? Will he give you as much work as a professor on Rs. 300 or Rs. 200? Therefore, you are creating new difficulties and the Delhi University will soon find out that they will not be able to meet them. Therefore, I submit that so far as the question of circulation is concerned, it will give us all these ideas. We would then know what expenses are being incurred by the other universities and whether they have really found out for themselves that the course which is being suggested now by this Bill would be a better course than the one which they are following now. We must have that opinion and we must also have detailed facts and figures on that point. We must know what the expenditure will come to because the first thing that is needed for improving anything is expenditure. And in these war days I do not think we can afford to spend much.

As the Bill has emerged from the Select Committee, I find that we have still got to consider several points with regard to this Bill before we give our sanction to it. I know that some people have already made up their minds and they are more or less educationists themselves concerned with the Delhi University. They come prepared to this House and give their whole-hearted blessing to this Bill. But we on this side of the House want to scrutinise the measure. I have also heard my Honourable friend Dr. Sir Zia Uddin speak about the three years degree course. I have respect for him and I have also respect for his expert knowledge. He is himself the Vice-Chancellor, and yet he has not introduced this system in his University. He made a clean breast of the whole thing. He said that they are not dealing with Aligarh only but with places in all parts of India. Therefore, they are not going to introduce this scheme. Government should take a hint from him because he says it cannot be done. What I am submitting is this that even his opinion is not unconditional. His opinion is also qualified. My Honourable

friend who spoke last quoted him as an authority on educational matters and he should know that his opinion is a qualified one. In any case, he is not whole-heartedly for it.

Dr. P. N. Banerjee: He is more against than for it.

Mr. Lalchand Navalrai: I think so. When we hear him upon the amendments we will know what his final opinion is. What I am submitting is this that we have not got this three years course anywhere in India. Even in Aligarh and Calcutta they have not agreed to this scheme. Then, take the Benares Hindu University which is a model university. Is there three years course there? No. Then, why this Delhi University which is a small university—I would call it a tiny university—jumping so high and says "We will raise the status of the graduates"? Where will these graduates go? Will they be given appointments in Delhi only or will they go elsewhere also? If they go elsewhere, they will say that they are not as good as the graduates of their universities, though they may have three years course in the Delhi University. What will they do then? How is the Government going to help them there? So, what I say is this, that great consideration should be given to this scheme at the consideration stage.

Notice has been given of many amendments and the last amendment is to introduce racial discrimination in the Delhi University. I will not say anything about it at present. But one would not like to see that there should be these communal differences and considerations in an education institution. I would like to know from my Honourable friend whether the Muslim community has got a sufficient number of Muslim representatives on the court or not. On that point as I said I do not want to say anything but I would tell them not to have Pakistan in that direction and in that field also. The Muslim representation will be a matter for consideration along with other matters. That point will be considered when amendments are moved. I have also given notice of many amendments but I do not wish to dilate on those points at this stage.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better leave the amendments alone till such time as the clauses come before the House.

Mr. Lalchand Navalrai: I do not want to say anything about my amendments at this stage. I put myself on the contrary on caution. The points that have to be considered are these. The first is with regard to the innovation about paid Vice-Chancellor. That was very much debated in the House. It was also pointed out that the appointment should be made at the instance of the University itself, and not solely and exclusively be in the gift of the Chancellor. We have to see what the Select Committee has done and it has complied with what this House wanted. The next point is with regard to the three years degree course. We have to see whether the present section 36 of the Act of 1922 is not sufficient to meet the evil of creating a three years degree course. Why go and amend a section which would otherwise enable them to have the system which they want and which at present is also in force in other Universities. The next point is with regard to the powers of the Court. That has to be very seriously considered. In the opinion of the Vice-Chancellor and of a few who follow him the Court is subordinate to the Executive Council. I do not agree there at all. With that end in view, I should see that more powers are given to the Executive Council than to the Court. I would lay certain authorities on that point. Next comes the question of the constitution of the Executive Council and the powers that are being given to it. The next question is with respect to the powers and the constitution of the Academic Council. Subsequently there is the question of representation of women on the Delhi University, how it should be done, whether we are satisfied with the provision that has been made by the Select Committee or whether a better method could be devised. Then I would come to the question of representation on the Academic Council and the Executive Council. On all these points materials will be placed before the House to consider, because this is the proper

Pandit Lakshmi Kanta Maitra: Is the Honourable Member in a position to contradict me if I say that as a matter of fact in the *mofussil* towns of Bengal concessional rates which were allowed to the Postal people are far higher than the rates given by the Bengal Provincial Government.

Sir Gurunath Bewoor: I have already stated the information which is at my disposal. Our scheme is similar to that adopted by the Provincial Governments and so far as I am aware the rates are the same but if the Honourable Member will give me a definite example of the particular station where the rates are different.

Pandit Lakshmi Kanta Maitra: Krishnagar, for instance, and the district of Nadia. There the Postal employees are given commodities at rates which are far higher than the rates at which ordinary employees get.

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

Pandit Lakshmi Kanta Maitra: Has the Honourable Member got any representation from the Postal Unions drawing the attention of the Government to this discrepancy?

Sir Gurunath Bewoor: I have not got any information on the point here at present.

PROMOTION TO LOWER GAZETTED SERVICES ON STATE-MANAGED RAILWAYS.

176. *Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways be pleased to state whether promotion to the Lower Gazetted Services on the State-managed Railways is made by the General Managers or the Railway Board?

(b) Is any approved list of candidates who are fit for promotion maintained? If so, how is it drawn up, and who maintains it? If the approved list is maintained by the General Managers, is a copy thereof supplied to the Railway Board? If not, why not?

(c) What are the conditions for adding new names to the approved list? Can such newly added persons get promotion earlier than the persons whose names are already on the approved list?

(d) How many officers who were promoted to the Lower Gazetted Service since the 1st January, 1941, had not been placed on the approved list in the first instance, but were placed on the approved list only when a particular vacancy had to be filled? Does the Honourable Member propose to give full particulars of them?

(e) Who has the power to order the confirmation of persons officiating in the Lower Gazetted Service, and is such confirmation made on the basis of the length of officiating service, or on other considerations? If so, what are those other considerations?

The Honourable Sir Edward Benthall: (a) Officiating promotions are made by General Managers and permanent promotions are made by the Railway Board.

(b) The Railway Board maintain no approved list and have no information of the practice followed by each General Manager in a matter entirely within his discretion.

(c) Does not arise in view of the reply to part (b).

(d) I have no information as stated in the reply to part (b) but if the Honourable Member has any particular case in mind and will give me details I shall look into it. I would, however, add that these posts are filled purely by selection and no employee has a prescriptive right to be promoted to them.

(e) The Railway Board sanction the confirmation of officers in the Lower Gazetted Service on the recommendation of General Managers. Due weight is given to the length of officiating service but the suitability of the individual is the primary consideration.

Mr. Lalchand Navalrai: With regard to these officiating lower grade people, when they are not getting any promotion by the General Manager, have they got a right of appeal to the Railway Board?

The Honourable Sir Edward Benthall: No, Sir, I do not think they have.

Mr. Lalchand Navalrai: Will the Honourable Member give them some relief then by way of appeal.

The Honourable Sir Edward Benthall: I will look into the question.

Mr. Lalchand Navalrai: Thank you. There is a question to raise the lower grade officers to the superior service and that question was pending when I was on the Standing Finance Committee. Has that question been settled?

The Honourable Sir Edward Benthall: I think the Honourable Member is referring to the lower gazetted service. That question has been under the consideration of the Standing Finance Committee for some time. They had what I believe was their final meeting on the 31st. I have not heard the result.

Dr. Sir Ziauddin Ahmad: Have you accepted the findings of the Standing Finance Committee?

The Honourable Sir Edward Benthall: I have not seen them yet.

Mr. Muhammad Nauman: May I know whether the General Managers make recommendations personally or do they constitute any board to give such promotion from the ranks of subordinates to the ranks of officers?

The Honourable Sir Edward Benthall: I understand that this question of recommendations for promotion is very carefully gone into by the General Manager and his officers.

Dr. Sir Zia Uddin Ahmad: I hope the decision of the Government will not be based on communal issues. I want a guarantee on this particular point.

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

PROCEDURE re REJECTION OF DEFENCE OF A CHARGE SHEET BY AN EMPLOYEE ON NORTH WESTERN RAILWAY.

177. *Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that defence of a charge sheet by a Railway employee is either accepted or rejected on the North Western Railway? If so, why are no reasons assigned for rejection?

(b) Do any rules exist which make it obligatory on the part of an officer of the Railway to write a full order giving the gist of charges and his arguments for rejecting the same in full or in part before imposing a penalty on an employee under Rule 1702 of the State Railway Establishment Code, Volume I? If not, is it proposed to frame some such rule? If not, why not?

The Honourable Sir Edward Benthall: (a) I am unable to understand what the Honourable Member has in mind in the first part of the question. The defence offered by employees charged with offences is given full consideration. As regards the second part, a record is maintained of the reasons for the conclusions reached in disciplinary cases.

(b) Under paragraph 1716 of the State Railway Establishment Code, Volume I, a copy of which is in the Library of the House, the authority imposing a penalty is required to maintain a record showing *inter alia* the offences with which the Railway servant was charged and the findings and the reasons therefor. The second part does not arise.

Mr. Lalchand Navalrai: I will try to explain the first part of my question. What I meant is whether any inquiry is made or any committee is appointed to go into the charges against these persons. If so, is any defence being called for and if it is considered by the officer, does he give his judgment with reasons and inform the applicant of the rejection or acceptance of defence?

The Honourable Sir Edward Benthall: I understand it. Each case is gone into carefully on its merits. The defence of the man in question is carefully considered and I understand that the reasons for the decision are recorded.

Mr. Lalchand Navalrai: The point is whether he is informed of the result. My question is whether after rejecting or accepting the defence, the applicant is informed of it or the decision is made known only to office and nobody outside knows anything about it.

The Honourable Sir Edward Benthall: The man can certainly obtain the reasons.

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

MUSLIM DEMAND OF REGULATING PROMOTIONS ON COMMUNAL BASIS.

178. *Mr. Muhammad Azhar Ali: (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that at times without number it has been declared on the floor of the Legislative Assembly that promotions of Railway employees are made strictly in accordance with the seniority-cum-suitability?

(b) Is it a fact that the Muslim demand for promotions on communal basis has been rejected by Government for the reason that it will result in the supersession of senior men?

(c) Are Government aware of the fact that so far as Hindus are concerned promotions are given to them on communal basis?

(d) If the reply to (c) be in the negative, does the Honourable Member propose to peruse letter No. WE/11/40, dated the 28th May, 1940, from the Superintendent, Watch and Ward Department of the East Indian Railway, which reads as under:—

Appeal, dated the 24th May, 1940, from H. W. 979 Abdul Ali of Dhanbad for promotion as Chief Head Watchman.

Please inform the above named that I have no fault to find with his work. The promotion of G. B. Tewari was to adjust community ratios?

(e) Is it a fact that Head Watchman Abdul Ali was superseded by his junior (a Hindu) simply to adjust the community ratio?

(f) Does the Honourable Member propose to consider the question of meeting the Muslim demand of regulating promotions on communal basis? If not, why not?

The Honourable Sir Edward Benthall: (a) It has been stated in the House that seniority-cum-suitability is the basis of promotion to non-selection posts.

(b) The demand for promotion on communal basis has been rejected as, among other things, it will result in the unjust supersession of men merely because they belong to other communities.

(c) Government have no reason to suppose that the facts are as stated by the Honourable Member.

(d) and (e). I have called for information and a further reply will be laid on the table of the House.

(f) No, for the reason I have given in the reply to part (b).

Dr. Sir Zia Uddin Ahmad: Sir, an assurance was given by the predecessor of my Honourable friend that whenever a senior man is passed over on account of his inefficiency, his case will be looked into personally either by the General Manager in the case of subordinate officers or by the Railway Board in the case of higher officers. Is it being carried out in practice?

The Honourable Sir Edward Benthall: I have no doubt that any undertaking is already being carried out but I do not recall that particular statement made by my predecessor. If the Honourable Member will draw my attention to the particular occasion when that statement was made, I will go into it.

GRANT OF INCREMENTS FOR THE PERIOD BEFORE CONFIRMATION TO A STATE RAILWAY NON-GAZETTED SERVANT.

179. *Mr. Muhammad Azhar Ali: (a) Will the Honourable Member for Railways be pleased to state if a State Railway non-gazetted servant appointed as a Guard on the 1st October, 1937 in the scale of Rs. 30-3-45-5-60 and confirmed on the 1st June, 1940, is entitled to annual increments for the period before confirmation? If so, on what pay should he be confirmed?

(b) Is it a fact that different rules are applied in the Allahabad and Lucknow Divisions of the East Indian Railway regarding the grant of increments in cases of the above nature?

The Honourable Sir Edward Benthall: (a) A categorical reply is not possible; various circumstances connected with an individual case may affect the fixation of pay on confirmation. As a general rule, officiating service counts for

increment and in the case quoted, if there are no other disturbing factors, the employee would have earned two increments before confirmation.

(b) I have called for information and a further reply will be laid on the table of the House in due course.

SIKHS IN HIGH SALARIED POSTS OF EXTERNAL AFFAIRS DEPARTMENT.

180. *Sardar Sant Singh: Will the Honourable the Leader of the House please state the number of posts in the External Affairs Department carrying salaries of Rs. 300 per mensem and over and the number of Sikhs getting that salary?

The Honourable Sir Sultan Ahmed: The number of men in the External Affairs Department Ministerial Establishment drawing monthly salaries of Rs. 300 or more is 41, of whom 2 are Sikhs.

Mr. Muhammad Nauman: May I know what is the number of the Muslims there?

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

SIKHS IN HIGH SALARIED POSTS IN SUPPLY DEPARTMENT.

181. *Sardar Sant Singh: (a) Will the Honourable Member representing the Supply Department please state the number of posts carrying salaries of Rs. 400 per mensem and over, exclusive of local allowances, in his department in all its Sections and the number of Sikhs employed on those salaries?

(b) Is there any deficiency in the quota of Sikhs? If so, how is it proposed to make up that deficiency?

(c) Is it a fact that Selection Boards for recruitment to the Department were constituted from time to time? If so, was a Sikh ever appointed on such Selection Boards?

The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar: The information asked for by the Honourable Member is being collected and will be laid on the table in due course.

COMMUNAL REPRESENTATION IN SUPPLY DEPARTMENT.

182. *Sardar Sant Singh: (a) Will the Honourable Member representing the Supply Department kindly lay on the table the following information as it stood on the 15th July, 1943:

Office.	Post.	Total number of posts.	Number of		
			Hindus.	Mu-lims.	Sikhs.
D. G. Supply.	(i) Directors				
	(ii) Deputy Directors				
	(iii) Assistant Directors				
	(iv) Progress Officers				
	(v) Assistant Progress Officers				
	(vi) Other Gazetted Posts				
	(vii) Superintendents				
	(viii) Assistants-in-charge				
	(ix) Assistants				
	(x) Stenographers and Steno-typists				
Main Secretariat.	(i) Gazetted Superintendents				
	(ii) Assistants-in-charge				
	(iii) Assistants				
	(iv) II Division Clerks				
	(v) Stenographers				

(b) What steps do Government propose to take to obtain an adequate representation of Sikhs in the above services?

The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar: (a) A statement giving the required information is placed on the table.

(b) Since the majority of gazetted posts in the Directorate General of Supply are posts of a specialised character, it is not possible to adhere strictly to any communal proportions. Every effort is, however, made to secure an adequate representation of the minority communities, including Sikhs, in the service. As regards Ministerial posts, it will be seen from the statement that, having regard to the communal proportions laid down by the Government of India for the representation of "other minority communities" in the services, the Sikh community is generally adequately represented.

Statement showing the posts held by members of various communities in the Directorate General of Supply and the Main Secretariat, Supply Department.

Office and Post.	Total No. of posts.	Hindus.	Muslims.	Sikhs.
Directorate General of Supply—				
(i) Directors	15	2		
(ii) Dy. Directors	40	16	2	1
(iii) Asstt. Directors	40	31	5	1
(iv) Progress Officers	10	7		
(v) Asstt. Progress Officers	11	8	3	
(vi) Other Gazetted Posts	73	36	12	3
(vii) Superintendents	18	14	3	1
(viii) Assts.-in-Charge	47	36	10	1
(ix) Assistants	206	149	44	7
(x) Stenographers and Steno-typists	91	74	12	4
Main Secretariat—				
(i) Gazetted Supdts.	13	6	5	1
(ii) Assts.-in-Charge	2	1	1	
(iii) Assistants	66	42	14	2
(iv) Second Division Clerks	58	38	14	3
(v) Stenographers	26	17	6	

Sardar Sant Singh: May I ask the Honourable Member to state if it is a fact that practising lawyers from all over India have been invited to occupy some of the high gazetted posts in his Department?

The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar: I have no information on the subject, but if it is a fact, I should not be surprised.

Sardar Sant Singh: Is there a dearth of practising lawyers among the Sikhs who could be called in for filling these posts?

(No reply was given.)

VERIFICATION OF THE bona fides OF SIKHS RECRUITED IN SUPPLY DEPARTMENT.

183. *Sardar Sant Singh: Will the Honourable Member representing the Supply Department kindly state if the bona fides of Sikhs recruited in the various Branches of the Supply Department are verified in accordance with the procedure laid down by the Home Department?

The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar: The information asked for by the Honourable Member is being collected and will be laid on the table in due course.

PROCEDURE re DISPOSAL OF APPEALS ON BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

184. *Syed Ghulam Bhik Nairang: (a) Is the Honourable the Railway Member aware of the fact that great dissatisfaction exists among the non-gazetted staff on the Bombay, Baroda and Central India Railway about the method and procedure adopted by the administration of that Railway regarding the disposal of appeals in the matter of punishment and supersecessions?

(b) Is it a fact that replies to appeals preferred by the non-gazetted staff to the General Manager and other appellate authorities on that Railway are generally—The General Manager sees no reason to interfere with the decision

of so and so; the appellant may be informed accordingly," or "The General Manager sees no reason or justification to revise his decision or orders, etc., and the appellant may be informed accordingly"?

(c) Is it a fact that the types of replies mentioned in (b) *supra* do not rebut the arguments relied upon by the appellants or quote rules, etc., under which the General Manager or any other appellate authority has thought it fit to reject their appeals?

(d) Is it a fact that the appellate authorities in a sister department—viz., the Posts and Telegraphs Department—have been strictly warned through a circular letter issued by the Director General, Posts and Telegraphs of the Government of India, not to give stereotyped replies to appeals, but to deal with them in a judicious manner giving reasons and arguments as well as quoting rules in the replies?

(e) Do Government propose to take similar action in the case of B., B. and C. I. Railway employees in the matter as mentioned in (d)? If not, why not?

The Honourable Sir Edward Benthall: (a) No.

(b) I have no information.

(c) Government recognise this and therefore have already issued orders that appellate authorities should record the grounds of appeal and brief reasons for dismissing it.

(d) I understand that more or less similar orders have been issued by the Director-General, Posts and Telegraphs, but have been unable to trace the provision that rules should be quoted.

(e) Does not arise in view of the reply to part (c).

Dr. Sir Zia Uddin Ahmad: The Honourable Member on the floor of the House gave us to understand that he is going to appoint some person of a judicial mind to look into the case of these appeals. Has such an officer been appointed on any Railway?

The Honourable Sir Edward Benthall: No, Sir, I did not make that statement.

Dr. Sir Zia Uddin Ahmad: When we discussed the question of appeals on the occasion of the Railway Budget while discussing a cut motion on that subject, did not the Honourable Member give us an assurance on that point?

The Honourable Sir Edward Benthall: No, Sir, I gave no such undertaking.

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

DESIRABILITY OF APPOINTING A 'JUDICIAL' MAN TO DEAL WITH APPEALS ON BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

185. *Syed Ghulam Bhik Nairang: (a) Will the Honourable the Railway Member please state if it is a fact that on the Bombay, Baroda and Central India Railway no arrangements have been made so far for the appointment of a 'Judicial' man to deal with appeals?

(b) Do Government contemplate taking suitable action in the matter by taking on loan a 'Judicial' man for the purpose from any Provincial Government, in view of the widespread dissatisfaction and discontent among the staff in this matter? If not, why not?

The Honourable Sir Edward Benthall: (a) Yes.

(b) No. They are not aware of any serious discontent as alleged and do not consider that any action is called for.

NON-ADVERTISING OF VACANCIES IN SUBORDINATE CADRE ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

186. *Syed Ghulam Bhik Nairang: (a) Is the Honourable the Railway Member aware that vacancies in the subordinate cadre on the Bombay, Baroda and Central India Railway are not advertised as required by the State Railway Establishment Rules and the practice followed on other State Railways?

(b) If the reply to (a) be in the affirmative, what action does he propose to take in the matter? If none, why?

The Honourable Sir Edward Benthall: (a) I understand that in some cases, the vacancies are not advertised.

(b) The Railway is taking steps to introduce State Railway procedure in this matter and they will be asked to expedite them.

DESIRABILITY OF ESTABLISHING A SUBORDINATE SERVICE COMMISSION ON BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

187. *Syed Ghulam Bhik Nairang: (a) Is the Honourable the Railway Member aware that recruitment of the non-gazetted staff on the Bombay, Baroda and Central India Railway is still going on by the different heads of departments individually and in many cases by the District and junior officers and that there are serious complaints in this connection?

(b) Do Government propose to order the establishment of a "Subordinate Service Commission" on the Bombay, Baroda and Central India Railway on the lines of the one already existing on the North Western Railway? If not, why not?

The Honourable Sir Edward Benthall: (a) The answer to the first part is in the affirmative, and to the second part, in the negative.

(b) No. When the results of the experiment on the North Western Railway are available, Government will be in a position to consider the feasibility of establishing similar commissions on other Railways.

RE-EMPLOYMENT OF RETIRED GUARDS, DRIVERS, ETC.

188. *Mr. Govind V. Deshmukh: Will the Honourable Member for Railways please state:

(a) if the Guards, Drivers, Foremen and Loco Inspectors who retired some years ago have now been employed on the Railways; if so, why; and

(b) if he is aware of the discontent amongst the staff of the class mentioned above who were working before these retired men were taken up in service?

The Honourable Sir Edward Benthall: (a) I do not know the exact category of staff but am aware that retired technical staff have been re-employed in their original posts.

(b) It is possible that some persons who hoped to achieve promotion to the particular posts feel discontented.

Mr. Govind V. Deshmukh: With regard to the latter part of (a), if guards and drivers have been employed, why so?

The Honourable Sir Edward Benthall: Because there is a great need for such people at the present time.

Mr. Govind V. Deshmukh: May I know if anything is being done to advertise for recruits and educate persons in this particular avocation?

The Honourable Sir Edward Benthall: Certainly. Recruitment goes on but retired technical people are of special value in times of stress.

Mr. Govind V. Deshmukh: May I take it that at this time the Government think that a sufficient number will not be coming forward to fill up the vacancies, and to meet the necessary wants?

The Honourable Sir Edward Benthall: The percentage taken back is not very large and varies on different railways. Where the administrations have found it desirable to take back retired technical people of experience that has been done.

Mr. Govind V. Deshmukh: Am I right in thinking that the education necessary for these guards and drivers and foremen is such that a recruit cannot acquire within two or three months?

The Honourable Sir Edward Benthall: Experience is a most valuable thing.

DESIRABILITY OF FIXING RATES FOR WORKERS UNDER MILITARY SEWING WORK CONTRACTORS.

189. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable Member representing the Supply Department please state if it is or it is not a fact that the military sewing work is carried on at some places by Ordnance Factories, while at some places it is given to the contractors, who distribute it to sub-contractors and who in their turn get the work carried out by tailors?

(b) Is it or is it not a fact that the rates given to the contractors are more or less the same as are given directly to tailors in the Ordnance Factories? If not, what is the real condition?

(c) Is it or is it not a fact that in the contract system the real worker gets much less than what he would have got from Government directly?

(d) Is it or is it not a fact that Government have prescribed no margin of profit to the middlemen, with the result that they eat up most of the profit and the real worker gets much less?

(e) Is it or is it not a fact that this underpayment to tailors has resulted in great discontent amongst them, for example, at Agra the tailors had to take resort to strike even, and the number of tailors actually working had been reduced from 10,000 to 3,000 within the last few months?

(f) In view of the importance and urgency of the war work as well as the necessity of giving the actual worker his due, do Government consider the advisability of either getting all the work done through the Ordnance Factories or fixing a certain percentage of rates for the contractors which should be given to the actual workers? If not, why not?

The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar: (a) All materials are cut at Ordnance Clothing Factories and the cut components are issued to contractors for fabricating, except at Shahjahanpur where 75 per cent. of the output is made up by operatives working within the factory and at Sialkot where approximately 60 per cent. of the output is made up within the factory, the balance being obtained from contractors. In the majority of cases, contractors are responsible for having the cut components sewn under their own control. In some cases, sub-contractors are employed.

(b) The fabrication rates paid to contractors vary from Circle to Circle. Generally speaking, they are higher than the rates paid to tailors working in Ordnance Clothing Factories.

(c) Investigations carried out by Cost Accounting Officers show that in some cases a worker's earnings for garments are less when he works for a contractor than in cases where the work is done in a Government factory.

(d) No margin of profit has been prescribed for middlemen. This subject is under investigation by Labour Welfare Officers who have instructions to see that the complaints of operatives submitted through the Tailors Unions are fairly dealt with.

(e) Two small strikes have taken place at Agra, neither of which lasted for more than a few hours. The representations of the Tailors Union in Agra have been referred to the Labour Commissioner in the United Provinces.

(f) The question of centralizing this work in Ordnance Clothing Factories has been considered, but since the capacity of these factories is fully booked, and there is need for rapid expansion of clothing production to meet war demands, the utilisation of contractors is unavoidable. I do not consider it practicable to fix a percentage of the contract rates which shall be payable by the contractors to their employees. Every effort is, however, being made through the Labour Welfare Officers to remedy the grievances of operatives employed by the contractors.

Qazi Muhammad Ahmad Kazmi: What are the exact means which the Government contemplate taking so as to remedy the grievances of the operatives?

The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar: The Labour Welfare Officers are looking into this matter, and the dispute is now before the Labour Welfare Officer and the Labour Commissioner of the United Provinces.

DESIRABILITY OF RAISING THE SALARY AND PRIVILEGES OF EXTRA DEPARTMENTAL SUB-POST MASTERS.

190. *Qazi Muhammad Ahmad Kazmi: (a) Will the Secretary for Posts and Air please state if it is or it is not a fact that Extra-Departmental Sub-Post Masters in the Postal Department are not allowed any casual leave, pension or gratuity and advantages of the Provident Fund, Life Assurance, etc., like the other staff of the Postal Department?

(b) Is it or is it not a fact that their scale of pay is ordinarily Rs. 20, 25 or Rs. 50, but in practice it never exceeds Rs. 30, and this includes contingency and house-rent, while the other Sub-Post Masters get Rs. 35—3—135 with extra contingency allowance and house-rent allowance?

(c) Is it or is it not a fact that the hours of duty of the Extra Departmental Sub-Post Masters are seven hours per day in addition to the time spent in conveyance to and from the Police Station or the Guard Room, etc., which takes one additional hour, while the hours of duty of the Departmental Sub-Post Masters are eight hours only?

(d) Is it or is it not a fact that the functions of both these officials are similar? If not, what is the difference between the two?

(e) In view of the patience of, and hard work that is carried out by the Extra-Departmental Sub-Post Masters, do Government consider the advisability of bringing their salary and other privileges on a level with that of the Departmental Sub-Post Masters? If not, why not?

Sir Gurunath Bewoor: (a) Yes, except that Extra-departmental sub-postmasters are eligible for the benefits of the Postal Life Insurance Fund.

(b) Extra-departmental Sub-Postmasters are not given any scales of pay. They are paid allowances which vary. Ordinarily the maximum is Rs. 30 but in exceptional cases Rs. 40 per month. The allowance covers expenditure on house-rent and contingency. Departmental Sub-Postmasters are on different time-scales of pay which vary according to locality. They get a contingent allowance but the house rent is met direct by the Department.

(c) No. The period of duty of Extra-departmental Sub-Postmasters has not been fixed; it varies in different offices and is generally less than that of Departmental Sub-Postmasters who have to perform duty for eight hours daily.

(d) The functions are similar but the difference lies in the volume of work performed.

(e) No, Sir. Extra-departmental Postmasters are generally persons who have independent sources of income apart from the emoluments they receive from the Posts and Telegraphs Department and in view of the comparatively light work which they have to perform Government see no justification to raise the emoluments to the level of Departmental Sub-Postmasters. If in any office in charge of an Extra-departmental Agent the work increases, that office is converted into a Departmental office.

Qazi Muhammad Ahmad Kazmi: Is there any chance of promotion for these Extra-departmental Postmasters?

Sir Gurunath Bewoor: No, Sir. They are Extra-departmental Postmasters and nothing more.

Qazi Muhammad Ahmad Kazmi: What are the independent sources of income so far as the Government are aware of these gentlemen?

Sir Gurunath Bewoor: Some of them are pensioners, some are shopkeepers, some are zamindars.

Qazi Muhammad Ahmad Kazmi: If they work efficiently and have worked for a sufficiently long time, would not the Government consider the advisability of giving them the regular terms of Government service?

Sir Gurunath Bewoor: The whole essence of Extra-departmental Sub-Postmastership is that it is a cheaper arrangement where the work is light. If the work is heavy we employ departmental sub-postmasters.

DEATH OF TWO PERSONS HANGING ON THE FOOT-BOARD OF A TRAIN NEAR WADRI STATION.

191. Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable Member for Railways please state if the news of the death of two persons who were hanging on the foot-board of the 189 Up train, by dashing against the signal post near Wadri Station on the 3rd July, as published on page 4 of the *Hindustan Times*, Delhi Edition dated the 5th July, 1943, has been brought to his notice?

(b) What steps, if any, do Government contemplate taking to stop the recurrence of such tragedies?

The Honourable Sir Edward Benthall: (a) Yes.

(b) I am satisfied that Railway staff do everything in their power to stop this unauthorised form of travel and I hope that the publicity given in this case will discourage the public from risking their lives in future.

Sardar Sant Singh: May I know if the Honourable Member has got information about the total number of deaths during last year due to travelling on the footboards of railway carriages?

The Honourable Sir Edward Benthall: No.

Mr. Muhammad Nauman: May I know if the Honourable Member has information that such accidents have happened every day on every line, and have the Railway Board got any information that such accidents are happening on the E. I. Ry., B. N. Ry., N. W. Ry., etc.?

The Honourable Sir Edward Benthall: Yes. Travelling outside the carriage is, of course, an unauthorised form of travel and those who adopt that form of travel must accept responsibility for any accidents.

Mr. Muhammad Nauman: Are Government not prepared to take such action as will make it impossible for anybody to travel in such a manner, because if the passengers cannot understand things, it is the Government's duty to make them understand?

The Honourable Sir Edward Benthall: Well, Sir, it is really a most difficult thing to prevent passengers from getting on the outside of carriages if they want to do so. It is the guard's duty to stop them from doing so, but if the guard turns a single passenger off the carriage, and moves on to another carriage, the man merely gets on again behind him. If passengers will adopt this unauthorised form of travel, they must accept responsibility. It is impossible to put a sufficient number of men on the line, in these times, to stop them from doing so. This will hold up the train service still further.

Mr. Muhammad Nauman: Is not the railway competent to take action? To commit suicide is a crime, and if eventually the passenger is going to be killed, it is attempting to commit suicide and it is the Government's duty to see that such things do not happen.

Dr. P. N. Banerjea: Is not such travelling due to extreme congestion in the railway trains?

The Honourable Sir Edward Benthall: Yes.

Dr. P. N. Banerjea: What steps have Government taken to prevent or relieve to some extent such congestion?

The Honourable Sir Edward Benthall: Government have for some considerable time carried out a campaign asking people not to travel. It has had unfortunately very little effect.

An Honourable Member: Eat less, travel less . . .

The Honourable Sir Edward Benthall: If people persist in travelling in this manner, they must, as I have said before, take the consequence of their action.

Dr. P. N. Banerjea: People travel because of the need to travel. Travelling has become so inconvenient now-a-days that unless they find it absolutely necessary they do not travel.

Mr. K. C. Neogy: Does the Honourable Member realise that such a reply could not have been given by an Indian Member?

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

BLOCK ON THE PROMOTION OF CERTAIN TYPISTS IN DIVISIONAL OFFICES.

192. *Bhai Parma Nand: (a) Will the Honourable the Railway Member be pleased to state if it is not a fact that the Railway Board have passed orders regarding the representation of minority communities (Communal proportion) to be applied to the appointments of stenographers by promotions from the ranks of clerks as well as by direct recruitment? If so, what is then left as the channel of promotion beyond grade II (Rs. 95/-) for typists in Divisional Offices, as they are not ordinarily taken as clerks in such offices?

(b) When in all Government Departments, such as Postal, Military, Civil, etc. no category of staff is blocked at the above rate of pay (Rs. 95/-), can it be

the intention of the Railway Administration to treat the typists in Divisional Offices as an exception?

(c) Is it not a fact that stenographers are termed as technical staff? If so, why is it that no combined seniority list of typists knowing shorthand in Divisions and Headquarters Office is prepared as has been done in the case of other technical staff, such as draftsmen?

The Honourable Sir Edward Benthall: (a) The answer to the first part is in the affirmative. As regards the second part, posts of higher grade Stenographers are open to grade II typists if they can achieve such promotion on merit subject to communal reservations.

(b) I am not aware of the position in other Departments but there is generally no justification on the basis of work for allotting a higher grade than grade II for typists.

(c) The answer to the first part is in the negative. The second part does not arise; but I may add that the question of having combined or separate seniority lists for Headquarters and Divisions is a matter of detailed administration within the discretion of the General Manager.

Mr. Lalchand Navalrai: May I ask what then is the prospect for these men when they reach Rs. 95?

The Honourable Sir Edward Benthall: I am afraid that unless they can qualify as stenographers there is a tendency for them to get blocked.

Mr. Lalchand Navalrai: Are they allowed to qualify themselves further?

The Honourable Sir Edward Benthall: Yes, as stenographers.

Mr. Muhammad Nauman: When they entered the service was there a definite undertaking that they would not go beyond Rs. 95?

The Honourable Sir Edward Benthall: I presume that they were aware of the conditions of service when they entered it.

SUPERSESSION OF SENIOR CLERKS OF THE OFFICE OF DIVISIONAL SUPERINTENDENT, LAHORE.

193. ***Sardar Sant Singh:** (a) Will the Honourable the Railway Member please state the rules governing the promotion of clerks from lower grade to higher grade on the North Western Railway?

(b) Is it a fact that the section seniority is a normal course for promotion to the higher grade from grade I to grade IV? If so, is it a fact that persons occupying 16th, 17th and 20th places in the general seniority list of the office of the Divisional Superintendent, Lahore, have superseded the senior claimants? If so, does the Honourable Member propose to make enquiries and to redress the grievances of the superseded persons by asking the authorities to observe the rules?

The Honourable Sir Edward Benthall: (a) The principle is seniority subject to fitness in non-selection posts, and merit with due weight to seniority in selection posts.

(b) Promotion from Grade I to Grade II is generally made on a combined seniority list for the whole office and to Grade III and IV on a branch seniority list. As regards the second part, it is not understood which seniority list is referred to. I understand however that certain promotions not in the strict order of seniority have been made to temporary posts created in connection with Grain Shops. As these have been made on the basis of suitability, I do not propose to take any action.

Sardar Sant Singh: May I ask the Honourable Member if suitability is a condition of promotion, why in a particular case senior Sikhs and Hindus have been superseded by a junior Muslim?

The Honourable Sir Edward Benthall: In this case that is not a correct statement of facts. The facts are that two clerks and not three were promoted from grade II and one was a Hindu and one was a Muhammadan. They were promoted for work in connection with the starting up of the Grain Shops.

Sardar Sant Singh: May I ask if it is not a fact that Sikhs have been superseded who are 4 and 5 in the list and whose turn it was to be promoted according to seniority?

The Honourable Sir Edward Benthall: This was a special case where suitability was the main criterion.

Sardar Sant Singh: May I ask the Honourable Member if he will direct the General Manager not to make this a precedent but to promote the Sikh to that post?

The Honourable Sir Edward Benthall: This is a special case in connection with the starting of the new grain shops.

Mr. Muhammad Nauman: Is it a fact that Mussalmans have been superseded before this on the question of efficiency?

The Honourable Sir Edward Benthall: I expect that both Hindus and Mussalmans were superseded in this case.

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

MINIMUM QUALIFICATIONS FOR RECRUITMENT OF CLERKS FOR NORTH WESTERN RAILWAY HEADQUARTERS OFFICE, LAHORE.

194. ***Mr. H. M. Abdullah:** (a) Will the Honourable Member for Railways please state: (a) whether he has seen the advertisement which appeared in the *Civil and Military Gazette*, dated the 26th March, 1943, issued by the North Western Railway Subordinate Service Commission, inviting applications for recruitment of clerks for the North Western Railway Headquarters Office, Lahore;

(b) Whether it is a fact that the minimum qualifications shown in the advertisement were Matriculation, Second Division;

(c) Whether it is a fact that on other State-Managed Railways no condition of Division is imposed and the minimum qualifications are a pass in the Matriculation Examination of a recognised University or the Junior Cambridge or equivalent Examination as laid down in Rule 56 of Appendix II to State Railway Establishment Code, Volume I;

(d) Whether it is a fact that due to the pitching of minimum qualifications as Second Division matriculates, a sufficient number of Muslim candidates possessing the requisite qualifications could not be secured; and

(e) If the reply to parts (a), (b), (c) and (d) be in the affirmative, whether Government propose to take up with the North Western Railway Subordinate Service Commission the question of fixing the minimum qualifications in the case of clerks?

The Honourable Sir Edward Benthall: (a) and (b). Yes.

(c) I have no information about all Railways but am aware that some Railways only prescribe a pass in Matriculation or equivalent examination. It is, however, open to a railway to prescribe a qualification higher than that laid down in Appendix II of the State Railway Establishment Code, Volume I, if it considers such a course desirable.

(d) I understand that the difficulty experienced in obtaining the required number of Muslim recruits has in some cases been attributed to the reason referred to by Honourable Member.

(e) No, because the qualifications are prescribed by the Railway administration, who, as I stated, are entitled to fix them higher than those laid down in the Code. I understand, however, that where serious shortages occurred, the North Western Railway lowered the qualification to Matriculation III division.

Mr. Muhammad Nauman: May I know whether the Honourable Member is aware of any other railway where it did say a certain division, and is it not a fact that in the case of Christians and Anglo-Indians the only qualification required was a working knowledge of English?

The Honourable Sir Edward Benthall: I should require notice.

Mr. Muhammad Nauman: You have notice of that in this question because naturally when a question is asked, you do not want that we should state all the arguments there?

The Honourable Sir Edward Benthall: I suggest that if the Honourable Member wants more information he should put another question.

Mr. Lalchand Navalrai: If the qualification is lowered, as the Honourable Member said, in some cases, was it to give place to the Mussalmans to the disadvantage of Hindus?

The Honourable Sir Edward Benthall: No. It is entirely at the discretion of the railway administration, and, as far as I am aware, it is equitably administered.

Mr. Muhammad Nauman: Is it not a fact that it was done just to give them their share as fixed by the Home Department?

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

RECRUITMENT OF TICKET COLLECTORS, GRADE I, ON NORTH WESTERN RAILWAY.

195. ***Mr. H. M. Abdullah:** Will the Honourable Member for Railways please state:

(a) whether he has seen the advertisement for recruitment of Ticket Collectors, Grade I, on the North Western Railway, which was issued by the North Western Railway Subordinate Service Commission and which appeared in the *Civil and Military Gazette*, dated the 4th March, 1943;

(b) whether it is a fact that, out of the 35 vacancies, 21 vacancies were reserved for Muslims, nine for Anglo-Indians and one was available for Hindus; and

(c) if the reply to part (a) be in the affirmative, what is—

(i) the total number, separately, of applications received from each community;

(ii) the number of candidates selected by the Commission for interview;

(iii) the number of candidates finally selected by the Commission; and

(iv) the number of candidates to whom free Railway Passes were issued to attend the selection at Lahore?

The Honourable Sir Edward Benthall. (a) Yes.

(b) Yes, one unreserved vacancy was open to all communities including Hindus.

(c) (i) Muslims 412, Hindus 167, Other Minority Communities 54, Anglo-Indian 1.

(ii) 864 (Muslims 236, Hindus 89, Other Minority Communities 39).

(iii) 76 (Muslims 39, Hindus 25, Other Minority Communities 12).

(iv) 299, the remaining 65 candidates selected for interview were local men.

PROMOTION OF A NON-MUSLIM GRADE III CLERK AS STENOGRAPHER ATTACHED TO D. G. M. P., NORTH WESTERN RAILWAY HEADQUARTERS OFFICE, LAHORE.

196. ***Mr. H. M. Abdullah:** Will the Honourable Member for Railways please state:

(a) whether it is a fact that sometime in 1930 it was decided that the stenographer, Grade IV, attached to the C.P.O. (now D.G.M.P., North Western Railway Headquarters Office, Lahore) should be borne on the cadre of the Personnel Branch of that office;

(b) whether it is a fact that the then incumbent of the post was subsequently selected and appointed as a Head Clerk of the Personnel Branch, that the post of Grade IV vacated by him was filled by a non-Muslim who was substantively in Grade I, and that the claims of the Muslim Grade III Clerks employed in the Personnel Branch, Headquarters Office, were ignored;

(c) whether it is a fact that the claims of the Muslim Grade III Clerks, referred to in part (a) above, were ignored on the plea that the post, though borne on the cadre of the Personnel Branch was reserved for a clerk-cum-steno. and that the representation made by them was rejected;

(d) whether it is a fact that in 1942 Grade IV post of a stenographer again fell vacant, and that the non-Muslim D.G.M.P. promoted a Grade III clerk of the Personnel Branch to Grade V against the said post without imposing the condition of steno-typist;

(e) whether it is a fact that the non-Muslim D.G.M.P. is utilising the previous incumbent of the post as his stenographer who is now in Grade V, and that a non-Muslim Grade III Clerk, who was promoted to Grade IV against that post, is not doing any stenography work; and

(f) if the reply to parts (a), (b), (c), (d) and (e) be in the affirmative, what the reasons are for imposing different conditions when considering the claims of Muslims and non-Muslims for promotion to one and the same post, and what action Government propose to take for safeguarding the interests of Muslims in such cases?

The Honourable Sir Edward Benthall: (a) No, the decision referred to was taken in 1932.

(b) The reply to the first two parts is in the affirmative; as regards the third part, there was no question of ignoring the claims of the Grade III Muslim clerks as none of them possessed the prescribed qualification.

(c) Yes.

(d) Yes, when the then incumbent of the post who was a Muslim was transferred to the Railway Board's office. As regards the second part, a clerk of the Establishment Branch was appointed temporarily against the post in Grade IV, not grade V as stated in the question, but subsequently it was decided to allow him the higher grade only during the periods he would have officiated in the higher grade in the Branch.

(e) A previous incumbent of the post is occasionally used by the Deputy General Manager, Personnel, as stenographer when office stenographers are not available. The reply to the second part is in the affirmative.

(f) Different conditions have not been imposed when considering the claims of Muslims and non-Muslims for the post. The qualifications laid down for the post have to be changed when the requirements of the service so demand. Government can see no necessity for taking any special action.

Mr. Lalchand Navalrai: Is it a fact that they are first made temporary and then made permanent and in that way they supersede the others—the permanent people?

The Honourable Sir Edward Benthall: No Sir, I do not think that is the case. If the Honourable Member will care to give any instances, I will look into them.

Mr. Muhammad Nauman: Was it not possible to get any Muslim in the same grade?

The Honourable Sir Edward Benthall: No, Sir. There was no individual with the required qualification of clerk cum stenographer.

MUSLIM REPRESENTATION IN APPOINTMENTS OF HEAD CLERKS, GRADE V AND ABOVE, ON NORTH WESTERN RAILWAY.

197. ***Mr. H. M. Abdullah:** Will the Honourable Member for Railways please state:

(a) whether it is a fact that an undertaking was given to this House on the 24th and 25th February, 1931, that due regard to the adequate number of Muslims will always be given while making appointments to the posts of Staff (Personnel) Officers, Office Superintendents and Head Clerks on the State-managed Railways; and

(b) if the reply to part (a) above be in the affirmative, how far the undertaking has been implemented in filling the appointments of Head Clerks, Grade V and above, on the North Western Railway, since 1931—the communal composition of Head Clerks, Grade V and above (excluding Superintendents) as it stood on the 31st March, 1931, 1939, and 1942, be given separately of each branch and office?

The Honourable Sir Edward Benthall: (a) The statement made in the House in 1931 was that it was Government's desire to see the Muslim community adequately represented in such posts when suitably qualified and senior employees belonging to that community were available.

(b) I have no reason to believe that the administrations have not been implementing this desire of Government. I regret, however, I cannot undertake under present conditions to collect the information required by the Honourable Member.

Mr. Muhammad Nauman: Is the Honourable Member prepared to send a circular once more to the railways reminding them that they should keep this in mind? We are afraid that they are not keeping it in mind.

The Honourable Sir Edward Benthall: I am informed that they are.

UNSTARRED QUESTIONS AND ANSWERS.

PROMOTION OF WORKS CLERKS IN THE RAILWAY BOARD SCHEME FOR RELIEF OF GRADE I STAFF ON NORTH WESTERN RAILWAY.

37. Mr. Lalchand Navalrai: (a) With reference to the Honourable the Railway Member's reply to my starred question No. 307, asked on the 15th March, 1943, in regard to promotion of Works Clerks in the Railway Board's 1941 Scheme for relief of Grade I staff on the North Western Railway, will he be pleased to state which authority grouped the three categories of staff Nos. 11, 12 and 13, referred to in the Railway Board's letter of September 1941? If the above categories were grouped by the Railway Board, does the Honourable Member propose to lay a copy of the letter on the table of the House?

(b) Has relief been given to all the three categories of staff, viz., Works Clerks, Time Keepers, and Assistant Sub-Divisional Clerks? If so, does the Honourable Member propose to lay a statement giving information for each division and category, separately?

(c) If the Works Clerks and Time Keepers were borne on the common seniority list as stated in reply to part (d) of question No. 307, asked on the 15th March, 1943, how does the Honourable Member reconcile this with the opening sentence of paragraph 3 of the General Manager's Circular letter No. 522-E/442, dated the 30th June, 1942, that it was proposed to have a common seniority list for the future?

(d) In view of the statement by the General Manager referred to in part (c) above, is it proposed to give relief to Works Clerks as a separate category in the Railway Board's scheme for relief, and to amalgamate the seniority, if so desired, only with effect from the date of issue of the General Manager's letter of the 30th June 1942? If not, why not?

The Honourable Sir Edward Benthall: (a) Government are not prepared to discuss details contained in correspondence between them and their subordinate offices.

(b) Relief has been given as a whole to the three categories specified. Government have no information of the individual promotions made.

(c) Government are not aware that any discrepancy exists.

(d) Does not arise.

ALLOCATION OF EXPENDITURE ON NORTH WESTERN RAILWAY MEDICAL DEPARTMENT.

38. Mr. Lalchand Navalrai: (a) With reference to the Honourable the Railway Member's reply to unstarred question No. 40, asked on the 2nd March, 1943, in regard to the money spent on the Medical Department of the North Western Railway, will he be pleased to state whether, in view of the abnormal rise in prices of medicines, medical stores etc., it is a fact that adequate medical relief is not being provided on the North Western Railway, although there is an average expenditure of 7 or 7½ pias per patient per day? What steps are proposed to be taken to meet the situation?

(b) In view of the fact that 81 per cent of the total expenditure is appropriated by the "Personnel" of the Department and 19 per cent is left for medicines, equipment, contingency, diet, etc., is it proposed to revise the allocation of expenditure? If not, is it proposed to make allotment of extra funds? If not, why not?

The Honourable Sir Edward Benthall: (a) No.

(b) No; but if the necessity to increase the provision for medicines should arise, the necessary funds will be provided.

LEAVE RESERVE FOR THE EMPLOYEES IN SUBORDINATE SERVICE IN KARACHI DIVISION.

39. Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that the employees in the subordinate service in the Karachi Division of the North Western Railway experience difficulty in getting leave? If so, why?

(b) Is it proposed to increase the leave reserve to ensure actual grant of leave to employees? If not, why not?

(c) If the reply to the first portion of part (a) above be in the negative, how is it that some of the employees proceed on leave without its previous sanction?

(d) How is such absence treated?

(e) How many instances of the employees availing themselves of leave in the manner referred to in part (c) have happened during the half year ending the 30th June, 1943, and what is the number of employees belonging to each community so involved?

(f) How is it proposed to remedy the situation created by the unauthorised leave taken by the staff?

The Honourable Sir Edward Benthall: (a) Government are informed that on the N. W. Railway in general the position regarding leave to subordinate staff is satisfactory and that the Karachi Division is no exception.

(b) No, because it is considered adequate.

(c) Absence without leave is not necessarily the result of inadequate leave reserves.

(d) Each case is dealt with on its merits.

(e) 31 subordinates, Muslims 19, Hindus 8, Sikhs 3 and Anglo-Indian 1.

(f) The disciplinary aspect will be examined. No other special action is called for.

PASS PRIVILEGES FOR ADOPTED CHILDREN OF A NORTH WESTERN RAILWAY EMPLOYEE.

40. Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways be pleased to state whether the adopted children of an employee of the North Western Railway are entitled to pass privileges?

(b) Is it a fact that such passes are not allowed to an adopted son if the employee has his own daughters?

(c) Is the Honourable Member aware that a son can be adopted by a person even if he has his own daughters? If so, why are passes refused to adopted sons in that case?

(d) Is it proposed to bring Railway rules in conformity with the law on "Adoption"? If not, why not?

The Honourable Sir Edward Benthall: (a) and (b). The pass privilege is admissible to one adopted child, irrespective of whether the employee has or has not natural-born children of his own.

(c) and (d). In view of the reply to (a) and (b) I have assumed no reply is required to (c) and (d).

COMMUNAL PERCENTAGE OF OFFICERS ATTACHED TO THE DIVISIONAL OFFICE, MORADABAD.

41. **Mr. Muhammad Azhar Ali:** Will the Honourable Member for Railways be pleased to state:—(a) the strength of the senior and junior scale officers of all branches (including Medical, Accounts, Engineering) attached to the Divisional Office of the Moradabad Division of the East Indian Railway; and

(b) what the percentage is of Europeans, Anglo-Indians, Muslims and Hindu officers therein?

The Honourable Sir Edward Benthall: (a) and (b). The attached statement gives the required information.

Statement showing the communal composition of Senior and Junior scale officers on the Moradabad Division.

Department.	No. of Officers.														
	Junior Scale.					Senior Scale.					Total.				
	Hindu.	Muslims.	Europeans.	Anglo-Indians.	Parsis.	Hindu.	Muslims.	Europeans.	Anglo-Indians.	Parsis.	Hindu.	Muslims.	Europeans.	Anglo-Indians.	Parsis.
1. Civil Engineering	2	...	1	...	...	3	2	...	...	...	2	4	...	1	...
2. Signal Engineering	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
3. Transportation (Traffic) and Commercial	1	...	...	...	...	1	1	...	1	...	2	2	...	1	...
4. Transportation (Power) and Mechanical Engineering Department	1	1	...	...	...	2	...	...	...	...	1	1	...	...	1
5. Medical	...	...	...	...	...	1	...	...	...	...	1	1	...	...	...
6. Accounts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
7. Personnel Branch	...	...	...	...	...	1	...	...	...	...	1	1	...	...	...
Total	4	1	1	...	...	6	5	...	1	1	8	9	1	2	1
Percentage	...	...	...	...	...	...	...	...	...	...	64.4	7.1	14.3	7.1	7.1

HINDU AND MUSLIM HEAD CLERKS IN DIVISIONAL OFFICE, MORADABAD.

42. **Mr. Muhammad Azhar Ali:** Will the Honourable Member for Railways please state: (a) What the strength is of the Head Clerks of the various Branches of the Divisional Office of the East Indian Railway, Moradabad; and

(b) How many amongst them are Hindus, Muslims and others?

The Honourable Sir Edward Benthall: (a) and (b). Information has been called for and a reply will be laid on the table of the House in due course.

COMMUNAL REPRESENTATION IN CERTAIN STAFF OF THE MORADABAD DIVISION.

43. **Mr. Muhammad Azhar Ali:** Will the Honourable Member for Railways please state: (a) What the strength is of the staff in the grades rising upto Rs. 250 in the Moradabad Division of the East Indian Railway; and

(b) how many amongst them are Europeans, Anglo-Indians, Hindus, Muslims, Parsis, Sikhs and others?

The Honourable Sir Edward Benthall: (a) and (b). Information has been called for and a reply will be laid on the table of the House in due course.

MUSLIM CONTRACTORS IN ENGINEERING BRANCH OF THE MORADABAD DIVISION.

44. **Mr. Muhammad Azhar Ali:** Will the Honourable Member for Railways please state the strength of the Muslim Contractors on the approved list of the Engineering Branch of the Moradabad Division of the East Indian Railway during 1940, 1941 and 1942, and what their strength is now in 1943?

The Honourable Sir Edward Benthall: The information asked for is not available.

GRIEVANCES OF PILGRIMS TO ROORKEE DURING *Urs Sharif* OF PIRAN KALIAR.

45. **Mr. Muhammad Azhar Ali:** (a) Will the Honourable Member for Railways please state what restrictions were imposed by the Railway Department on pilgrims to Roorkee during the *Urs Sharif* of Piran Kaliar this year?

(b) What was the estimated gathering, and what was the actual gathering that travelled by rail?

(c) Is it a fact that the intending passengers to Roorkee had to buy tickets for longer distances in order to reach Roorkee?

(d) What extra income was made by the Railway on account of this extra expenses incurred by the passengers in buying tickets for longer distances?

(e) Is it a fact that tickets were not issued from Booking Offices for Roorkee and so people were compelled to travel without tickets and thus had to pay fine on their arrival at Roorkee?

(f) How much excess fare and fine charges were recovered during the *Urs Sharif*?

The Honourable Sir Edward Benthall: (a) A restriction was imposed not by the Railway Department but by the Government of the United Provinces under the Defence of India Rules, prohibiting carriage by rail to certain specified stations of persons intending to take part in Piran Kaliar *mela* at Roorkee.

(b) The number of passengers during the period of *mela* with restriction in operation, was estimated at approximately 5,000. The actual number of passengers by rail, however, was about 12,000.

(c) A large number of passengers evaded the restriction by buying tickets to stations beyond the restricted zone and detraining at Roorkee.

(d) Information is not available.

(e) During the restricted period—13th March, 1943, to 23rd March, 1943,—tickets were not issued by stations to Roorkee except to persons who could satisfy the Railway Administration that they were going to Roorkee otherwise than for the purpose of taking part in the fair. As at all times, passengers detected arriving at Roorkee without tickets, were charged the fares and the excess charges recoverable under the Railway Rules.

(f) The total amount on account of excess charges so recovered from 12th March, 1943, to 23rd March, 1943, is about Rs. 2,500.

GRIEVANCES OF PILGRIMS TO ROORKEE DURING *Urs Sharif* OF PIRAN KALIAR.

46. **Mr. Muhammad Azhar Ali:** (a) Will the Honourable Member for Railways please state whether it is a fact that no restrictions were imposed on pilgrims to Hardwar during the various *melas* held in 1943?

(b) What various *melas* have taken place at Hardwar during this year (1943), and what was the total gathering on each occasion?

(c) Are Government aware that the ordinary interests of the travelling public belonging to the Muslim community are not properly looked after?

(d) Is it a fact that during the return of pilgrims from Roorkee, tickets were indiscriminately sold and no proper arrangements were made for the clearance of passengers resulting in injuries to ladies and children due to overcrowding?

(e) Is it a fact that the Railway officials were vindictive towards the pilgrims because they had come contrary to the orders of the Railway Administration and so they treated them very harshly and denied them the ordinary facilities like drinking water, etc.?

(f) What was the total number of passengers who returned by rail from Roorkee?

The Honourable Sir Edward Benthall: (a) Yes.

(b) The *melas* held at Hardwar and the total number of passengers (inclusive of the normal regular passenger traffic) are given.

Name of Mela.	Dates of Mela.	Total rail traffic in 1943.
Lohri and Makar Sankranti	11th to 17th January, 1943.	10,509
Sivaratri	1st to 7th March, 1943.	Figures not available.
Dikhauti or Baisakhi	12th to 18th April, 1943.	21,039
Gurukul anniversary	23rd to 26th April, 1943	7,903
Dashehra Jaith	10th to 15th June, 1943	25,861
Sawan mela	17th July to 16th August, 1943.	mela still not over.

(Pooranmashi Mela is held every month at Hardwar but the gathering in this connection is not considerable and figures of traffic for these monthly *melas* are not maintained.)

(c) No.

(d) Tickets during the outward rush from Roorkee at the end of the *mela* were sold in accordance with the available room on trains as ascertained from enquiries made over the Control telephone, in respect of each train. Clearance of passengers was thus regulated and tickets were not issued indiscriminately. No case of injuries on account of overcrowding came to notice and none has been reported to the railway authorities.

(e) No. All reasonable amenities were available at the station. Drinking water arrangements in particular were adequate, 13 additional watermen being provided at Roorkee during the *mela* period.

(f) The total outward traffic from Roorkee from 12th March, 1943 to 23rd March, 1943—the period of the *mela*—was 25,000 passengers.

PARTIES SUPPLIED WITH MACHINERY FOR CHEMICAL INDUSTRIES AND PRODUCTION OF POWER ALCOHOL.

47. Mr. K. C. Neogy: Will the Honourable Member representing the Supply Department be pleased to refer to Starred Question No. 278, dated the 10th March, 1943, and Starred Question No. 413, dated the 29th March, 1943, and furnish a statement giving—

(a) the names of parties to whom the machinery connected with the Chemical Industry is being allocated, together with the approximate cost of such machinery, and the kind of chemical expected to be manufactured in each case; and

(b) the names of the parties to whom the plant and machinery for the production of power alcohol may have been supplied, together with the approximate cost of the said plant and machinery in each case?

The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar: (a) No machinery has yet been allocated to the Chemical Industry. The second and third parts of the question do not arise.

(b) No plant and machinery for production of power alcohol has been supplied to any firm. The second part of the question does not arise.

COMMITTEE ON PETITIONS.

Mr. President (The Honourable Sir Abdur Rahim): I have to announce that under sub-order (1) of Standing Order 80 of the Legislative Assembly Standing Orders the following Honourable Members will form the Committee on Petitions, namely: (1) Syed Ghulam Bhik Nairang, (2) Mr. M. Ghiasuddin, (3) Sardar Sant Singh, and (4) Mr. N. M. Joshi.

According to the provision of the same Standing Order the Deputy President will be the Chairman of the Committee.

STATEMENT OF BUSINESS.

The Honourable Sir Sultan Ahmed (Leader of the House): May I be permitted, Sir, to make a statement? The progress made with the current agenda in the last two days has been disappointingly slow and even allowing for the fact that my Honourable Colleague the Commerce Member has decided to defer the moving of his Resolution on devastated areas to the next Session, it is clear that if we adhere to present arrangements, little, if any, time will be available on Monday and Tuesday next week for the food debate. We understand that the House as a whole would be most averse to the relegation of the food debate to days later than Monday and Tuesday. We, on the other hand, could not acquiesce in the deferment of outstanding items of legislative business to days later than Monday and Tuesday. In the circumstances, Sir, we propose to defer the discussion of the war situation from tomorrow to Wednesday in next week and His Excellency the Governor General has indicated his willingness to cancel the allotment of Friday in this week for non-official Resolutions and to allot Thursday in next week in lieu of that day. Consequently, we will proceed with the items on the current agenda tomorrow and on Friday, and I would earnestly appeal to all sections of the House to co-operate in securing such progress as will leave the whole or at all events the greater parts of Monday and Tuesday next week available for the debate on the food position. In view of these proposals, I would request you, Sir, to direct the House to sit on Wednesday in next week for the transaction of official business.

Mr. President (The Honourable Sir Abdur Rahim): I direct that on Wednesday next week Assembly will sit to transact official business.

THE DELHI UNIVERSITY (AMENDMENT) BILL.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume further discussion on the motion that the Bill further to amend the Delhi University Act, 1922, as reported by the Select Committee, be taken into consideration.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, the complaint has been made just now by the Honourable the Leader of the House that the work in the Assembly is going on slow.

Mr. President (The Honourable Sir Abdur Rahim): I am sure the Honourable Member will not make it slower.

Mr. Lalchand Navalrai: But it should be acknowledged that all that we are trying to do is very essential: it is a very important piece of work. Therefore, we should not be charged with anything. I can immediately make one promise that I will not waste the time of the House. I will curtail my speech as much as I can and I will touch only on essential points. I have no intention of coming in the way of other Honourable Members who wish to speak on this very important measure. I should like those Honourable Members, especially non-officials, who were on the Select Committee to come forward and say how they have accepted all the propositions contained in this Bill.

I was saying yesterday when the House rose for the day that no opportunity is given to the University to express its opinion on this Bill which introduces all sorts of innovations in the present structure. Since then a promise was made that it will be done. Today a pamphlet was put into my hands which contains the opinions of the University of Delhi. From this I find that the University itself is in favour of many of the amendments that are embodied in the Bill. I shall not deal with them now. They will come in their own turn. But reading the minutes of the meeting of the Delhi University, I find that they also say that the initiative for the appointment of the Vice-Chancellor should proceed exclusively from the University, that it should be at their instance and not on the motion of the Chancellor.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member said all that yesterday.

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Mr. Lalchand Navarai: Now coming to the other question, namely, three years degree course, I must say that I do not agree with what the University says. I do not find here what actually the Court of the University said on this Bill. I do find what the executive council has said. There is no doubt that the executive council have agreed with the Government in giving a trial for three years degree course. But allow me, Sir, to say that this opinion is not frank. This opinion was influenced, rather they were cowed down by higher authorities to give their assent to three years degree course. I have also some experience of how opinions are obtained in the University. I have very bitter experience.

Mr. President (The Honourable Sir Abdur Rahim): I do not think the Honourable Member is justified in imputing motives to people who are not here to defend themselves.

Mr. Lalchand Navarai: I only say why they have given the opinion. I am entitled to give my reasons why they have given such opinion.

Mr. President (The Honourable Sir Abdur Rahim): But the Honourable Member is imputing motives.

Mr. Lalchand Navarai: I say the opinion they have expressed is not frank. Am I not entitled to do so?

Mr. President (The Honourable Sir Abdur Rahim): That is a different matter.

Mr. Lalchand Navarai: With regard to three years degree course, I would ask the House to give consideration to the practical difficulties in the way. What is the present course? First of all there is the Matriculation. Then there are four classes in the College. First year—F.A., then the Intermediate and then two years B.A. The change that is introduced now is the preparatory course for one year and then three years degree course. That again comes to four years, just as it is four years now. They are changing the name of Intermediate into preparatory. But the difficulty is this. At present if a student passes the Intermediate, he can get admission into the medical course or the engineering course or the B.A. or B.Sc. course. What will be the course left for the boys who gets through the preparatory course? First of all he passes the matriculation, and afterwards he passes the higher standard. All this will be in the school. When he goes to the college, he appears for the preparatory course. Then he remains for three years more to get a degree. After this preparatory course, a boy cannot get admitted to the engineering or the medical course, he can only go to the polytechnic course which has been newly created in Delhi. After passing the preparatory examination, if the boy goes to any other University, he will not be considered to have passed the Intermediate. I am told that Government is recognising the polytechnic course. But this applies only to Delhi area and not to other Universities. If Government say that a boy who passes the preparatory course in Delhi will be admitted to engineering, medical and other courses in other Universities, then that is a different matter. Otherwise, the boys will be at a great disadvantage, if they go to other Universities. Does not this disturb the whole system of education in India? Of course, if the boy after passing the preparatory comes back to the Delhi University, of course there is no medical course here nor engineering course. They will be taken only to the B.Sc. course. I submit these difficulties should be looked into. It is no use saying this is a better system than the present one.

The second point is this that all that the University wants to do in Delhi it can do by retaining the intermediate class under the present system and under the present law, and therefore that will be better because I do not find much difference except with reference to the preparatory ways of preparation between the two systems. My submission is that it is not necessary to make this amendment in order to introduce the new three years' degree course, but even under the original clause of the Act this scheme can easily be introduced.

Now when the Government of India originally proposed to the University to consider the matter it never suggested that the Act should be amended because it was believed that it could be introduced without any amendment. I hope I am correct in that. The present Vice-Chancellor came to believe that it was necessary to abolish the intermediary examination and it is this that is responsible for the amendment of this section, but even the proposed amendment does not abolish the intermediate examination. For the purposes of admission to a degree course, another examination for the purpose is being added.

Mr. President (The Honourable Sir Abdur Rahim): What is the Honourable Member reading from?

Mr. Lalchand Navarai: I am reading my own notes. I think I am entitled to make notes?

Mr. President (The Honourable Sir Abdur Rahim): Yes, as part of his speech.

Mr. Lalchand Navarai: The new three years' degree course can be introduced under the existing Act as follows. Admission to the college can be made after the matriculation examination as at present. The college can have an examination at the end of the first year and the courses of study can be made complete in themselves as at the University of Bombay. The students can then be prompted to the next higher class in that university. The following three years of college life can be organized on a single basis as is proposed in the University of Delhi with courses extending over three years. The University can hold an examination at the end of one year and call it Part I or the Intermediate, and then after two years further study a student can take his degree. This would necessitate the least dislocation with the existing organisation of university education all over the country and students can migrate from and to this university without difficulty. Nor will there be any problem of admission provisional or otherwise after the intermediate, which in a number of Indian universities is an admission stage to the courses. My object is this that the similarity between the two systems requires no amendment.

I will now proceed with one or two other matters with reference to the statutes. The first amendment relates to the constitution of the Executive Council and follows the recommendation made by the university itself, namely that the two Professors should be elected by the Academic Council and the women co-opted by the Executive Council. This would reduce the number of the nominations by the Chancellor. We have no objection to two ladies being taken on in the university but what we say is this that they should not be nominated. In these days nomination is not a proper way of doing things. Further, we say let them be co-opted by the Academic Council and be members of that body.

Coming to the other point with regard to the constitution of the Selection Committee, I think, and all colleges agree, that it is a slur on them to lay down in a statute that a person elected by the Academic Council shall not be connected with any college. The existing statute gives each college representation on the Selection Committee. It would be very wrong to say that there should be no one taken from the other colleges. At present the system goes on and I think it will be depriving them of the representation that they have.

There is a suggestion that teachers on the Staff Colleges be recognised in accordance with their qualifications and what is being done at present is different. Neither the Selection Committee nor the Executive Council should be carried away by personal considerations. I believe some safeguard for teachers is necessary. It is not enough that an appeal should lie to the Chancellor.

Then I come to the withdrawal of the recognition of the colleges. Under the existing statute recognition cannot be withdrawn except with the approval of the Court. As this is not proposed, the Executive Council is to exercise this power. There should be some statutory safeguard that this power will not be abused. It is not enough that an appeal should lie to the Central Government. The least that would meet the case is that the decision of the Executive Council to withdraw recognition be made by not less than by two-thirds

[Mr. Lalchand Navalrai.]
of the majority. I have one suggestion here. I find that the question of suzerainty of the authority over the university is being confined and given to the Executive Council. Well, Sir, I do not like that. The Court should not be ignored. The Court should be given the powers of suzerainty. The Court should be the final authority on university questions. As a matter of fact we find matters of much less importance are given to the Court, e.g., the withdrawal of the degrees and diplomas. Is it that it is easy to get a decision from the Executive Council, or is it that the Chairman or the Vice-Chancellor seeing that he has a few members to deal with feels that it will be easy for such a provision to be made? Therefore, I am submitting that the Court's powers should not be reduced. May I show a justification for that? Under section 17 of the present Act, we find that the first authority that has been put down by the Legislature is the Court, and then the Executive Council, the Academic Council and the others.

One other matter and I am done. It is the withdrawal of the degrees and diplomas. Under the existing ordinance the services of a teacher in the employ of the university can be dispensed with only by the decision of two-thirds of the members of the Executive Council present at the meeting, and this is a part of their agreement of service. It would be extraordinary if a college can dismiss by a bare majority as it is now proposed.

These are the difficulties we have. Many more will come forward from the other Members. As I said, I have no intention unnecessarily to go on and I mean no slur or any reflection. I have only frankly stated things which have not been so stated by the university authorities.

Khan Bahadur Sheikh Habibur-Rahman (Nominated Non-Official): Sir, this is an amending Bill regarding the University Act of an unfortunate province which has been unrepresented in this House for a long time. I belong to this province and since I am present here today it is my duty to express my views regarding this Bill. The motion before the House is that the Report of the Select Committee be circulated for the purpose of eliciting public opinion thereon. I feel that it will be delaying things and no useful purpose will be served if we circulate the Bill for eliciting opinion. Honourable Members of this House must be aware that there are three kinds of universities in the country,—affiliated, unitary and federal. So far as the Delhi University is concerned it is federal, and I understand that there is no other federal university in the whole country except Delhi University. Naturally, therefore, the Act, statutes and ordinances of a federal university must be different from those of the other universities in the country.

Mr. Lalchand Navalrai: How is it federal? What do you mean by that?

Khan Bahadur Sheikh Habibur-Rahman: Of course it is federal. Therefore, as I said, its statutes, etc., must be different from those of other universities; and I therefore do not see any reason why the opinions of the other universities which are working on different lines should be called for. That is one ground of my opposition to this motion.

Sir, I was not a Member of this House when this Bill came up last time but what I have gathered from the speeches of Honourable Members is that there were several controversial points including four major points. One was regarding the appointment of a whole-time salaried Vice-Chancellor, another with regard to the three-years degree course, third with regard to additional four nominations on the Executive Council and the fourth about the power of granting and withdrawing recognition of colleges by the Executive Council. After going through the Report of the Select Committee I feel that the members of that committee have gone into all these questions irrespective of the fact whether they are major or minor, and they have made several amendments in the original Bill. I therefore see no reason to delay this measure and circulate the Bill for eliciting opinion. I understand that this is a step which the Delhi University have

taken for the betterment and development of this university and I am sure Honourable Members will agree with me that delaying the passing of this Bill will mean delaying the betterment and the development of the university itself. I therefore request and appeal to all Honourable Members not to oppose this Bill for the sake of opposition or for the sake of delaying it.

Sir, I oppose the motion.

Mr. J. P. Sargent (Government of India: Nominated Official): Sir, I must admit that I rise this morning in a somewhat shaken condition to address this House. This is partly due to the natural nervousness of a very new Member speaking in this Assembly only for the second time but my agitation on that account is less than it would otherwise have been because I have a very lively recollection of the kindness and indulgence with which I was listened to by Members of all parts of the House on the previous occasion. My second cause for agitation arises from the spate of amendments which in spite of the labours of the Select Committee this measure has provoked. When I was listening yesterday to the Honourable the Mover of the amendment for circulation speaking so feelingly about the hardships of examinations and advocating so warmly the compartmental system, I wondered whether he was going on to suggest that the amendments for which he himself is responsible should be taken on the compartmental system. But my main reason for agitation is that it has been suggested both on this occasion and on the previous occasion when this Bill was under discussion, and suggested by gentlemen who are not only friends of mine but for whose opinions on all educational matters I have the highest regard, that the Government of India under the malign influence of persons like myself, who may be suspected to know little and care less about the Indian system of education, is trying to rush through a measure, which some people have described as reactionary and others as revolutionary, in an ill-considered and hasty manner.

Now, Sir, what are the real facts with regard to this? So far as I myself am concerned, I hasten to plead guilty to the fact that ever since I became interested in Delhi University and in the Delhi reorganisation scheme the latter has had my whole-hearted support; it has it now, and it will continue to have it whatever the fate of this measure may be, because I believe that we are endeavouring to do in Delhi something which will not only be of advantage to Delhi University but may also give a most valuable lead in regard to the future development of university education throughout the whole of this country.

Now, Sir, if the main principle, on which I wish to speak mostly, of this reorganisation scheme and the principle which it is the aim of this measure to confirm, consolidate and promote, namely, the three years' degree course, were an idea of my own, I should have great hesitation in pressing it against the view of any Member of this House whom I know to be interested in the cause of education. But without going into details I would only remind the House, as I did on the previous occasion, that the principle of the three years' degree course, which involves the gradual disappearance of the intermediate course, has received endorsement I think from every competent body which has considered the question of university education in this country for the last 25 years, beginning with the Calcutta University Inquiry Commission, better known as the Sadler Commission, and ending with a committee which was set up in 1938 or 1939 by the United Provinces Government to consider the organisation of universities in that area. In between these two it has received consideration on several occasions by the Inter-University Board, and in 1934 and 1939 by the Universities of India Conference. It has also been endorsed by the Central Advisory Board of Education.

I did for one moment find myself in complete agreement with my Honourable friend Mr. Lalchand Navalrai and that was when he said that this was an important measure. It is an important measure and I hope that at any rate those in this House who know me would not suspect me of supporting an

Mr. Lalchand Navalrai: I have never objected and I will never object, but I will see how you will be able to get this amount.

Mr. J. P. Sargent: Government have provided this amount and I say that we hope to provide more and I shall make no apology for using whatever influence I possess to persuade the Finance Member, the Standing Finance Committee, this Assembly and the Government of India to provide money for useful education even in war time, for I feel, and I am sure most of you feel, that it is the younger generation which will be called upon more than ourselves to repair the ravages of the last 4 or 5 years.

Having said so much already, perhaps I may have your indulgence if I turn for a minute to some of the detailed issues which have been raised in the course of this debate. But before doing so, I should like to try and allay some unnecessary fears which have been expressed both in this House and outside in regard to certain aspects of this Bill. I have been told that we are reverting in this measure to the idea of a unitary university, which found its place in the preamble to the original Act, but which has never, in fact, been the character of the Delhi University. I can only say that, so far as I know,—and I can speak for myself at any rate and the Vice-Chancellor in this matter—this idea is entirely erroneous. We both belong to a certain university for which, in spite of its reputation as the home of lost causes, we both have a great veneration and affection, and if there is anything that is less representative of the idea of a unitary university than the University of Oxford, or as I believe my Honourable friend, Dr. Sir Zia Uddin Ahmad will agree, than the University of Cambridge, I should be glad to have it pointed out to me. It has also been suggested that by proposing to repeal section 7, sub-section (2) of the original Act, by which every teacher of the university must be attached to a college, we aim at creating two classes of teachers within the university, a university class of teachers and a college class of teachers, the interests and status of the former being superior to those of the latter. There again I can only say that nothing I am certain is further from the intention of the university scheme than that. In fact, some Members present will know that the object of the reorganisation scheme as well as the object of the conditions which were imposed in connection with the increased Government grants to Colleges have been to ensure superior salaries, superior conditions of service and closer contact with the university to the teachers of the Colleges. In fact, every teacher of a college who is recognised for our grant must in future be a teacher of the university also, and I know it is the hope that with the increased standard which better conditions will produce, the college teachers will increasingly be selected for the major academic offices of the university for the Readerships and we hope sometimes for the Professorships also. Therefore, the idea that there is any object in this Bill to create a class of university teachers who have no interest in the colleges, who regard themselves as superior to the college teachers and who will annex the plums in the university at the expense of the college teachers is a complete illusion. It is the desire, at any rate, of the present Vice-Chancellor, it is certainly the desire of myself and many of my colleagues on the university bodies that the distinguished men we are now appointing as professors and readers in the university should be attached to and should feel that they have a real personal interest in the colleges of the university. That is the practice of my own university, it is the practice, I believe, at Cambridge University, and I am quite certain that the attachment of professors to individual colleges is not only good for the professors but it is extremely good for the standard of scholarship in the colleges themselves. I should like to state that, so far from wishing to alter that practice, we in fact wish to emphasise and enlarge it. The difficulty as it stands of seeing that every teacher must be attached to a college will, I think, be quite obvious. There will be some cases where a teacher may not perhaps desire to be attached to a college. Teaching in science and law is already

undertaken by the university. A more important factor is, that if university teachers are to be attached to the colleges, they must be fairly distributed over all the colleges. And I need hardly elaborate the difficulties that might arise. For instance, when the next professorship fell vacant and it might be in Sanskrit, while the turn to have a professor attached might be that of Anglo-Arabic College. Granted the right intention, the obvious advantage of the method proposed in the Bill for dealing with a matter of this kind will not, I think, need any further commendation to this House.

There is perhaps one other possible source of misapprehension, to which reference has already been made. The Select Committee, in recommending particularly the constitution of the selection of the committee for the recognition of college teachers as teachers of the university have suggested that the members of that committee should not be connected with any college. I have been extremely distressed to hear that any of my colleagues on the staffs of our colleges should regard that as in any way a slur on themselves. It is quite clear that in such a matter where the interests not merely of individual teachers but also of colleges are concerned, you must have all the colleges represented on a committee of this kind or none. The Selection Committee, as the Delhi University Enquiry Committee of 15 years ago pointed out, to discharge its function efficiently, must be a reasonably small body, and it was felt, and I am quite sure that the opinion is correct, that if it was a question of having all the colleges or none, it was better to have none, because otherwise the body would be an unwieldy one, that being so, it was desirable in the interests of public confidence to make it perfectly clear that the Selection Committee would be a body unconnected with any college. Whether that decision is right or wrong I do not propose to argue now, but what I do wish to make clear is that there was no reflection of any kind intended on any member of the staff of any college in the university.

Now, Sir, with regard to the university itself I do not attach much importance to educational nomenclature, but we do aim at steering the middle course between the two main types of university in this country at the moment, that is, the unitary type and the affiliating type. If my Honourable friend who spoke last would prefer to call it a Federal university, I am quite prepared to fall in with his views, but the point I am anxious to make is that the university we have in mind is something between the unitary type on the one hand and the affiliating type on the other. My learned friend, the Vice-Chancellor of the Aligarh University, no doubt regards this as an anaemic idea since he presides over a university which is entirely unitary, where the university itself is supreme and where I have no doubt the word of the Vice-Chancellor is law. On the other hand, I think that my other distinguished educational friend in this Assembly, Dr. Banerjee, who is accustomed to those great open intellectual spaces which are known to the world as the Calcutta University, will probably feel that our object is to shackle academic freedom in the bonds of authoritarianism. Where two such distinguished educationists differ so widely, I think we are on safe ground if we steer a middle course between their opinions.

The Honourable the Mover of the amendment for circulation referred yesterday to a very important point, on which he has my entire sympathy. But my Honourable friend, Mr. Chatterji, whose speech by its clearness and conciseness I can safely say delighted all Members in this House, has given an answer to that particular point. All of us who look forward to post-war prosperity in this country realise that the development of technical education must be a most important factor in our educational arrangement. As Mr. Chatterji has pointed out, we have established in Delhi a technical institution of the first rank. I say of the first rank advisedly because it is of the first rank already, although it has been only in operation for a year or two. We hope it will go on from strength to strength and I visualize that in front of that institution may lie the same path which has been followed by

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distinguished technical institutions not only in my own country but in many other parts of the world and that ultimately if Delhi University, as I have no doubt it will, should think it desirable to establish a Faculty of Technology, it will look to the Delhi Polytechnic in that capacity. As Honourable Members know, probably one of the outstanding technical institutions in England is the Manchester College of Technology and the Manchester College of Technology constitutes the Technological Department of Manchester University. I am only expressing a personal opinion here but I wish to assure Maulvi Abdul Ghani that this question of technical education is not in any way ruled out, but is in many ways encouraged by the proposal which is now before us.

I wish to refer to one other point, because it is an important one and because I quite appreciate the feelings of uneasiness which Members of this House may feel on this point. It is the question as to the arrangements, if this change is introduced, which will have to be made to absorb into the new system of the Delhi University students coming from outside or to facilitate the entry into other universities of students who have had their preliminary education in the University of Delhi. That admittedly is a complicated business and it can only be carried through with good will on both sides. As soon as, by passing this Bill, you have put the university itself in a proper position by adopting clause 11 of the Bill amending section 36 of the Act, which requires as a condition of entry to a Degree course in the Delhi University the possession of an Intermediate certificate, the Intermediate Course will no longer exist and the Delhi University would then be in a position to approach the other universities with regard to reciprocal arrangements which will facilitate the transfer of students. It seems to me that there will be two categories of students in each case. If you take the students coming from other universities to Delhi, some of them will possess a matriculation certificate which, of course, is in principle at any rate one year below the new higher school certificate of the Delhi High Schools Examination Board which will admit to the three year course. Now those students can either enter the 11th class in one of our organised high schools or they can enter the preparatory course in the Delhi University, so long as that may continue. In any case they will lose no time. But so far as the degree course is concerned, students coming from other universities with an Intermediate qualification, will, until we raise the standards of the Delhi schools to the Intermediate level, in principle, be one year in advance of the normal students entering the three years-course of the Delhi University. I believe, and I have very good authority for saying this, that the Delhi University will be prepared to admit such students into the second year of the degree course. That, I think, will cover those two categories without unfairness to any one.

Now, Sir, with regard to students going from Delhi who possess the higher school certificate of the Delhi Board, which will be the matriculation for the purpose of the new three years course, we are hoping that as an act of reciprocity universities elsewhere will be prepared to admit those students into the second year of their Intermediate courses. With regard to the other category of students moving from Delhi, arrangements will have to be made for those who after passing the 11th class take the pre-medical course of one year in the University or the pre-engineering course of one year at the Delhi Polytechnic to be admitted on completion of their courses to the degree classes in the medical or engineering colleges elsewhere. Here again, we hope that reciprocity will take place and that those students will be regarded as having the necessary qualifications.

I have no reason, Sir, to be pessimistic about the question of reciprocity, because I think I am right in believing—and I have a good deal of reason to believe so that universities up and down the country are watching what we are doing in Delhi with sympathetic interest and in many cases, I think, with a tinge of envy and since they have all committed themselves to the principle of this course, it is reasonable to assume that they will not take up

an attitude of opposition, particularly when we are carrying out the very thing which they have themselves commended. Once the University is in a position, having amended its own Act and statutes, to regularize its own conditions of admission, which is one of the reasons for the promotion of this Bill, it will then be in a position—as I know it is its intention—to make proposals to other universities. I hope that the fear expressed by my Honourable friend Mr. Chatterjee that retaliatory legislation might be necessary in this instance will not actually materialise.

Now, Sir, I have only one or two more words to say. I was concerned to hear the Honourable the Vice-Chancellor of the Aligarh University express the opinion that the logical outcome of this scheme would be the abolition of the Delhi colleges. I see no reason to share any misapprehension of this kind. Why should it lead to such a result? As a matter of fact, we have improved the condition of the college teachers. We have given them representation on the governing bodies of their colleges without disturbing the majority representation of the bodies which have hitherto carried on those colleges. We have carefully discussed this with the representatives of colleges with a view to avoiding the creation of any ill-will between their teachers and themselves. We have by increased grants improved the conditions of service and removed a lot of the causes of ill-will which have hitherto existed. Then again, under the new system, we are looking forward to an increased era of co-operation between the colleges and the university. In the system which we have outlined, whether it is a federal university or not, we have the conception of a corporate unity, of a place where the university is mistress in its own house but where the colleges are honoured and responsible members of the household to whose views the gravest consideration will be given when any questions of importance or otherwise arise. I can see no reason why the changes proposed should not promote a great and happy future for the University of Delhi, provided that all concerned are prepared to work this experiment in the right spirit. After all in all educational and other matters, this question of attitude, this question of spirit, is the fundamental fact. We have had opposition to this scheme and I am very glad of it, because during the four years during which the reorganisation scheme has been under consideration, our critics have shown us many ways of improving it and I hope we have not been too foolish not to benefit by it. But once a decision has been reached and once the ship is launched on its voyage, we cannot look for success unless we have the help of all those who, having expressed their opinion without getting it accepted, still find themselves members of the University. I hope that their co-operation will be ensured. I have reason to hope that it will. At the same time, I do hope that no people, however much they may disagree, will endeavour to sabotage the experiment once it has been seriously launched. In fact, I want to make an appeal to all concerned to give this a fair trial. Let us go forward in hope, keeping our eyes fixed on the vision of an All-India University of the very first rank. I may not know much about education and I may know still less about India, but I know enough to say this with confidence that about education above all other matters and in India perhaps more than in any other country the old maxim remains true that the letter killeth but the spirit giveth life.

Dr. Sir Zia Uddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): May I ask one question about the migration of students from Delhi University to other Universities? Whatever the Honourable Member has said today was just the same about which I felt apprehensions yesterday. If he reads clause 11 with section 30 of the Act, he will find that those things do not convey the same idea as the Honourable Member has been pleased to place before us today. Will he be willing to add a proviso after clause 11 to make this point clear. He said clearly that the Intermediate examination of other Universities will be equivalent to secondary higher education, which means that clause 12 of other Universities will be equivalent to clause 11 of the Delhi University.

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educational movement which I realize as well as any one else is calculated to affect the lives and prospects of hundreds of young men and women in Delhi University and, if our example is followed as I hope it will be, thousands of young men and women in this country generally. People may ask—and it is a very fair question—why if this three years course is so desirable, has it not been introduced in Universities which are older and more firmly established than the University of Delhi. There is a good reason for that, and that reason is implicit, or explicit in fact, in a proviso which was adopted at the conference of Indian Universities in regard to the introduction of this scheme. They said that the scheme for a three years course should not be introduced unless the high school system of the country could first be reorganized. That is an obvious necessity. As has been pointed out in this House, the object of this change is to raise and not lower the standard of Universities, and unless it is possible to do in the high schools the work which is at present being done in the first year of the Intermediate course and, we hope, ultimately in the whole of the Intermediate course, instead of raising the standard of your Universities you will be lowering it. Now, I am quite aware that the question of the re-organization of the high schools presents a serious problem, not merely of organization but also of finance in certain areas and I have reason to believe that these problems have made people hitherto hesitate to undertake this tremendous task.

Mr. Lalchand Navalrai: We want to hear on that.

Mr. J. P. Sargent: But in Delhi we are in a position to re-organize the high schools and it is actually being done at the moment. Therefore, if we can fulfil the condition precedent and carry out the idea which has received universal commendation, in educational circles, it seems to me that we are doing a good thing rather than a bad one.

Reference has been made to the views of the Delhi University or its three principal bodies; which were before the Select Committee and, I think, Members who have seen them will say—I am not myself going to take up the point as to why they arrived at these conclusions; I did not myself suspect that any undue pressure was being brought to bear on myself or other members—that, generally speaking, the University bodies are in agreement with this proposal of the three years course and have endorsed it, at least with divergent opinions on two matters which are matters of detail, although extremely important—I refer to the method of selecting a wholtime Vice-Chancellor, should the need arise and also the question of the method of granting recognition or withdrawal of recognition to colleges. Apart from those matters, about which I will say nothing as they will presumably come before the House in connection with the amendments tabled on those particular points, the University have endorsed the proposals contained in this measure as useful to the carrying out of the re-organization scheme on which they have already entered.

Now, Sir, it may be suggested, and I think it has been suggested, that it was quite unnecessary to embark upon an important change of this kind which might turn out to be to the detriment of a flourishing institution which has been doing excellent work in the educational field. My Honourable friend, the Vice-Chancellor of Aligarh University, referred yesterday to the importance of inspections of Universities being carried out from time to time. I need hardly say, I agree with him and it so happened that shortly after my arrival in this country I was put on a committee for inspecting the colleges of Delhi University. That inspection is provided for under the Statutes of the University. I may say that during the course of the investigation we came across certain facts in connection with the administration of certain colleges which I am sure would be most disconcerting to all people interested in education if at this late stage I thought it desirable to refer to them. This I certainly do not propose to do in view of the changes for the better which have already taken place in the general administration of the colleges, but it certainly left me, as I am sure

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it left my colleagues, under no doubt that certain changes in the general constitution and arrangements of the University and colleges were called for in the interest of everybody concerned. Another matter, about which most of those who have sat on the bodies of Delhi University for the last five years have been left in no doubt, was that the University was, in fact, very largely dominated—I won't say by the colleges—but by certain colleges, and I have heard Honourable Members of this House call attention on more than one occasion to the necessity for so altering the constitution of the University that all the colleges, and not only one or two, should have an equal voice in its general management. Now, Sir, in obedience to the suggestion which was made, I will endeavour not to be longer than I could help, and I will not attempt to say much more on the question of the general merit of the main principle of the re-organization scheme, which has been the primary cause of this Bill—that is the introduction of the three years course.

It may however be asked why, in any case, is speed necessary. Well, I myself think that this has already—I expect that some Members will not agree—received the full consideration which a measure of this importance deserves. But there are other reasons why it seems to me that if it can be shown that reasonable consideration has been given to this Bill, it is desirable and important that it should be brought into operation as soon as possible. I am not anxious at all to make personal references, but, as you know, I have worked in close co-operation with the present Vice-Chancellor in connection with the changes which have been taking place in the University. The present Vice-Chancellor—whether we agree with his views or whether we do not—I think everybody will agree, is devoted heart and soul to the interests of the University. In spite of the fact that his term of office as Chief Justice in this country has expired, he is staying on here in an entirely honorary capacity solely in order that he may see further on its way this re-organization scheme in which he has such a keen personal interest. But, Sir, he is not likely to be at our disposal indefinitely and if this measure is endorsed, then I feel that even the opponents of it will agree that there is no one in this country more likely to carry it to a successful issue than the present Vice-Chancellor.

Then, Sir, there is another factor worth considering. Reconstruction in the post-war period is in the air—and certainly it has been in the air in my office now for a considerable number of months—and it seems to me that in any scheme that we may prepare and submit for the consideration of the appropriate authorities, it is extremely important that we should be able to point in fact to a measure of reform in University organization which has already, as I have said before, received general commendation in principle, from persons interested in the future welfare of our Universities. It would very much help—for as all people know a practical example is worth a great deal more than mere precept,—if in suggesting ideas for reconstruction to Provincial Governments and others concerned we can point to the fact that an experiment in carrying out the idea of the three years Course together with the necessary re-organization of high schools is actually in operation in the city of Delhi.

Then, Sir, there is a third reason, which again is a personal one. I feel a very considerable responsibility that Government on my advice have given a good deal of money already to enable this scheme to be put into effect and will, I hope, circumstances permitting, give the additional funds which we estimate as necessary to carry the thing to fruition. My Honourable friend, Mr. Lalchand Navalrai, yesterday spoke sternly and it seemed to me almost indignantly, about the expenditure of money during war time on educational purposes. I am quite sure that his apparently indignant manner was only an endeavour to conceal his kind heart, because unless he happened to vote against it, about which I have no knowledge, the provision of this extra amount which during the last four years have increased the grant to the Delhi University by 150 per cent. and the grants to colleges by a similar sum, has received the approval of this Assembly.

Mr. President (The Honourable Sir Abdur Rahim): The Government will, I suppose, consider the suggestion.

Sir George Spence (Secretary, Legislative Department): I move that the question be now put.

Mr. M. Ghiasuddin (Punjab: Landholders): Sir, I can quite see the impatience on the part of some Honourable Members, especially Honourable Members to my left, to shut us all up, but I do hope that as this is a very important measure, all sections of the House will be given a fair hearing. I am the first speaker who has had a chance to speak from my Party and I do think that it is not right that an attempt should be made to shut the Members up. I promise that I will be very brief and I do not intend to take more than a few minutes of the House.

Now, Sir, coming to the Bill, I wish the Honourable Members of this House to judge this motion only from one point of view, namely, whether any useful purpose will be served by postponing the consideration of the Bill and sending it again for public opinion or is it at all necessary to do so? The only way I want the Honourable Members to judge this measure is whether it is an improvement on the existing state of things or not. If it is an improvement, then my submission would be that it should be passed as soon as possible and no time should be lost. The Honourable the sponsor of this Bill does not claim that it is a perfect thing, and, speaking for myself I do not think it is perfect. But is there anything perfect in this imperfect world? It would be a sad day if a Bill was passed which was thought to be the last word and our energies could not make an improvement upon it.

Now, I will refer to a few improvements that suggest themselves to me in this Bill. One is about the appointment of the Vice-Chancellor. This Bill opens the door for the appointment of a permanent Vice-Chancellor though it does not make it obligatory. It is a thing which is prevalent in many universities where they have a paid Vice-Chancellor. And as far as I can see, the method of selection is very good. As a matter of fact, better men than myself have said so. I am referring to the Honourable the Vice-Chancellor of the Aligarh University whose opinion on matters like these is respected and rightly respected by everybody. Even he appeared to approve of this new method and the proviso whereby we can have a permanent Vice-Chancellor. There are times when one cannot get the services of a public man. If they are not paid, naturally they cannot give the whole of their time, however eminent they may be. In that case, it is necessary to have a permanent Vice-Chancellor, and after a great deal of experimenting in the Punjab, this thing was introduced.

But there is one matter over which I myself respectfully differ from the Honourable the Vice-Chancellor of the Aligarh University. He said that the recognition of teachers will give undue power of interference by the Delhi University in the management of the colleges. Those Honourable Members who had the honour of sitting on the Select Committee know the numerous representations they received from the low-paid professors of the Delhi University. It is no secret that some of the college authorities are treating their staff in a most shameful manner. These people are under-paid and they are supposed to work hard and to give up their position and all that. Besides, their tenure of office is not secure. Now, Sir, as my Honourable friend Dr. Banerjea and other persons who are in the profession of education know, no person can do any justice to teaching unless his mind is easy from the financial worries and he knows that his tenure of office is secure. I welcome this idea that the Delhi University should have a right of interference in the matters of colleges to see that justice is done to those who are rendering a great service. The Government of India have a Department called the Department of Labour, where our Honourable friend Dr. Ambedkar looks after the interests of the labourers and he has a right to interfere where he sees that the employers are not doing justice to their employees. I plead on behalf of these black-coated workers and I think they are badly paid and they might with justice be put under our Honourable Member for

Labour. I do hope that the University authorities will interfere in matters like this and will not grant recognition to colleges where they know that the learned men of the colleges are put on what in labour parlance is called the starvation wage. This is one improvement and I hope this improvement will be put in force as soon as possible and I hope this House will not take more time than is absolutely necessary to put this measure through on that account.

There is another little matter which I consider important and it is the representation of women on the Delhi University. I know that the thing is not very satisfactory in this regard according to the Minute of Dissent signed by Mrs. Ray. In her opinion the method of nomination by the Chancellor is not right and it should be co-option by the executive council. This is a matter of opinion. I attach a great deal of weight to the opinion of my Honourable friend Mrs. Ray. I know how keenly she feels the interest of women, we all know that, but this is a small matter, the first and foremost thing is the opening of the doors to women and once they get in, we can see what method is the best, nomination by Chancellor or co-option or election or any other method. But this a very good principle and I do hope that it will be adopted. I hope that by these few points I have shown that the Bill is an improvement on the existing state of affairs and therefore it should be taken up without delay, and if it is not perfect, as I am sure it will not be perfect, nothing is perfect, then surely an amending Bill could be brought forward either by private Members of this House or by the Government and the defects can be remedied.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): What do you mean by private Members?

Mr. M. Ghiasuddin: It is a well known parliamentary expression. It means non-official members as opposed to officials belonging to Government. Therefore I say that this Bill should be taken into consideration and passed as soon as possible. If there are defects, they can be remedied later on.

Nawabzada Muhammad Liaquat Ali Khan (Rohilkund and Kumaon Divisions: Muhammadan Rural): Mr. President, I welcome the second excursion of my Honourable friend the Educational Adviser to the Government of India into politics. He is essentially an expert. I wish he had been an expert with more of politics in him. Politics has been defined, Mr. President, as the science of Government, and a Government to be efficient should always be practicable. Sir, my Honourable friend Mr. Sargent while speaking on the motion for reference of this Bill to the Select Committee in the last Session said: "it is fair to admit and I have always had this lightly 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". Sir, this is an admission of the haste with which the Government have launched this measure of reforms. I wish his advice to the Government would have been to follow the path of wisdom. Mr. President, experts are always full of their own ideas. They are obsessed with their own notions and they do not look at practical side because of their, to quote another expression of my Honourable friend Mr. Sargent, "egotistical" mind. That, Sir, is the trouble with the present measure. My Honourable friend Mr. S. C. Chatterji, whom I should like to compliment on his speech, said yesterday that I had given my support to the three years degree course to be tried as an experiment. I still hold that view. I am willing to be guided by the opinions of experts where a certain policy is concerned, but I refuse to be guided and I refuse to suspend my judgment where the question of giving practical shape to that policy comes in. As has been pointed out, the opposition of this House to the passing of this Bill in the form in which it is today, at least our objection is not to this measure of suggested reform in University education, but it is to the haste with which this reform is intended to be carried out. Let me tell you, Sir, that the best of reforms have failed in the past because of excess of impatience on the part of those who have tried to achieve those reforms. My Honourable friend Mr. Tyson while speaking in the last Session on the motion for circulation of this Bill for eliciting public

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opinion, stated, "we have embarked in the case of the University of Delhi on an educational experiment which is intended to give a lead to the Universities of India and I do not understand how opinions relating to considerations in other educational centres would be particularly helpful with respect to this Bill." If I may point out Mr. President, this is a very wrong impression which my Honourable friend Mr. Tyson has. This scheme can never succeed unless you have the co-operation and good will of other Universities in the country. It is not right to suggest that this is a matter which is confined entirely and solely to the province of Delhi. I would show in a minute by giving facts and figures that already this haste with which this scheme is being pushed through is retarding the progress of University education in Delhi Province. The Government, I fear, have not really taken the trouble of finding out how best they can achieve the co-operation and good will of the people with regard to this matter. The scheme has been introduced in the University of Delhi this year. Because of this haste, University education in Delhi has suffered. I am not quite sure whether the Honourable Educational Adviser is in possession of these figures or not but I would, for the enlightenment of the House, like to quote certain figures with regard to admissions in all the colleges that are affiliated to this University. I have collected the figures from five colleges, men's colleges where education is given in higher studies.

In the second year class which is equivalent to the preliminary class of the new three-years degree course, in the previous year there were 791 boys and this year there are only 257; in other words, after three years for B.A. the boys who will sit for examinations will be out of this 257, whereas in previous years the number used to be nearly 800. Then, Sir, in the first year class the admission to these five colleges in the previous years used to be in the neighbourhood of 800; in the preparatory class this year the admissions have been only 359. It may be pointed out by my Honourable friend the Educational Adviser that some boys have sought admission in the secondary high schools. I have not ignored that fact and I have got figures here that I have collected from 14 secondary high schools in Delhi; I have not been able to get figures for two high schools. In these 14 high schools the number of boys that have been admitted so far has been only 206. This shows that this haste in the enforcement of this three years' course without making a proper plan has adversely affected university education in the province of Delhi. Sir, a person with an uncharitable mind would accuse Government of having deliberately launched upon a policy which is intended to discourage higher education in this province; but I on my part do not accuse the Government of deliberate action for this purpose though I do suggest that this retrogression in higher education has been the outcome of the hasty action which Government have taken in this matter. It is an admitted fact that a large number of students from Delhi have gone and sought admission either in the Punjab University or in Aligarh.

My Honourable friend Mr. Chatterji, another expert in education, brushed aside unceremoniously the question of migration of students from one university to another. He said this is a matter which the university can tackle. This is as I have shown how the university has tackled this matter and this is the state of affairs in the University of Delhi today. Therefore when we pressed this matter last time and are bringing forward again a motion for circulation it is not because we are unsympathetic to the measure of reform which is intended to be introduced but because we feel that to give practical effect to this reform and to make it a success it is necessary to examine it from all points of view and to get not only the co-operation but the good will of all the other universities. My Honourable friend Sir Zia Uddin Ahmad pointed out that to describe the province of Delhi as a province which is cut off from the rest of India is not quite correct. Delhi today is the capital of India and its population is no longer confined to the people who are actually residents of Delhi. There are a very large number of people who are employed in Delhi in one profession or another who are always moving from province to province; and this situation that has arisen, this fall in

the number of students in the university is due to the fact that those parents who are in Delhi and who are not quite sure how long they are going to be here are nervous as to the future of their sons and wards. My Honourable friend Mr. Sargent,—I welcome that statement of his,—has suggested that certain measures will be taken which would make it easy for the students to seek admission from Delhi University to other universities and vice versa. But I submit, Sir, that before embarking on this measure they should have secured that concession from the other universities. It is not satisfactory for the students who come and study in this university to remain in the air with regard to their future. Mr. Sargent as an expert in education may be able to build a house without any foundation even on sand and have it hanging in the air, but a student who has to think of his future cannot afford to try this experiment. Therefore I submit that Government were wrong and were obsessed with their own idea during the last session when they opposed the motion for circulation, and they would be equally wrong if this time with their automaton votes they defeat this motion and leave the position in the state in which it is now.

My Honourable friend Mr. Chatterji suggested,—and here I wish to invite the particular attention of the Educational Adviser,—that Government had placed large funds at the disposal of the university to distribute to the colleges. I am not quite sure what the extent of that fund is but I have a feeling,—and I hope my friend will correct me if I am wrong,—that the Educational Adviser has not received that amount of money from Government which was expected a year ago; and I will give one concrete instance. In the rules for grants-in-aid that were supplied to the various colleges when the opinion of the governing bodies was sought it was stated that the number of students to each teacher would be from 12 to 20. Now I happen to be closely connected with one of the small colleges. We made our calculations on that basis and we found that if Government were going to give us a grant on this basis we could undertake this new burden on our shoulders. The decision,—and I only hope it is not a final decision of Government,—is that now the proportion will be one teacher to every 20 students. Now this is a device, Mr. President, to save some money because the Educational Adviser has not received that amount of money from the Government which was expected, when this scheme was launched. Now I submit for your consideration and for the consideration of this Honourable House, how do the authorities expect a small college to run like our college, the Anglo-Arabic College with about 200 students who will be admitted for this three years' course with ten teachers? If this college is to maintain its position as it is today, then it cannot do so unless it has at least fourteen teachers, and we have today on the staff at least fourteen and one Principal. Now, Sir, what would be the result? The result would be that this college which has been struggling to rise to the standard of other colleges will become a third rate college. My community is a very poor one. It cannot afford to fork out money so that those sitting in authority may try their experiments. We were assured—and I am referring to this because my Honourable friend, Mr. Tyson, referred to this in the last debate that we had—at that meeting which was held at the then Education Member, Mr. Sarker's house, that as far as the finances of the colleges were concerned, the Government will see that they are not in a worse position than what they are today. So I submit, Mr. President, that what Mr. Chatterji has suggested is partly correct. I dare say if the Government of India were in a position to place a larger sum of money at the disposal of the Educational Adviser, he would be able to see that the colleges did not become less in quality but would be better than what they are today. Therefore, Sir, all these are matters which need very careful consideration. All these are matters which need thorough enquiry and it is for that purpose that my honourable friend, Mr. Abdul Ghani, has moved this motion for circulation, which is before this honourable House.

Sir, my Honourable friend Mr. Ghiasuddin, I am afraid, was not quite fair to the governing bodies of all the colleges when he made a sweeping statement that these bodies were treating their staff in a very bad manner.

Mr. M. Ghiasuddin: I did not say all.

Nawabzada Muhammad Liaquat Ali Khan: There may be, there are, black sheep in every fold, but let me tell you, because I can only speak from personal experience, that as far as the governing body of our college is concerned, I make bold to say that during the last three years that I have had the honour of being associated with that body not a single instance can be brought forward, and I challenge anybody to bring forward a single instance where any member of the staff has been treated unjustly. On the other hand I can give instances where the members of the staff have let us down. Sir, any governing body which wants that the institution over which it has control should function satisfactorily must have the full co-operation of the members of the staff and it must see that justice is done to every individual member of the staff. There may have been some cases, one or two, where perhaps a governing body may have treated its members of the staff unfairly, but on the whole I can say that the members of the staff of the colleges of this university have really nothing to complain about.

Now, Sir, this scheme of the Government has put a very great burden on the colleges. It has prescribed certain scales of pay and certain grades for the various members of the staff, and now I submit that unless my Honourable friend, Mr. Sargent, can exercise that influence which he has with the Government as a whole and secure some more funds, I can tell him that it will be impossible for at least smaller colleges and their governing bodies to run the institutions under this new scheme of theirs.

Sir, I will not take more than two minutes. I am sorry to detain the House when it is just quarter past one. But in the larger interests of saving the time of the House, I think I would like to finish before we adjourn.

All that I can say is this, that the facts that I have stated go to show that there has been unnecessary haste in enforcing this measure and I ask the Government not to consider that our criticism is unfriendly. Our criticism is with the feelings of friendliness. We want this scheme to succeed but let me tell you it will not succeed because of your impatience. It can only succeed if you can get the willing co-operation and goodwill of everyone concerned.

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

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

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Sir, many of us pointed out on the second reading of this Bill that it contained many provisions of a reactionary and undesirable character. The Select Committee removed some of these provisions and modified others so that the Bill as it has been placed before us today is in a comparatively improved shape. But there are still several features which are of an objectionable character. The first of these relates to the appointment of a salaried Vice-Chancellor. Sir, I am one of those who do not see eye to eye with the Government in regard to the need for having a salaried whole-time Vice-Chancellor for the Delhi University. My view is that a salaried Vice-Chancellor does not command the same confidence and does not enjoy the same respect as an honorary Vice-Chancellor, and this has been our experience during the last 80 or 90 years. In most of the Universities at the present moment, there are honorary Vice-Chancellors, and these honorary Vice-Chancellors have rendered conspicuous services to their respective Universities. It has been suggested that in a teaching University there is the need of a whole-time Vice-Chancellor. I am unable to accept that view. The Calcutta University is a teaching University, in fact it is the largest of the teaching Universities in India; but in Calcutta we have so far managed with an honorary Vice-Chancellor. The question of a paid Vice-Chancellor has on several occasions been mooted in Calcutta; but we have always rejected that proposal, and we are not sorry for having rejected that proposal. Now, Sir, if a big University like the Calcutta University can manage with an honorary

Vice-Chancellor, I do not see why a small—almost tiny—University like the Delhi University cannot do without a salaried Vice-Chancellor, that is a point on which there is fundamental difference between myself and the Government.

But if the Government and their experts have come to the conclusion that the Delhi University cannot do without a salaried Vice-Chancellor, then I would urge that there is no necessity for providing that the initiative for the appointment of such a Vice-Chancellor may come from the Chancellor or the Government. The initiative in such a case should come from the authorities of the University itself, namely, the Executive Council and the Academic Council. These are the bodies who have been entrusted with the actual administration of the work of the University, and they know much better than the Chancellor of the University whether a paid Vice-Chancellor is required or not. It would be wrong on the part of this legislature to make any provision which may result in thrusting a paid Vice-Chancellor on the University of Delhi against the wishes of those persons who have been entrusted with the duty of carrying on its actual work. I, therefore, have proposed in my note of dissent that the provision relating to the appointment of a paid Vice-Chancellor should not emanate from the Chancellor, for the Chancellor of the University cannot be expected to know much about the actual administration of the University. He will have to depend on the Member in Charge of the Education Department or perhaps the Secretary to the Department, and I should be very unwilling to accept the advice of these gentlemen, however estimable they may be, in preference to the advice which may be given by the Executive Council and the Academic Council of the University.

As regards the procedure to be adopted with regard to the selection and appointment of a salaried Vice-Chancellor, I agree in the main with the other members of the Select Committee and with the members representing Government. But there is a defect in the language that has been used in the Report framed by the majority of the members and I would request that this defect should be removed.

Coming to the three-years degree course, I confess that this is a question on which there may be honest differences of opinion. I will be the last person to charge the Government with any dishonest motive in bringing forward that proposal. But we will have to consider to what extent it is practicable in the present circumstances in India to give effect to that proposal. We will have also to consider what will be the actual effect if the proposal is given effect to just at the present moment. Now, my Honourable friend, Dr. Sir Zia Uddin Ahmad, who agrees in principle with the view that there should be a three-years course, has pointed out the practical difficulties in the way of giving effect to such a proposal. He referred to the question of migration. This was discussed by me in great detail in the course of my speech during the last Session, and I will observe only this at the present moment, that the question of migration will give rise to the greatest difficulties.

The Delhi University, it should be remembered, is located in the capital of India which draws large number of persons from different provinces. The services under the Central Government include members who belong to all the different provinces of India. So long as you have not made full arrangements with the provincial universities we should not introduce a system which will place the sons and wards of the servants of the Central Government in positions of difficulty with regard to their own universities. Now, Sir, it has been pointed out that the population of Delhi has recently increased to a very large extent; but what has been the effect of that on the admission of students into this university? My Honourable friend, the Deputy Leader of the Muslim League Party, emphasised the fact that, in spite of the increase in the population of Delhi, there has been during the current year a great decrease in the number of students admitted into the Delhi University. And what has been the cause of this decrease? The cause has been the suspicion in the minds of the guardians of the students that there will be great difficulties placed in their way of their

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wards getting admission into their own universities after they have gone through some of the examinations or have read for a number of years in the Delhi University.

You should take adequate steps to ensure that there would be no difficulty in the way of the admission of the pupils of the Delhi University into the other universities. My Honourable friend, Mr. Chatterji, who made his maiden speech yesterday, suggested retaliatory action. But is that the proper method of solving difficulties? Perhaps my Honourable friend took his inspiration from the speakers who spoke on the Reciprocity Act Amending Bill on the South African question. But he forgot the great difference that existed between the inter-relations of the universities of India and the relations which at present subsist between India and those Dominions and Colonies which discriminate against Indians. In connection with this matter it was not retaliatory action that we decided upon from the very start. We tried to convince them of our rights, we had consultations with them, we went on deputations to those Colonies and Dominions, we sent our best representatives to them as our agents, and ultimately when after years of negotiations we failed in our attempt to get justice from them we decided upon a policy of retaliation. But that would not suit the relations between the Delhi University and the other universities. The migration of students from one university to another is based on the question of equivalence. You have to convince the other universities that your degree course, your method of teaching, your system of supervision, your resources for research work, are equal to those of the other universities, you have to prove that your standard is not inferior to theirs, and then you can ask for an equivalence from those universities. I would suggest, therefore, that, before you think of retaliatory action, you should take other kinds of action, namely, you should try to secure their willing co-operation and their good will before you start on a new venture. There is a great deal of inter-relation between the Delhi University and the other universities, and the greater the amount of this inter-relation, the better it is for the country. We should not think it proper for one university to stand against the other universities. Suppose we accept the advice that has been expressed by my Honourable friend, Mr. Chatterji, what would be the result? There are eighteen universities in India, and if the Delhi University decides to take up a position of isolation and separation from the other universities and flouts them, what would be the result? The result is sure to be that the Delhi University will be cornered, and that will mean, not prosperity and success for this university, but its utter ruin.

Mr. S. C. Chatterji (Nominated Non-Official): May I say that I made that remark in a light-hearted manner? I never suggested seriously that the Delhi University should have recourse to retaliatory measures of any kind.

Dr. P. N. Banerjea: Sir, I accept the explanation which has been given by my Honourable friend. He says that he referred to retaliatory action in a light-hearted manner. But the question which we are considering now is one of the greatest importance and on the discussions of such a question there is no room for light-hearted talk. (*An Honourable Member:* "Forgive him for his frivolity".) I am prepared to do that.

This is one main ground for accepting the motion for circulation which has been moved by my Honourable friend Mr. Ghani. We should have frank and free consultations with the other Universities and we should try to bring about an arrangement under which the students of any of the universities should not suffer in the slightest degree.

Sir, I suggested towards the end of the debate on the last occasion that the Universities of India should at least be consulted. I urged that even if circulation could not be made throughout the country, at least the universities of India should be consulted, and Mr. Tyson gave the reply that the Universities would be consulted, if that would meet our point. I think that was the language used by him, if I remember aright.

Mr. J. D. Tyson (Secretary, Department of Education, Health and Lands): I said that if the motion for circulation was not pressed and it was withdrawn, I would endeavour to secure the opinions of the universities, not merely of the Delhi University. These are not the exact words but they represent the gist of what I said.

Dr. P. N. Banerjea: I shall find out the exact words. My friend's position is that the circulation motion was pressed and therefore he decided not to consult the other universities. This is retaliatory action. Is it not? (*An Honourable Member:* "With a vengeance".) Yes, I am sorry that Mr. Tyson took that attitude on that occasion and I hope he will avail himself of an opportunity of revising his attitude at the present moment. Nothing will be lost if there is some delay in having this Bill passed.

My Honourable friend Mr. Sargent observed that there was a consensus of opinion in favour of the introduction of the three-years course and he referred to the Educational Conference Resolution. He had the fairness to admit that this Educational Conference added a proviso to that Resolution to the effect that the system should not be introduced unless active steps were taken to guard against any deterioration of the standard of efficiency. Now, Sir, my Honourable friends have observed that there will be no deterioration in the standard of efficiency so far as the University of Delhi is concerned. I accept their word. But what about the other universities? Both Mr. Sargent and Mr. Tyson told us that this Bill would give a lead to the other Universities. But how will it give a lead to the other Universities? Here the number of secondary schools which feed the Delhi University is small. But in Bengal the number of secondary schools is over 1,500, and we should consider what a huge amount of money will be required to improve the conditions in these schools. Where will this money come from? Is the Government of India prepared to provide the sum? And, then again, it is not merely the provision of the money. It is also necessary to ensure that you get the proper sort of teachers in the secondary schools,—teachers of the same calibre in the schools as you can find in the colleges or the universities. All these are matters which require careful consideration and my apprehension is that there is a likelihood, almost a certainty, that there will be a substantial deterioration if this particular provision of the Bill is given effect to, without taking adequate measures of a safeguarding character.

Then, Sir, I come to the question of the composition and powers of the different bodies of the Delhi University. It is sought to change the composition of the Executive Council by the addition of four more members. It is also sought to take away some important powers, namely, the powers of affiliation and disaffiliation, from the Court and vest those powers in the Executive Council. I am not satisfied that it is desirable to increase the number of members of the Executive Council which already has a somewhat unwieldy size. As regards the method of increasing its size, I have a great deal of difference with the Government. The Government view is that there should be a representation of the Professors of the University. But how many professors are there in the University? They are: three salaried and two honorary Professors, altogether five. And these members are to elect two out of their number. Now, this reminds me of the pocket boroughs which existed in England before the year 1832. There were very few electors in these constituencies but these electors sent representatives to the British Parliament. If you read the debates which took place on the occasion of the Reform Act of 1832, you will find how strongly this system of pocket boroughs was condemned by all fair-minded men in England. And now after the lapse of more than a hundred years you want to create pocket-boroughs in India. Is that right? And, then, again you say that the Professors have interests, distinct and separate, from those of the other teachers of the University. This is wrong. I was myself a Professor for a long time and I know that my interests were intimately connected with the interests

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of the other teachers in the University. I would have certainly refused it if I had been given special representation as a Professor. The moment you create separation and distinctness of interest, you create a rivalry between the professors and the other teachers and that vitiates the atmosphere of the University. That would be a very wrong thing to do. The Professors are the natural leaders of the entire staff of the university; and if they behave well, naturally they would be elected as the representatives of the whole body of teachers. Therefore, I suggest that even if you decide to have two more men on the executive council, these two Professors should come as the representatives of the academic council on which the whole body of teachers is represented.

Coming to the representation of women, it seems that the Government view is that women are not adequately represented on the executive council of the Delhi University. If that be so, I would not object to the representation of women. But what about the method of representation? Nomination by the Chancellor is not the right mode of selecting the proper persons to serve on the executive council. Therefore, the Academic Council, which is likely to be more in touch with the educated women of this province than the Chancellor, should be given the right to elect the women members.

Sir, it is on account of the haste and hurry with which the Bill has been sought to be pushed through and it is due to the proposed method of election of certain members of the Executive Council that the impression has gone abroad that the real purpose of this Bill is not the improvement of education in the province of Delhi but to extend the power of the Government of India over that university. Sir, whether this impression is correct or not, it is for the Government to say. I should like to emphasise that it is not their word but their action which will dispel this impression if it is a false one.

Sir, with regard to the curtailment of the powers of the Court, which is an important body of this university, it has been regarded as an unwieldy body. But if that is an unwieldy body, the Senates of the different universities like the Calcutta University and the Bombay University should also be regarded as unwieldy bodies. It is these bodies which have been entrusted with the work of affiliation and disaffiliation of colleges. I know that in Calcutta no difficulty has ever occurred in regard to such affiliation and disaffiliation. Why should any difficulty occur here in Delhi? The province of Bengal is a large one and the Calcutta University embraces within its jurisdiction also the province of Assam. If members of the Senate can come from the different parts of Bengal and Assam to attend meetings of their Senate and participate in its deliberations, I do not see why the members of the Court of the University of Delhi, most of whom are local men, cannot attend its meetings and perform their duties to the satisfaction of all concerned.

Sir, these are some of the objectionable features which still remain in this Bill. But there are certain other matters which have not been provided in this Bill. Several Members from this side of the House pointed out that there was no provision for technical education, no provision for medical education, no provision for engineering education and so forth. And I may go further and say that there is very little provision for research. Now, when you are amending not merely a few sections of this Bill but also all the statutes, you should provide for those branches of study which are not provided for at the present moment. Therefore, it seems that the present Bill is inadequate for the urgent needs of the people of this province. It is inadequate also for another purpose. I have heard again and again, and I have received numerous letters and I have also read in the newspapers, that there is a great deal of mismanagement in some of the colleges affiliated to the Delhi University. Now, what is the provision in this Bill for removing this mismanagement? I find none. I know that a great deal of dissatisfaction existed among the educated public of India with regard to the situation in the Delhi University which prevailed some years ago. In recent times, through the active efforts

of the present Vice-Chancellor and by making various amendments in the statutes or regulations matters have been greatly improved. Great credit is due to Sir Maurice Gwyer for what he has done to place the Delhi University on a more satisfactory footing. But he has not been able to do all that is needed. Perhaps his hands were tied; perhaps he had not all the authority required for doing it. It is now the time for us to consider the whole matter. At the present moment I understand that the teaching staffs of most of the colleges have to work in an atmosphere of subserviency, and that very little freedom is allowed to them. If that be the case, I should like to know what would be the effect of their subserviency on the pupils whom they help to bring up. Will the pupils who come out of this University be able to show that amount of courage and independence which are required for a free citizenship of a free India? In one College affiliated to this University, mismanagement has assumed the most serious proportions, but the Government has not thought fit to bring forward a Bill for taking over the management of this college from the hands of its present trustees and vest it in the University for a number of years. I mean the Ramjas College. If the Government had brought forward a Bill for providing for the proper management of this College, I for one would have wholeheartedly supported the Government. But this Government lacks the courage and lacks also the straightforwardness to come out with a Bill for removing mismanagement from this College. In that college what is the present state of things? Teachers are often not in grades, their salaries are not paid for months together; they have no place on the governing bodies. In fact, there is no properly constituted governing body in this college. The Professors and the lecturers are removed without any due cause being assigned for such action and they have to remain in the college just like domestic servants. This is a very unsatisfactory state of things and a single day should not be lost before this state of things is remedied. I am also told that there is one gentleman in Delhi who is the President of the governing bodies of three colleges affiliated to this University. We, as economists, have always condemned monopoly in the economic field. But are you not prepared to condemn such a monopoly in the educational sphere, which is far more dangerous than monopoly in the economic field? But is there any provision in this Bill to remove this monopoly? None. So, Sir, I say that this Bill is quite inadequate to meet the needs of the present situation in Delhi.

Before I conclude, I should like to say a word about communal representation. I wish my Honourable friend Dr. Sir Ziauddin Ahmad had not raised that question. I have very great regard for him and I have worked with him in a spirit of cordiality and goodwill for a long number of years. Now, Sir, this question is a very controversial one. I do not say that there is nothing to be said in favour of this matter and that everything is to be said against it. But it is a very controversial question, and it is not relevant to the issues which face us at the present moment. I have as many friends among the Muslims as I have among the Hindus and in the Calcutta University I have times without number taken up cudgels in favour of the reasonable claims of my Muslim friends. I have supported again and again their election to the various University bodies. But, Sir, I am afraid that a statutory provision of communal representation is not a very desirable thing. There should be other ways by which the legitimate claims of the Muslims should be met. If the citizens of Delhi who are interested in the educational development of the Province have not done their duty in this respect I would advise them to change their policy. But I would request my Honourable friends on this side and the Government on the other not to insist on communal representation as part and parcel of the provisions of this Bill.

Sir, the net effect of the Bill, if it is passed through the Legislature in its present shape, would be to strengthen the hands of the Government over the Delhi University. I do not like this, I am a believer in the autonomy of the Universities. Universities can render service to the people only in an atmosphere of self-government. You should not interfere with

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their independence either directly or indirectly. But, I find that the net effect of the amendments in the constitution of the different bodies of the University would be to place greater power in the hands of the Government and to reduce the power of the University bodies. That would be a very unsatisfactory state of affairs. It may be urged, and it has been urged that in future we will have self-government in this country, that the Government of this country will consist of our own men, and that therefore we should not object to greater control by Government. But I do not agree with that view. I want the autonomy of educational institutions to be preserved even when the Government of this country becomes an independent government, because in the future Government most probably the party system will prevail, and I will not place any educational institution under the control of a party government.

Sir, I beseech the Government not to proceed with the Bill in its present form. We will support the Government in all its legitimate desires, but I would ask the Government to consider seriously the various aspects of the question and allow the Bill to be circulated in order that public opinion may be fully and freely expressed upon it.

Mr. J. D. Tyson: Sir, my task in replying to this debate has been facilitated by the help I have received from various parts of the House, particularly in two admirable maiden speeches and by the intervention of my Honourable friend the Educational Adviser. Sir, after some of the speeches to which we have listened yesterday and today the House will perhaps forgive me if I recall what we are discussing. We are discussing a motion for consideration of the Bill as reported by the Select Committee and a motion for circulation of the Bill for opinions by the 31st December. The Select Committee to which the Bill was referred in the budget Session proposed a few changes, neither so many nor so drastic as to justify republication, and it recommended that the Bill be passed as now amended. The Select Committee have tendered that advice after considering the views of the Delhi University, views which were circulated to Honourable Members last night, views which will be found to favour the changes both in the Act and in the statutes proposed in the Bill except on certain points specified. I think it would be fair to say from these opinions that the University welcome legislation generally on the lines of the Bill, subject to the exceptions that they have taken. And in the light of that and of the recommendation of the Select Committee that the Bill be passed I feel that the onus of justifying any further delay in proceeding to consideration clause by clause lies heavily on those who urge that course. The House already decided in March last against circulation and I am entitled to ask the House to scrutinise carefully the reasons for which circulation is now again advocated.

Mr. R. R. Gupta (Cities of the United Provinces : Non-Muhammadan Urban): Was the Bill ever circulated before? Otherwise how were the opinions received from the universities?

Mr. J. D. Tyson: I think perhaps my Honourable friend was not in the House on the last occasion, but what happened was that I undertook to send the Bill to the University of Delhi to obtain their opinion before the Select Committee met. In Select Committee we had the opinion of the University of Delhi only; it was obtained in that way.

Now, Sir, my Honourable friend Maulvi Abdul Ghani who moved for circulation seemed to found his case on what was not in the Bill rather than on what was in the Bill. He does not find in the Bill provisions for the encouragement of technical education, for the regulation of the examination on the compartmental system or for a changed outlook on the part of the university teachers towards their students. He would like to see these in the Delhi University. But to this my answer must be that while these things for which he hankers may very well be desirable, they are not for the most part susceptible of, or

suitable for, inclusion in the Act or statutes, and in any case the Bill did not profess to do these things. Mr. Lalchand Navalrai on the other hand objects to the Bill quite frankly for what it does contain. He dislikes many things in the Bill; he does not like the three-years degree course; he has never made any secret about his misgivings about the three-years degree course; he does not like the proposals about recognition and taking away recognition from colleges; he does not like the proposal for a whole-time Vice Chancellor; he does not like the Bill at all, and I do not think he would like it any better if it is circulated and we have to consider it again. Mr. Lalchand Navalrai dealt with most, if not all, of these matters when the Bill was before the House last. He is entitled of course to his views and he is entitled to defeat the Bill; but I am afraid I did not find anything in his speech that constituted an argument for circulation, and I take it he was really arguing against the consideration of the Bill. Well, Sir, the Select Committee was against him and I hope the House will agree to give further consideration to the Bill in spite of Mr. Lalchand Navalrai's misgivings.

I come now to my Honourable and gallant friend, the learned Doctor from Aligarh. The amendment which Sir Zia Uddin rose to move was for the recommitment of the Bill to the Select Committee,—perhaps the same Select Committee,—because as he was at some pains to explain to the House, certain changes which are sought to be effected in the Bill are of a nature so drastic that they cannot be inserted merely by amending various clauses at the consideration stage, and he wishes to have the Bill redrafted. In particular he specified the arrangements necessary to secure the freedom of migration to and from Delhi with its three-years degrees, the distribution of powers between teachers and non-teachers in the control of the university purse, and the reservation of a proportion of places for Muslims in the various bodies that guide the destinies of the university. All these, he considers, are select committee points rather than matters for amendment at the consideration stage. Now, Sir, the House will recollect that in March last I moved for reference of this Bill to a Select Committee and with the approval of the learned Doctor and of his Party I included his name and that of the Deputy Leader of his Party in the Select Committee. I recognise the moderation and the friendly tone with which this debate is conducted and I do not wish in any way to rake up old scores; I shall say no more than is necessary for the immediate purposes of my present argument. But the House will remember that neither the learned Doctor nor his colleague sat on my Select Committee, and their names were withdrawn at the last moment.

Mr. Deputy President (Mr. Akhil Chandra Datta): Order, order. That amendment of Sir Zia Uddin has been overruled and therefore not moved. This point therefore ought not to be discussed.

Mr. J. D. Tyson: Dr. Sir Zia Uddin, I gather from his speech, is going to support the motion for circulation on the ground that the whole thing should be circulated and brought back to this House and redrafted.

Mr. Deputy President (Mr. Akhil Chandra Datta): That is quite another motion, not a motion for recommitment to the Select Committee.

Mr. J. D. Tyson: Well, Sir, I would ask the House whether, when I proposed the learned Doctor for my Committee and he first accepted and then refused, it now lies in his mouth to say, "We in our Party have brought a string of amendments not suitable for inclusion in the Bill at the consideration stage. They were not considered by the Select Committee,—they are really Select Committee points,—and we must now insist on not going on with the Bill but put it all into the melting pot so that we can have another chance". Sir, he has had his chance of sitting on the Select Committee. I very much regret,—

[Mr. J. D. Tyson.]

I regretted it at the time and I do not cease to regret it,—that we did not have his help and the help of his colleague on our Select Committee when all these matters might have been raised. They have now come up as amendments; but I submit that after withdrawing from the Select Committee he cannot now come to the House and say that these are matters which were not in the original Bill, they should have been discussed in the Select Committee and the House should have further time for the consideration of them in another way. Sir, when I have said that, I do not wish in any way to depreciate the value of Dr. Sir Zia Uddin's contribution to the debate. We always listen to him with attention on this matter of university education in which he has such long experience. I would only add, Sir, that I value the support that I have derived from his blessing of the principle of the three-years course and the principle that the Vice Chancellor should be chosen by the Chancellor in consultation with the Committee of References. I believe, Sir, that really Dr. Sir Zia Uddin is more than half on my side.

Now, Sir, coming to the Deputy Leader of the Muslim League, Nawabzada Liaquat Ali Khan, he made several points this morning. He said that he was sympathetic—I think his speech showed that he was sympathetic—to the principal object of the Bill before the House, but he was afraid that we were prejudicing the favourable outcome of the experiment by our precipitancy in rushing the Delhi scheme through before the ground was thoroughly prepared. Well, Sir, I apologised, so far as the Bill goes, to the House for bringing it up at short notice at the end of the last Session. But that was the Bill. It cannot, however, be contended that the Delhi reorganisation scheme has been rushed through, and that it has not been under consideration for a very long time. It was approved in principle by Government in 1940. The University then took it up and prepared ordinances and the ordinances were accepted by the Court about this time last year,—in 1942. During the course of examination and of preparation of the requisite ordinances, the University were all the time looking out to see what amendments they would require in the Statutes and perhaps even in the Act, and it was when they had cleared the ground there that they came up for the present Bill. In actual fact, Sir, I am advised that the University need this Bill to enable them to carry on. They have had a preparatory class in existence for one year and that class is now due to begin its three-years degree course. Section 36 (1) of the Act as it stands at present provides that students should not be eligible for admission to a course of study for a degree unless they have passed the intermediate examination of an Indian University, and there is no intermediate examination in Delhi now.

Then, Sir, the Deputy Leader of the Muslim League cited as proof of the alarm that has been created by the very proposals that are now before us and as presaging the decline of the University if we proceeded at what he would doubtless describe as break-neck speed, certain figures to show that admission at present has gone down. Well I have not had time to examine all these figures. I am not for a moment doubting the accuracy of the figures that are quoted but I would like to make some comments on them.

In the preparatory class during the year that has just finished, there were over 700 students. Of these 344 have failed in the qualifying examinations and naturally they cannot, until they have passed them, proceed to the first year of the degree course. 366 have passed, of whom, my friend says, 257 have applied to join the first year class. Now, Sir it is a fact that the 4th August, this very day, is the day officially fixed for the closing of the lists, but I am told that it is also a fact that admissions go on for another month, and as those 366 students are in a preparatory class with this course definitely in view, I think it is fair to assume that some of the balance between 257 and 366, the majority of them I should imagine, will still come forward. More than that,

[said 344 students have failed in the examination. I understand that it has been decided to hold another examination—a kind of “compartmental” examination—to enable these people to have another try, and that will be held in October, in time for those that pass to join the class.

Nawabzada Muhammad Liaquat Ali Khan: Will the standard of examination be lower?

Mr. J. D. Tyson: They will certainly have more time to prepare. I hope the standard will not be lower.

Even as regards the figure of 791, which was quoted as the comparative figure for last year, I would say that those people had been through the examination hall once only. Many things happen in examinations—there is always wastage—and the ones who have passed this year, i.e., the 366, are persons who have been through the examination twice in the same period. I should also add another small factor. I do not ask the House to attach undue importance to it. Some of the people who would normally have gone to the intermediate class will now go to the Delhi Polytechnic. I think even, so, there are definite indications, as my friend has pointed out, that there is a decrease in the figures, but I think that any change of this kind is bound to have that effect initially. Parents want to be careful. They do not want to take the risk, and in this particular case I am bound to say that those who have had their misgivings about the whole scheme have certainly not been shy of giving publicity to them, and one cannot wonder therefore if parents have at the outset been a little nervous.

As regards the assistance that is being given to colleges, I can only say that I have looked up the grant that is being given to the Anglo-Arabic College and whereas it was Rs. 15,900 last year, it is about Rs. 25,000 this year.

Nawabzada Muhammad Liaquat Ali Khan: And the expenditure according to your new scheme?

Mr. J. D. Tyson: Yes, the expenditure has gone up. But I imagine the fees have gone up also.

Nawabzada Muhammad Liaquat Ali Khan: No.

Mr. J. D. Tyson: I come to the Leader of the Congress Nationalist Party. In his closely reasoned speech Dr. Banerjea has reiterated difficulties about the Bill which he has mentioned before in the House and embodied in a minute of dissent to the Select Committee's report. I know he has great misgivings about the three-years course, on the practical side at all events. He fears that migration one way or the other will be impracticable. Well, Sir, it is very difficult for a layman to pronounce upon this matter, but I find that the University itself does want the three-years degree course and wants it now. As a matter of fact it launched it a year ago when it started the preparatory class. I understood my friend, Dr. Banerjea, to say: What is the use of Delhi going on with a pioneer experiment when other Universities in India, as far ahead as he can see, for financial reasons if none else, will never be able to follow this good example? But I hope that he will not deny to Delhi the chance of doing something which is good in itself merely because difficulties in doing it elsewhere prevent other Universities from following suit.

I appreciate, Sir, that the Leader of that Group does not like some points in the Bill, but I do not feel that he has made out any case for circulating as opposed to opposing the Bill or amending it in its various clauses. I submit, therefore, that no case has been made out for circulating the Bill and I am afraid I cannot accept the Maulvi Sahib's motion.

Nawabzada Muhammad Liaquat Ali Khan: May I ask a question? Will the Honourable Member enlighten the House if the Select Committee has accepted any of the proposals that were put forward by the Court and the Executive and Academic Councils of the University of Delhi. Let me tell the Honourable Member that the answer is no.

Mr. J. D. Tyson: I am not prepared to answer that straight off.

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

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

"That the Bill be circulated for the purpose of obtaining opinion thereon by the 31st December 1943."

The Assembly divided:

AYES—28.

Abdul Ghani, Maulvi Muhammad,
Abdullah, Mr. H. M.
Azhar Ali, Mr. Muhammad.
Bajoria, Babu Baijnath.
Banerjee, Dr. P. N.
Bhutto, Mr. Nabi Baksh Illahi Baksh.
Chattopadhyaya, Mr. Amarendra Nath.
Choudhury, Mr. Muhammad Hussain.
Datta, Mr. Akhil Chandra.
Deshmukh, Mr. Govind V.
Essak Sait, Mr. H. A. Sathar H.
Gupta, Mr. R. R.
Ismail Khan, Hajee Chowdhury Muham-
mad.
Kailash Bihari Lall, Mr.

Kazmi, Qazi Muhammad Ahmad.
Lalchand Navalrai, Mr.
Liaquat Ali Khan, Nawabzada Muhammad.
Maitra, Pandit Lakshmi Kanta.
Murtuza Sahib Bahadur, Maulvi Syed.
Nairang, Syed Ghulam Bhik.
Nauman, Mr. Muhammad.
Neogy, Mr. K. C.
Raza Ali, Sir Syed.
Siddique Ali Khan, Nawab.
Umar Aly Shah, Mr.
Yamin Khan, Sir Muhammad.
Zafar Ali Khan, Maulana.
Zia Uddin Ahmad, Dr. Sir.

NOES—45.

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.
Chapman-Mortimer, Mr. T.
Chatterji, Mr. S. C.
Daga, Seth Sunder Lall.
Dalal, Dr. Sir Ratanji Dinshaw.
Das, Pandit Nilakantha.
Ghiasuddin, Mr. M.
Griffiths, Mr. P. J.
Gwilt, Mr. E. L. C.
Habibur-Rahman, Khan Bahadur Sheikh.
Haidar, Khan Bahadur Shamsuddin.
Imam, Mr. Saiyid Haidar.
Ismail Alikhan, Kunwer Hajee.
James, Sir F. E.
Jawahar Singh, Sardar Bahadur Sardar
Sir.
Joshi, Mr. D. S.
Kamaluddin Ahmad, Shams-ul-Ulema.
Khare, The Honourable Dr. N. B.
Lalljee, Mr. Hooseinbhooy A.

Mackeown, Mr. J. A.
Maxwell, The Honourable Sir Reginald.
Miller, Mr. C. C.
Muazzam Sahib Bahadur, Mr. Muhammad.
Mudaliar, The Honourable Dewan Bahadur
Sir A. Ramaswami.
Noon, The Honourable Malik Sir Feroz
Khan.
Pai, Mr. A. V.
Piare Lall Kureel, Mr.
Raisman, The Honourable Sir Jeremy.
Ray, Mrs. Renuka.
Richardson, Sir Henry.
Roy, The Honourable Sir Asoka Kumar.
Sargent, Mr. J. P.
Shahban, Khan Bahadur Mian Ghulam
Kadir Muhammad.
Siva Raj, Rao Bahadur N.
Spear, Dr. T. G. P.
Spence, Sir George.
Sultan Ahmed, The Honourable Sir.
Thakur Singh, Major.
Trivedi, Mr. C. M.
Tyson, Mr. J. D.

The motion was negatived.

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

"That the Bill further to amend the Delhi University Act, 1922, as reported by the Select Committee, be taken into consideration."

The Assembly divided:

AYES—46.

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.
Chapman-Mortimer, Mr. T.
Chatterji, Mr. S. C.
Choudhury, Mr. Abdur Rasheed.
Daga, Seth Sunder Lall.
Dalal, Dr. Sir Ratanji Dinshaw.
Das, Pandit Nilakantha.
Ghiasuddin, Mr. M.
Griffiths, Mr. P. J.
Gwilt, Mr. E. L. C.
Habibur-Rahman, Khan Bahadur Sheikh.
Haidar, Khan Bahadur Shamsuddin.
Imam, Mr. Saiyid Haidar.
Ismail Alikhan, Kunwer Hajee.
James, Sir F. E.
Jawahar Singh, Sardar Bahadur Sardar
Sir.
Joshi, Mr. D. S.
Kamaluddin Ahmad, Shams-ul-Ulema.
Khare, The Honourable Dr. N. B.

Lalljee, Mr. Hooseinbhooy A.
Mackeown, Mr. J. A.
Maxwell, The Honourable Sir Reginald.
Miller, Mr. C. C.
Muazzam Sahib Bahadur, Mr. Muhammad.
Mudaliar, The Honourable Dewan Bahadur
Sir A. Ramaswami.
Noon, The Honourable Malik Sir Feroz
Khan.
Pai, Mr. A. V.
Piare Lall Kureel, Mr.
Raisman, the Honourable Sir Jeremy.
Ray, Mrs. Renuka.
Richardson, Sir Henry.
Roy, The Honourable Sir Asoka Kumar.
Sargent, Mr. J. P.
Shahban, Khan Bahadur Mian Ghulam
Kadir Muhammad.
Siva Raj, Rao Bahadur N.
Spear, Dr. T. G. P.
Spence, Sir George.
Sultan Ahmed, The Honourable Sir.
Thakur Singh, Major.
Trivedi, Mr. C. M.
Tyson, Mr. J. D.

NOES—28.

Abdul Ghani, Maulvi Muhammad.
Abdullah, Mr. H. M.
Azhar Ali, Mr. Muhammad.
Bajoria, Babu Baijnath.
Banerjee, Dr. P. N.
Bhutto, Mr. Nabi Baksh Illahi Baksh.
Chattopadhyaya, Mr. Amarendra Nath.
Choudhury, Mr. Muhammad Hussain.
Datta, Mr. Akhil Chandra.
Deshmukh, Mr. Govind V.
Essak Sait, Mr. H. A. Sathar H.
Gupta, Mr. R. R.
Ismail Khan, Hajee Chowdhury Muham-
mad.
Kailash Bihari Lall, Mr.

Kazmi, Qazi Muhammad Ahmad.
Lalchand Navalrai, Mr.
Liaquat Ali Khan, Nawabzada Muhammad.
Maitra, Pandit Lakshmi Kanta.
Murtuza Sahib Bahadur, Maulvi Syed.
Nairang, Syed Ghulam Bhik.
Nauman, Mr. Muhammad.
Neogy, Mr. K. C.
Raza Ali, Sir Syed.
Siddique Ali Khan, Nawab.
Umar Aly Shah, Mr.
Yamin Khan, Sir Muhammad.
Zafar Ali Khan, Maulana.
Zia Uddin Ahmad, Dr. Sir.

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The House will now proceed to the consideration of 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.

Dr. Sir Zia Uddin Ahmad: Sir, I move:

"That in clause 3 of the Bill, after sub-clause (a) the following new sub-clause be inserted and the subsequent sub-clause be re-lettered accordingly:

"(b) In section 4 of the said Act, in sub-section (2) (a) after the word "University" the words "or in a College mentioned or recognised by the University" shall be inserted."

We had similar difficulty in Aligarh. We first started the Aligarh University as a uni-collegiate university. The moment we established colleges

there, it became necessary to modify this particular clause because the section as it stands says: to hold examinations, to grant and confer degrees and other academic distinctions on persons who have pursued a course of study in the university or are teachers in educational institutions. Suppose a person has not pursued a course of study in the university but he has pursued a course of study in a college recognised by the university. Then, I do not know whether under this particular clause they will be entitled to get the degrees and diplomas. This question is practically a question of law. In order to clarify the position, it is very desirable to add these words. We did add these words in the case of the Aligarh University as soon as we established colleges there. Sir, I move:

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

"That in clause 3 of the Bill, after sub-clause (a) the following new sub-clause be inserted and the subsequent sub-clause be re-lettered accordingly:

"(b) In section 4 of the said Act, in sub-section (2) (a) after the word "University" the words "or in a College mentioned or recognised by the University" shall be inserted."

Mr. J. D. Tyson: I do not think this amendment is at all necessary. I have not been able to learn from the learned Doctor why this is necessary. We think that it is covered already—that "people who have pursued a course of study in the University" covers those who have pursued a course of study in a college which is maintained or recognised by the University. We have no misgiving that there is any difficulty there.

Dr. P. N. Banerjee: The misgiving arises from the fact that in the University you have a separate body of teachers known as the University professors, whereas in the colleges, there is a distinct body called the teachers and therefore in order to clarify the position it would be better to accept the amendment which has just been moved by my Honourable friend Sir Zia Uddin Ahmad. It would make the position quite clear and no room for ambiguity will be left.

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

"That in clause 3 of the Bill, after sub-clause (a) the following new sub-clause be inserted and the subsequent sub-clause be re-lettered accordingly:

"(b) In section 4 of the said Act, in sub-section (2) (a) after the word "University" the words "or in a College mentioned or recognised by the University" shall be inserted."

The motion was negatived.

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

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4 was added to the Bill.

Dr. Sir Zia Uddin Ahmad: Sir, I move:

"That for clause 5 of the Bill, the following be substituted:

"5. Amendment of Section 11, Act VIII of 1922.—In Section 11 of the said Act, for sub-section (1) the following shall be substituted, namely,—

"(1) (a) The Vice-Chancellor shall be appointed by the Chancellor from amongst the three persons selected by the Committee of Reference mentioned in sub-section (b) and recommended by the Executive Council upon such conditions and on such remuneration as the Chancellor may determine.

(b) The Committee of Reference shall consist of three persons two of whom shall be persons, not connected with the University or any College, nominated by the Executive Council, and one person nominated by the Chancellor, who shall appoint one of the three as Chairman of the Committee.

(c) He shall hold office for four years."

I have not changed the substance of this clause of the Bill. What I notice is this. They have got two different methods of selection of the Vice Chancellor, one when he is to be paid and the other when he is to be honorary. The two methods are entirely different. In one case, the tenure is two years, in the other case it is four years. The difficult question which will arise and which will have to be settled beforehand will be whether the Vice Chancellor should be honorary or should be a paid official. If he is honorary, there is one method of selection. In the other case the method is different. The University has to decide first whether he should be honorary or paid. If it is decided that he should be honorary officer the method of selection is provided in the original Act. That is a period of two years. If we decide that he should be a paid officer, then there is an entirely different method which is now provided in the present Bill, which will be added as a proviso. Therefore, this thing will, I think, create a very great confusion in the election of the Vice-Chancellor. I think there should be one method of selection and later on when the Chancellor, that is, the Governor General, decides the terms on which he should be appointed, that will be the time for the Governor General to say whether he should be honorary or paid. He should then fix the salary himself. That is the best way of meeting the problem. But if we follow this Act and add a proviso in the case of those who are to be paid, then it will create very great confusion. As I said, the first question which we have got to decide is whether he should

be a paid officer or an honorary officer. Who will decide it, who will initiate it, and whose decision shall be final? I quite agree that there is a great contribution in the amendment of the Select Committee, namely, that the selecting authority should be a Committee of Reference consisting of three persons not connected with the University. This method, no doubt, is a very great improvement on the existing Bill. But if you put two alternatives—one a method when he is to be honorary and another a method when he is to be paid, it will lead to confusion. So, I suggest that we should have one simple method of selection and that selection method is the one recommended in the Bill as it has emerged from the Select Committee. That is a very good way of doing it. We ought to delete the original clause. We ought to delete altogether the old method of selection and substitute in its place the present method both for honorary and paid Vice-Chancellor. The decision should rest with the Chancellor. He will determine whether in this particular case he should be a paid officer or an honorary officer. I am not changing any terms of the appointment. The issue that I want to raise is that there ought not to be two methods of selection. In my opinion when you have put the responsibility of maintaining the discipline in the University on the Vice-Chancellor, it is impossible to have an honorary Vice-Chancellor. If the Vice-Chancellor is residing in New Delhi and is doing his official duty here, he cannot possibly take the responsibility of the supervision of discipline.

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

"That for clause 5 of the Bill, the following be substituted:

"5. Amendment of Section 11, Act VIII of 1922.—In Section 11 of the said Act, for sub-section (1) the following shall be substituted, namely,—

"(1) (a) The Vice-Chancellor shall be appointed by the Chancellor from amongst the three persons selected by the Committee of Reference mentioned in sub-section (b) and recommended by the Executive Council upon such conditions and on such remuneration as the Chancellor may determine.

(b) The Committee of Reference shall consist of three persons two of whom shall be persons, not connected with the University or any College, nominated by the Executive Council, and one person nominated by the Chancellor, who shall appoint one of the three as Chairman of the Committee.

(c) He shall hold office for four years."

Pandit Nilakantha Das (Orissa Division: Non-Muhammadian): Sir, the Vice-Chancellor will know whether he is going to be honorary or paid. First of all, the Selection Committee will be called. They will appoint three people and their names will be sent to the executive council and then those names will be sent to the Chancellor. Then, the Chancellor will appoint one of them. Is it Sir Zia Uddin's purpose that only at the time of the appointment the Chancellor should say whether he is to be paid or not?

Dr. Sir Zia Uddin Ahmad: That is my amendment.

Pandit Nilakantha Das: The proposal in the Bill is that from the beginning it should be known whether the Vice-Chancellor will be paid or whether he would be honorary. So, there are two methods of selecting the Vice-Chancellor. If it is not known whether the Vice-Chancellor is going to be honorary or paid, the whole method of selection will fall to the ground. On what basis the Committee of Reference will recommend three persons? Sometimes lawyers or Judges of the High Courts or men holding other offices may be selected. Suppose a gentleman like Sir Maurice Gwyer, who was the Chief Justice of the Federal Court, is selected, then he cannot be a paid Vice-Chancellor. But if the Vice-Chancellor is going to be a paid officer then men like Sir Shanti Swarup Bhatnagar or some such other person, who are prepared to give up their jobs altogether, will be selected. If this amendment is accepted, then one will remain in the dark as to what sort of man should be selected. If some lawyer is selected as a Vice-Chancellor, then *ipso facto* he will be unpaid and be only a part time officer. The Chancellor, only when he is going to appoint such a man, can ask him whether he is willing to be a wholetime or part-time officer. That will not be a very reasonable proposal at this stage. The gentleman must know from the beginning on what condition he is going to be nominated. So, this amendment will create difficulties. If from the beginning it

[Pandit Nilakantha Das.]

may be arranged somehow, for the gentleman to know whether he will be a whole-time or part time officer, then this single method of selection would, I think, be acceptable. But now as it is, this difficulty of indefiniteness till the last stage of nomination stands in the way of acceptance.

Dr. P. N. Banerjee: Sir, I am sorry I cannot see eye to eye with my Honourable friend Dr. Sir Zia Uddin Ahmad although on many occasions we agree. I am afraid the two methods of selection cannot be combined. We must first know whether the Vice-Chancellor is to be paid or not. If the Vice-Chancellor be a paid officer, then the procedure relating to the selection and appointment must be different from the procedure which will have to be adopted when the Vice-Chancellor is to be an honorary officer. In the case of an honorary Vice-Chancellor, which I believe will be the normal system, it is not necessary to go through the procedure of appointing a selection Committee. But the selection committee will be in great difficulty with regard to this matter and it would not be desirable to give this power to a small body of three persons to select an honorary Vice-Chancellor. An honorary Vice-Chancellor of the rank of the Chief Justice of the Federal Court or of the Judge of the Federal Court or a man of similar status may not like to be considered for the post, if the post is to be decided upon by a Committee of three persons. On the other hand when there is to be a paid Vice-Chancellor, there is a necessity for finding out the proper person who would accept the office and who would do well in that office. If we are to combine the two methods, the one I may call the normal method and the other the extraordinary method, there will be a great deal of complexity and instead of removing the difficulty we will create fresh difficulties. Therefore, I am unable to support his motion. But I will stand by the procedure that is suggested in the report of the Select Committee. There are certain amendments which will be moved later on and on which I will have an opportunity of speaking later on. But before I pass on to that question, I should like to invite the attention of the Government Member with regard to certain ambiguity in sub-clause (c), clause 5. In the fifth line you find "shall select not less than three persons and shall report its selection to the Executive Council". In the sixth line, you find "The executive council shall make its recommendations on the three persons so selected to the Chancellor". I suggest you have to make proper amendments to remove the ambiguity.

Dr. Sir Zia Uddin Ahmad: Who will decide whether the Vice-Chancellor will be honorary?

Dr. P. N. Banerjee: I say the normal method is for the Chancellor to appoint the Vice-Chancellor. But when the proviso is to be given effect to, that would be an extraordinary method. In the case of the ordinary method, my proposal is that on the recommendation of the executive council, the Chancellor should decide. But in the Select Committee report, we find that either the Chancellor on his own motion or the Chancellor on the motion of the Executive Council would decide. So there would be complication if the amendment is accepted. As regards the procedure it is fully laid down; only there is an ambiguity towards the end of the paragraph which will have to be cleared up.

Mr. J. D. Tyson: Sir, in view of what has fallen from my Honourable friend Pandit Nilakantha Das and my Honourable friend Dr. Banerjee, I can afford to be short. In drafting the Bill, we deliberately kept the two systems. We considered that the existing system works perfectly well when it is a matter of selecting a part-time and therefore, obviously, a local gentleman to be Vice-Chancellor. We thought that for a whole-time Vice-Chancellor it would be necessary to go further afield than Delhi to make sure of getting the best man and we thought that for that purpose something in the nature of a Committee of Selection would be necessary. We therefore deliberately, in drafting the Bill, let the existing procedure stand for part-time Vice-Chancellors and only suggested the other procedure for a whole-time Vice-Chancellor. We definitely

believe that it will be necessary for a decision to be taken as to whether a part-time Vice-Chancellor will do or a whole-time Vice-Chancellor is required before a search is made for a Vice-Chancellor. No doubt the field will be reviewed a little first. Where the need is clear for a whole-time Vice-Chancellor, the decision should definitely be taken first and we should go for a whole-time Vice-Chancellor. If we were to adopt the procedure suggested in this amendment, I think the Chancellor would be in a very invidious position in deciding whether the person selected is to be given any pay or not. After all it turns to some extent on whether he is whole-time or part-time. The matter was given very careful consideration in the Select Committee and we on this side would like to stand by what was in effect a unanimous recommendation of the Select Committee.

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

"That for clause 5 of the Bill, the following be substituted:

"5. *Amendment of Section 11, Act VIII of 1922.*—In Section 11 of the said Act, for sub-section (1) the following shall be substituted, namely,—

"(1) (a) The Vice-Chancellor shall be appointed by the Chancellor from amongst the three persons selected by the Committee of Reference mentioned in sub-section (b) and recommended by the Executive Council upon such conditions and on such remuneration as the Chancellor may determine.

"(b) The Committee of Reference shall consist of three persons two of whom shall be persons, not connected with the University or any College, nominated by the Executive Council, and one person nominated by the Chancellor, who shall appoint one of the three as Chairman of the Committee.

"(c) He shall hold office for four years'."

The motion was negatived.

Mr. Amarendra Nath Chattopadhyaya (Burdwan Division: Non-Muhammadan Rural): Sir, I move:

"That in clause 5 of the Bill, in the proposed proviso, the words 'of his own motion or' be omitted."

This Bill is going to appoint a paid Vice-Chancellor. With regard to the selection of the candidates this proviso makes it a condition that "the Chancellor of his own motion or at the instance of the Executive Council after consultation with the Academic Council is of opinion that a Vice-Chancellor should be appointed on the condition that he gives his whole time to the work of the University. . . .". I do not support that there should be alternative methods. I therefore propose the deletion of the words "of his own motion or". The proviso would then read:

"Provided that if the Chancellor at the instance of the Executive Council. . . ."

It is very natural for Government to give power to the Chancellor with regard to the appointment of the Vice-Chancellor. While there is Executive Council which can very well do this business, why should there be any alternative authority? I think it should be either Chancellor or the Executive Council. My proposal is very simple. The Chancellor is to give the sanction after the selection is made. Consequently the words "at the instance of the Executive Council" are quite sufficient. I hope this amendment will be accepted by Government. Sir, I move.

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

"That in clause 5 of the Bill, in the proposed proviso, the words 'of his own motion or' be omitted."

Dr. P. N. Banerjee: Sir, the question here is as to who is to take the initiative in the matter of deciding whether there should be a paid Vice-Chancellor or not. In the report of the Select Committee we find that the Chancellor may take the initiative or the executive council may take it. The present amendment is that the Chancellor should not take the initiative in his matter. I support this view because in my opinion the executive council consisting of as many as 27 persons who are administering the affairs of the university are the proper persons to know whether a whole-time Vice-Chancellor is needed or not. If they are unable to cope with the work of the university with the assistance of a part-time Vice-Chancellor, they themselves will come forward

[Dr. P. N. Banerjea.]

and say that they are unable to cope with the work and therefore a whole-time Vice-Chancellor should be appointed. But it is laid down in the report of the Select Committee that the Chancellor also may take the initiative. Sir, I am not willing to give the initiative to the Chancellor because his knowledge of the affairs of the university is not likely to be so great and so extensive as the knowledge of the executive council. Besides, the proposal in the report of the Select Committee may be resented by the executive council. If without reference to the Executive Council the Chancellor takes the initiative and decides that a whole-time Vice-Chancellor should be appointed there may be friction between the Chancellor and the executive council. The executive council may say that as they are the people who are administering the affairs of the university they know better than the Chancellor whether a paid Vice-Chancellor is needed or not and therefore they are not going to cooperate in the work of administration of the University. They may not lend their whole-hearted support to the paid Vice-Chancellor if he is appointed and there may be a great deal of trouble between the paid Vice-Chancellor and the executive council. In order to remove the possibility of such trouble it is desirable that the initiative should come from the executive council and not from the Chancellor.

Pandit Nilakantha Das: Sir, one really fails to understand what harm there is if the Chancellor takes the initiative in saying that a paid Vice-Chancellor is necessary for the university. We have provided for everything; we have provided for a reference committee where practically the Executive Council will have its say and we have . . .

Dr. P. N. Banerjea: But that will be with regard to the personnel.

Pandit Nilakantha Das: Yes, from the beginning to end the selection of the personnel may be controlled by the university. The Chancellor may represent Government or the Education Department; they are in charge of the money; they are going to make great educational experiments, and if they provide the funds to employ a whole-time man and a capable man, I do not see why there should be friction and the heavens should fall down if the Chancellor simply says—"Well you now have a whole-time man."

Dr. P. N. Banerjea: There will be difference of opinion.

Pandit Nilakantha Das: The Chancellor will only say—"Have a good and whole-time man." The selection will practically be done by the Executive Council. I would rather say that it is the Chancellor who should take this initiative and not the Executive Council. There is a well-known psychological development which ends in a fixed idea, and people habituated to a particular way of thinking become no-changers, a phrase which we are used to in our political life. This no-change mentality has come over certain Honourable Members of this House and they will have no change.

Dr. P. N. Banerjea: Will 27 persons be no-changers and only one person a pro-changer?

Pandit Nilakantha Das: The late Mr. C. R. Das was a pro-changer when all the rest of India was full of no-changers and he was opposed by people like us. The pro-changer is always a pioneer and ordinary common people think in a groove. In this Delhi University there is going to be a great experiment and the Vice-Chancellor will have to do so many things and he will want to have many powers, and perhaps the Bill will be again amended. In a small place like Delhi there are many parties and cliques which may not want a paid Vice-Chancellor and if you give the option to the Executive Council, I apprehend they will never recommend the appointment of a whole-time paid Vice-Chancellor because they do not want educational experiments.

An Honourable Member: Because they are wiser.

Pandit Nilakantha Das: If my Honourable friends think they are wiser and cannot think in a new line, let them have their satisfaction of becoming wiser. But I emphatically state that there is no harm, rather it is a thing to

be approved that the Chancellor should be able to say: 'Well, gentlemen, I will give you money. Have the best man'. This we are going to oppose. It is shameful.

Mr. Lalchand Navalrai: Sir, my views are already known to the House. At this point I do not want to get into any excitement as my learned friend. The provision that has been made by the Select Committee is in itself contradictory. You are giving a privilege to two bodies to make a proposal, but thereby you are nullifying the power of one or the other. Supposing the Executive Council say that they do not want it. There is power in the Chancellor. He may say that it should be proposed. In that case he is sitting as an Appeal Court and I do not think that that must have been the intention of the Select Committee. Therefore, I submit that it should be left to one body, either to the Chancellor or to the Executive Council. After all, it is a proposal that is going to be made and I must admit that it is the Executive Council who are dealing with the daily administration and they know much more than the Chancellor, who of course supervises the business but does not know the every day administration. Therefore the words should be deleted and it should be left so that the power may be exercised by the Executive Council. After all, the Executive Council also has to consult the Academic Council and will also know more from the Professors and others who can help them by giving them the real position as to whether an honorary Vice-Chancellor will be suitable or not. I therefore support this amendment.

Mr. J. D. Tyson: Sir, the proviso to the original Bill reads:

"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 gave 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."

Quite frankly, the Government have got to such a stage in this educational experiment that it may be necessary from Government's point of view to ensure that the experiment has the most favourable opportunity of being successful to have a whole-time Vice-Chancellor. To say that in fact Government has a stake in the matter, I may mention that 65 per cent. of the expenditure of the University is at present met from Government grants—much the biggest proportion of grant-in-aid to any University in India and over and above what Government gives as grants-in-aid to colleges. We therefore feel that the Chancellor who is in the Government but has a distinct duty to the University, and would of course hear the University in the matter and hear the Government if the Government were anxious, that the decision in this matter should rest with the Chancellor. After receiving the views of the University in the matter, the Select Committee, as the House will observe, have done this. But they have associated the University in the initial stage provided the Chancellor on his own motion or at the instance of the Executive Council, after consultation with the Academic Council is of the opinion that there should be a whole-time Vice-Chancellor. We were full consenting parties to that. We were glad to see the University associated in this matter, and more than that, as we shall see when we come to the other amendments, the Select Committee have associated the Executive Council to such an extent with respect to a paid Vice-Chancellor that a paid Vice-Chancellor will be selected by the Executive Committee. That is the effect of the whole clause.

I must say, Sir, that we have gone from this side as far as we feel we can and I must stand by the recommendation of the Select Committee to which I am not only a party but which I consider is a definite improvement in the Bill as it was originally introduced.

Pandit Nilakantha Das: I wish to make a withdrawal. Unfortunately at the end of my speech I used the word "shameful".

Mr. President (The Honourable Sir Abdur Rahim): Order, order. The Honourable Member cannot make two speeches.

Pandit Nilakantha Das: I wish to withdraw the word "shameful". I would say "unthinkable".

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

"That in clause 5 of the Bill, in the proposed proviso, the words 'of his own motion or be omitted.'"

The motion was negatived.

Mr. Amarendra Nath Chattopadhyaya: Sir, I move.

"That in Clause 5 of the Bill, in part (a) of the proposed proviso for the word 'four' the word 'three' be substituted."

When I see that no simple amendment is acceptable to the Government, I feel disinclined to move this. I would ask the Honourable Member to consider the reasons for my amendment. We are going to make an experiment with the three years course and for the first three years let there be one who can take charge of this experiment. Any official who has power for more than three years in the University becomes very powerful and possibilities for intrigues and cliques ensue. To avoid that I have proposed that he should be appointed for three years only and in the third year let the Executive Council or for the matter of that the Chancellor decide whether he should continue or whether a new man should be brought in. Sir, men in the highest position become almost undesirable from the abuse of power and the lust of wealth. I believe, Sir, that no officials should be in any institution for a term of more than three years at a time. With these words, I move the amendment.

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

"That in clause 5 of the Bill, in part (a) of the proposed proviso for the word 'four' the word 'three' be substituted."

Mr. J. D. Tyson: Sir, the present term of a part-time unpaid Vice-Chancellor is two years. Considering that a whole-time Vice-Chancellor will have to give up any other pursuits that he has and devote his whole-time to the work, we think that we should be prejudiced in getting a really first-class man unless we can assure him of a term of office which will justify his giving up anything that he is doing already and which will hold out the hope also of being able really to do something for the University in his term. Four years is not a very long time for a man to hold an office of that kind. I cannot believe that if he is going to survive for three years without yielding to the lust of power and the lust of wealth, which, I think, my Honourable friend referred to, the extra year is going to make any difference. We considered the question of the period in the Select Committee and I again would prefer to stick to the Select Committee's figure of four years.

Sir Muhammad Yamin Khan: Will he not be eligible for re-appointment?

Mr. J. D. Tyson: There is no bar.

Nawabzada Muhammad Liaquat Ali Khan: The Honourable Mr. Tyson in his last speech on the motion which was before this House a little while ago had twitted the Muslim League Party for withdrawing its representatives from the Select Committee. You are aware, Sir, of the reasons that had prompted the Muslim League to take that action. It was this stubborn attitude of the Government which was responsible for our action then. Here a very innocent amendment has been moved that the period of the appointment of a Vice-Chancellor should be reduced from four to three years. In all the Universities the Vice-Chancellors are appointed, as far as I know, or at least in most of the universities, for three years. I know that the Vice-Chancellor of the Lucknow University, the Vice-Chancellor of the Allahabad University, the Vice-Chancellor of the Aligarh University, where there is a provision for a salary, is appointed for three years. I do not know what superhuman beings Mr. Tyson has in view whom he is going to appoint as a Vice-Chancellor of the Delhi University and I do not know what selfish, greedy person he has in his mind who would say at the time of his appointment "I refuse to take up the appointment unless I am assured the job for another one year". If the gentleman who is appointed to this high

office is one who is determined to serve the best interests of the University, I do not see any reason why the Executive Council or the Academic Council should be so unreasonable as to desire a change; but if, on the other hand, the person is undesirable, then let me tell him that even one year's respite is not a bad thing for an Executive Council that has got to work under him. Therefore, I suggest that the Government should not insist on opposing amendments of this nature. They should adopt an attitude of reasonableness and not depend too much on the votes which they have in their pockets.

Dr. P. N. Banerjee: Sir, I rise to support this amendment. The Honourable the Deputy Leader of the Muslim League Party has pointed out that in several Universities the term of office of the paid Vice-Chancellor is three years. I believe that there is no University in India where the term of office of a paid Vice-Chancellor is more than three years.

Mr. J. D. Tyson: I think in the Dacca University it is five years.

Dr. P. N. Banerjee: One out of eighteen; I stand corrected. All the other Universities have the term of office of their Vice-Chancellors fixed either for two years or for three years. Sir, the question is of some importance—I do not say it is of the greatest importance. It may happen that there may be a conflict between the views of the salaried Vice-Chancellor and the executive council; it may also happen that the Vice-Chancellor may become something of an autocrat, and if that happens, it would be better to end his period of office at the termination of three years rather than to continue the conflict or that tussle for another year. If, however, there is no disagreement between the executive council and the Vice-Chancellor there is no bar to the Vice-Chancellor being re-appointed. Therefore, Sir, it is desirable from all points of view that the Vice-Chancellor's term of office should be fixed at three years.

Now, Sir, my Honourable friend, Mr. Tyson, suggested that a person would not accept the post of a paid Vice-Chancellor unless he was assured of a term of four years. Sir, we expect that those who will come to serve this University will come from a spirit of sacrifice, from a spirit of sympathy and not from a spirit of greed as has been suggested by my Honourable friend, Nawabzada Liaquat Ali Khan. Sir, it is absolutely necessary to create a good atmosphere in the country and retain that atmosphere for as long a period as possible. If there is an undesirable atmosphere that atmosphere should be improved at the earliest possible moment.

Mr. M. Ghiasuddin: Mr. President if it is a very simple matter to my mind whether a person who is asked to hold the office or holds it for four years or three years, or whether he is going to accept that office on certain terms, or not. Sir, it is a common experience that at the time when the tenures of such posts are renewed intrigues and cliques, as my Honourable friend the Mover of the amendment has said, come into play. In order that those cliques and intrigues should be put off for a longer period, I think the period of four years is a very desirable suggestion.

Sir Muhammad Yamin Khan: Why not ten years?

Mr. M. Ghiasuddin: One has to come to some sort of *via media* and I think a period of four years would be very reasonable.

Sir, when a new man takes office, he generally has to introduce some reforms and carry out his own policy, but for sometime after taking up the office he is certainly led by others. Then comes the time when he is in a position to introduce his policy, the time draws nearer to the end of his term and when he will have to canvass for renewal of his term. A person who is holding office and wishes a longer lease of life must be a superhuman, as my Honourable friend Dr. Banerjee, has said, if he does not care to remain in office, and comes forward with a spirit of sacrifice. But considering the case of ordinary human beings, we see that when they once get into office they want to cling to it—even if they have to beg and canvass.

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Nawabzada Muhammad Liaquat Ali Khan: Have we not got so many Executive Councillors who have made sacrifice?

Mr. M. Ghiasuddin: They have not to beg and canvass after every six months. And, therefore, Sir, I say that in order to put off that begging and canvassing the recommendation which has been made by the Select Committee after a very careful consideration should be accepted by the House.

[At this stage, Maulvi Muhammad Abdul Ghani rose to speak.]

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can speak tomorrow.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 5th August, 1943.

LEGISLATIVE ASSEMBLY

Thursday, 5th August 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.

OUTCOME OF THE "GROW MORE FOOD" CAMPAIGN.

198. *Mr. Amarendra Nath Chattopadhyaya: (a) Will the Secretary for Education, Health and Lands be pleased to state, province by province, the areas of land in excess of the existing agricultural and horticultural lands which had been cultivated in 1942 and upto the 15th June, 1943, for growing more food? Is there any pasture land in India?

(b) What has been produced in different provinces on these extra cultivated lands and how much?

(c) What amount did the Government of India spend by payments to the agriculturists in different provinces for cultivation, and what return has been obtained by them? Have Government made payments to anybody else who are not agriculturists?

(d) What establishment and advertisement expenses have been incurred during 1942 and 1943 and what is the expense ratio in relation to the quantity and price of food grown?

(e) Has excess land been cultivated in all the provinces to grow rice, wheat, maize, millet, sugar-cane in excess of the normal yearly production? Will the Honourable Member be pleased to lay on the table a detailed statement on excess lands and excess produce secured under the "Grow more Food" Campaign?

Mr. J. D. Tyson: (a), (b) and (e). Specific information in respect of all excess lands brought under cultivation in each province as a result of the "Grow More Food" campaign is not readily available. A statement showing the increase in the area and yield in 1942-43 over 1941-42 in respect of principal food grains is laid on the table.

Certain grasslands, groves, shrub areas, etc., which serve as pasturelands, are included under "culturable but not cultivated" lands in the agricultural statistics of India.

(c) In the financial year 1942-43 Government of India sanctioned a total grant of Rs. 18.84 lakhs from the Cotton Fund to certain provinces and States to assist the cotton growers in diverting lands from short-staple cotton to food grains. These grants were made on condition that the benefit under them goes to the actual cultivator. No less than 53,39,000 acres were diverted from cotton to food crops in 1942. No grant has been sanctioned by the Government of India from this source for anybody other than agriculturists.

In the current financial year, the Government of India have so far sanctioned the following grants and loans in furtherance of the food production drive:—

(i) Rs. 47.70 lakhs in grants and Rs. 98.97 lakhs in loans to enable the provinces to finance measures calculated to contribute materially to increase food production in the near future.

(ii) Rs. 14.92 lakhs in grants from the Cotton Fund to enable the provinces and States to assist cotton grower in diverting lands from short-staple cotton to food grains during the current season.

(d) In the financial year 1942-43, Government of India incurred a total expenditure of Rs. 500 on account of establishment and Rs. 35,000 on account of advertisement through the National War Front. The ratio of expenditure to the value of food grown is negligible.

Province or State.	Kharif Food Grains.		Wheat.		Sugarcane.		Rice.	
	Acres.	Tons.	Acres.	Tons.	Acres.	Tons. (Raw sugar)	Acres.	Tons.
Ajmer-Merwara.	20	3	8	2	..	..	..	..
Assam	111	345	..	..	-3	-5	124	49
Bengal	-660	-2,608	9	14	-11	-45	-701	-2,905
Bihar	835	703	-20	96	19	26	406	505
Bombay	1,450	696	-219	-18	-6	2	146	300
C. P. & Berar	750	783	-311	120	-4	-3	42	974
Coorg	0	0	..	..	..	..	0	0
Delhi	41	10	5	1	0	0	..	..
Madras	743	-507	..	..	13	19	182	-380
N. W. F. P.	61	148	61	68	-7	-8	1	11
Orissa	219	100	0	0	1	0	70	-132
Punjab	751	235	387	279	-9	19	205	86
Sind	57	-76	164	61	0	1	-63	-121
United Provinces	1,652	2,267	-300	126	92	1,333	485	268
Total British Provinces	(a)	(a)						
	6,030	2,099	-216	749	85	1,339	897	-1,345
Baroda	Not known	12	0	0	2	92	32	
Bombay States	Not known	-1	10	-2	-6	54	43	
Bhopal (C. I. State)	Not known	105	-24	-2	-2	1	3	
Eastern Agency States	Not known	-3	-1	..	..	-52	181	
Gwalior	Not known	-1	-26	..	..	..	..	
Hyderabad Dn.	2,194	937	-160	4	-6	-7	332	270
Khairpur (Sind)	Not known	33	10	Not known	..	-1	0	
Mysore	Not known	0	0	-4	-13	1	-2	
Punjab States	Not known	152	135	..	..	..	..	
Rajputana States	Not known	315	68	..	..	..	..	
Rampur (U. P.)	Not known	23	8	4	8	17	11	
Tripura (Bengal)	Not known	..	..	..	..	..	..	
Total Indian States	(a)	(a)						
	2,194	937	475	185	-10	-18	444	538
Grand Total	(a)	(a)						
	8,224	3,036	259	934	75	1,321	1,341	-807
Kharif foodgrains excluding rice	6,978	3,843						

(a) Include rice figures.

Mr. Lalchand Navalrai: May I know from the Honourable Member if the statement laid on the table contains a statement province by province?

Mr. J. D. Tyson: Yes, and in respect of such States as have supplied statistics.

Mr. Amarendra Nath Chattopadhyaya: Is there any pasture land in India?

Mr. J. D. Tyson: Certain grasslands, groves, shrub areas, etc., which serve as pasture lands are included under "cultural but not cultivated" lands in the agricultural statistics of India.

Mr. Lalchand Navalrai: Does the statement contain also the amount of grain which each province produces?

Mr. J. D. Tyson: It is a statement of areas and yields.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better look into the statement. Next question.

Mr. N. M. Joshi: May I ask a supplementary question on the last question?

Mr. President (The Honourable Sir Abdur Rahim): The next question has been called.

EPIDEMIC OF FEVER, SMALL-POX AND TYPHOID IN DELHI.

199. *Mr. Amarendra Nath Chattopadhyaya: (a) Will the Secretary for Education, Health and Lands be pleased to state if it is a fact that there has been an epidemic of fever, small-pox and typhoid in Delhi during April, May and June 1943 and that Phthisis is on the increase? If so, what is the reason for such an epidemic in the Capital? What steps did Government take to stop it, and how did they fail to prevent its taking the epidemic form? How may Phthisis be stopped?

(b) How many deaths occurred amongst (i) children; (ii) youths; and (iii) adults and in what quarters of Delhi were these diseases more fatal than in other quarters? What proportion of the population of New Delhi and Old Delhi suffered and died?

(c) Will he lay on the table a report of the Civil Surgeon, and of the Director General, Indian Medical Service, on the matter?

Mr. J. D. Tyson: (a) and (c). It is a fact that there was an outbreak of small-pox in Delhi in the period April to June 1943. The measures taken to prevent its spreading included the isolation of patients, the disinfection of infected houses and intensive vaccination in affected areas. There were some cases of typhoid but the number of cases and deaths from this cause reported was less than in the corresponding period of the previous two years. The number of reported deaths from fevers during the period was not substantially higher than in previous years. On the basis of the reported cases of tuberculosis in the first six months of 1943 it appears that the 1943 total will be lower than the total for the previous year. The facts which are ascertainable do not indicate that the disease is on the increase. A report by the Chief Health Officer, Delhi Province, is laid on the table of the House.

(b) A statement is laid on the table of the house.

Part (b).

Statement.

Deaths during the period April to June, 1943.

	Delhi City			New Delhi		
	Children	Youths	Adults	Children	Youths	Adults
Smallpox	186	13	8	2	1	..
Typhoid	79	22	26	..	2	3
Phthisis	3	35*	135	..	..	3
Fever	23	6	11	25	7	18

The smallpox mortality rate was higher in Delhi City than in New Delhi. The disease was not more fatal in any particular quarter of Delhi City, than in others, the mortality rates being more or less the same in the various wards in which the disease occurred. As regards the other three diseases also the mortality rates were more or less the same in the different wards.

Attacks and deaths per 1,000 population in Delhi City and in New Delhi.

	Delhi City		New Delhi	
	Attacks	Deaths	Attacks	Deaths
Smallpox	2.07	1.5	1.6	0.1
Typhoid	0.9	0.9	0.3	0.2
Phthisis	2.03	1.2	0.7	0.1
Fever	..	0.07	..	0.5

Part (c).—Report by the Chief Health Officer, Delhi Province, (with which the Public Health Commissioner with the Government of India concurs).

Statements showing (i) cases and deaths from fever, smallpox and typhoid during the period April to June in 1941, 1942 and 1943 and (ii) cases and deaths from Phthisis in 1941, 1942 and the first half of 1943 are enclosed herewith.

2. A study of the recorded figures shows that during the 3 months April, May and June, 1943, the incidence of typhoid was definitely less than during the corresponding period in 1941 and 1942. The extent to which the disease was present cannot be described as epidemic.

3. As regards 'fever' only figures for deaths are available. This is an undefined group in which various causes of deaths of which fever is a prominent symptom are included. It is therefore not possible to attach the same significance to any fluctuation in these figures as in the case of specific diseases like typhoid or tuberculosis. The registered deaths from fevers during the 3 months in 1943 show an increase over the corresponding figures in 1942 but are less than those in 1941. They are not regarded as constituting an epidemic.

4. There has been an increase in the incidence of smallpox during April, May and June 1943 as compared with the previous 2 years. Vaccination is the most important precautionary measure against smallpox. During 1943, 65,090 vaccinations were done as against 35,592 in 1942 and 34,962 in 1941. Other precautionary measures taken include isolation of patients in the Infectious Diseases Hospital and disinfection of every infected house. These preventive measures undoubtedly helped to control the outbreak especially when it is remembered that under the conditions arising out of the present emergency the movement of population into and out of Delhi Urban Area has been on an extensive scale and the consequent introduction of infection from outside much more frequent than under ordinary conditions.

5. As regards Phthisis the recorded figures show that in 1942 the incidence of the disease was greater than that in 1941. The increase is not considered to be due to any actual increase in the number of infections but rather to a more effective co-ordination between tuberculosis clinics and the tuberculosis Health Visitors and therefore to a larger number of cases being discovered. On the basis of the number of cases reported during the first half of 1943 it would appear that the incidence of the disease in 1943 will be less than that in 1942. It cannot therefore be said that Phthisis is on the increase.

6. The measures that may be taken for control of phthisis are an anti-tuberculosis campaign on a wide front including isolation and treatment of the open case, special measures to protect contacts specially children in the homes of tuberculosis patients and an effort to increase the general standard of living by providing better housing conditions and adequate nutrition. Recently the following measures have been adopted to supplement those already existing:—

- (a) Establishment of a model tuberculosis clinic in New Delhi.
- (b) Experimental scheme of organised home treatment which aims at modern scientific treatment in the houses of those who cannot get admission in hospitals.

STATEMENT NO. 1.

Cases and deaths from small-pox, typhoid and fever during the period April to June 1941, 1942 and 1943.

Diseases	Small-pox				Typhoid				Fever			
	1941		1942		1941		1942		1941		1942	
	Cases	Deaths	Cases	Deaths	Cases	Deaths	Cases	Deaths	Cases	Deaths	Cases	Deaths
1. Delhi City	52	40	16	10	291	207	249	233	192	178	131	127
2. New Delhi	2	..	..	..	40	3	19	14	13	9	7	5

STATEMENT 2.

Cases and deaths from Phthisis in 1941, 1942 and in the 1st half of 1943.

Years	1941.		1942.		1943 (January to June)	
	Cases.	Deaths.	Cases.	Deaths.	Cases.	Deaths.
1. Delhi City	1,126	858	1,723	761	761	302
2. New Delhi	49	38	62	21	29	15

Kunwar Hajee Ismail Alikhan: May I know what is the percentage of deaths by typhoid?

Mr. J. D. Tyson: I have not got the percentage here. I am afraid I must ask for notice.

Mr. K. O. Neogy: The Honourable Member referred to deaths from fever, but the question relates to an epidemic of fever. Is the Honourable Member in a position to say whether there was an epidemic of malaria last autumn and whether the epidemic still continues, and whether it is not a fact that a fresh epidemic of malaria has broken-out already?

Mr. J. D. Tyson: The question does not relate to last autumn at all. It relates to April to June of this year.

Dr. Sir Zia Uddin Ahmad: In connection with this matter, may I ask whether the Government have taken any steps to increase the output of quinine?

Mr. J. D. Tyson: I think the Honourable Member has a question on that subject coming up on Tuesday next.

ARRANGEMENTS FOR PROCURING STAPLE FOOD FOR CIVILIAN POPULATION.

200. *Mr. Amarendra Nath Chattopadhyaya: (a) Will the Honourable Member for Food be pleased to state what fresh arrangements have been made, province by province, for procuring staple food for the civilian population of India?

(b) What is the population, province by province, and what is the necessary staple food for them such as rice and wheat, *per capita*, and what is the total production in each province taking on average of five years? Do the provinces produce the quantity required for their population? If not, what is the deficiency in each province, and how may excess provinces supply the deficit provinces?

(c) Has India been consulted in the Hot Spring Food Conference? If so, who represented India?

The Honourable Sir M. Azizul Huque: (a) The Food Department have prepared a plan for the distribution of the surpluses of foodgrains declared by the surplus areas amongst the deficit areas in the light of their requirements and the available resources. The recipient and supplying administrations concerned have been asked to make arrangements for procuring and transporting these quantities in conformity with the plan.

(b) Statements are laid on the table.

(c) Yes. India was represented by:

Sir Girja Shanker Bajpai, Agent General for India, Washington; Chairman of the Delegation.

Mr. P. M. Kharegat, Vice Chairman, Imperial Council of Agricultural Research.

Sir David Meek, Indian Government Trade Commissioner, London.

Mr. H. S. Malik, Indian Government Trade Commissioner, New York.

Dr. W. R. Aykroyd, Director of the Indian Institute of Nutrition Research, Coonoor.

Total population and 5 years' average production of Principal Foodgrains Province by Province

Name of Province.	Total Population (In '000).	Average production of 5 years (1937-38 to 1941-42). (In '000 tons).
Ajmer-Merwara	584	21
Assam	10,205	1,721
Bengal	60,314	8,252
Bihar	36,340	3,653
Bombay	20,858	2,881
Baluchistan	502	66*
C. P. & Berar	16,822	3,078
Coorg	169	58
Delhi	917	31
Madras	49,342	6,658
N. W. F. P.	3,038	530
Orissa	8,729	1,433
Punjab	28,419	4,721
Sind	4,537	1,000
U. P.	55,021	6,366
Total	295,797	40,469

*Estimated, actual not available.

[5TH AUG., 1943.]

Statement showing ideal requirements in respect of principal cereals.

Name of Province.	Total requirements at 1 lb. of cereal per adult unit per day (In '000 tons).
Ajmer-Merwara	76
Assam	1,330
Bengal	7,862
Bihar	4,738
Bombay	2,719
Baluchistan	66
C. P. & Berar	2,193
Coorg	22
Delhi	120
Madras	6,432
N. W. F. P.	396
Orissa	1,138
Punjab	3,705
Sind	591
U. P.	7,172
Total	38,560

Statement showing population and the surplus and Deficit position of each province in respect of Principal cereals in 1943 as compared with the normal.

Name of Province.	Total Population.	Average total quantity of rice, millets, wheat and gram available within the trade block for human consumption and seed purposes.	Production of 1942-43.	Surplus.	Deficit.	Net position surplus (+) or Deficit (-).
	(In '000)		(In '000)			
Ajmer-Merwara	584	76	18			58
Assam	10,205	1,808	1,688			120
Bengal	60,314	9,278	7,080			2,198
Bihar	36,340	4,157	4,323	166		
Bombay	20,858	3,844	2,902			942
Baluchistan	502	66	66 (a)			
C. P. & Berar	16,822	3,337	3,730	393		
Coorg	169	56	60		4	
Delhi	917	109	37			72
Madras	49,342	7,431	6,181			1,250
N. W. F. P.	3,038	342	357	15		
Orissa	8,729	1,362	1,259			103
Punjab	28,419	4,234	5,919	1,685		
Sind	4,537	760	1,074	314		
U. P.	55,021	7,049	7,698	649		
Total	295,797	43,909	42,392	3,226	4,743	-1,517

*Three pre war years' production(+) or (-) not imports or exports.
(a) Estimated, actual not available.

Mr. N. M. Joshi: May I ask whether the Government will prepare a report and circulate it to the Members of the Legislature on this Hot Spring Food Conference?

The Honourable Sir M. Azizul Huque: As soon as a report is received in full I will consider the matter.

Mr. Govind V. Deshmukh: Arising out of the answer to part (a) of the question, may I know to what extent these fresh arrangements have been successful in Calcutta?

The Honourable Sir M. Azizul Huque: It is very difficult for us to estimate the success or otherwise of the modified basic scheme at this stage with reference to any particular area, but I can say this much that we are doing our best.

Mr. Govind V. Deshmukh: Is the Honourable Member aware that, in spite of the arrangements which the Honourable Member suggests are being taken, people in Calcutta are dying every day, about 25 or 30, and people are living on carcasses?

The Honourable Sir M. Azizul Huque: I have seen a press report to that effect, but that has nothing to do with the scheme itself.

Mr. N. M. Joshi: In view of the fact that there is to be a discussion on this food question, may I ask the Honourable Member whether he will circulate to Members the statement which he has laid before the Assembly to-day? The proceedings of the Assembly are not likely to be available to other Members before the end of this Session. I would therefore suggest that this statement be circulated to Members before the discussion takes place.

The Honourable Sir M. Azizul Huque: As far as my reply of to-day is concerned, if that is the desire of the House, I will certainly do it.

Dr. Sir Zia Uddin Ahmad: Did the Committee which is now sitting on food make any recommendation on this particular point?

The Honourable Sir M. Azizul Huque: The recommendations are still being considered by the Committee. I am informed that they have finished their preliminary stage of discussion and the report is being drafted, but it has not yet come to us.

Dr. Sir Zia Uddin Ahmad: Will an interim report be available before we have a discussion on food?

The Honourable Sir M. Azizul Huque: I am afraid, not.

Mr. Amarendra Nath Chattopadhyaya: Should not the Food Committee appointed by this Assembly be called for consultation?

The Honourable Sir M. Azizul Huque: I am asked to give my opinion. I can only give information in reply to questions.

TRADE AGREEMENTS RE POST-WAR RECONSTRUCTION.

201. *Mr. Amarendra Nath Chattopadhyaya: Will the Honourable Member for Commerce be pleased to state if any trade agreement between the United Kingdom, the United States of America, the Dominions of Canada, and Australia, the Union of Socialist Soviet Republics and India is proposed to be reached in connection with the post-war reconstruction?

The Honourable Sir M. Azizul Huque: No suggestion for a multilateral trade pact between the countries named has hitherto been made to the Government of India. The nature of the post-war trade relations between the countries named must await international discussion, which has not yet been initiated, and the Government of India are not now in a position to say what arrangements are most likely to commend themselves when the time comes.

Mr. Govind V. Deshmukh: Is it a fact that no negotiations regarding trade were being undertaken by this government with America? Is it a fact?

The Honourable Sir M. Azizul Huque: There have been some discussions about it but nothing further has been done.

Mr. Govind V. Deshmukh: What is the result of those discussions?

The Honourable Sir M. Azizul Huque: It is still in the stage of discussion.

RISE IN FOOD AND TEXTILE PRICES.

202. *Mr. Amarendra Nath Chattopadhyaya: (a) Is the Honourable Member for Industries and Civil Supplies aware of the fact that there has been 500 per cent. rise in food prices and 400 per cent rise in textile (cotton) which has created a serious situation in the country as a whole?

The Honourable Sir M. Azizul Huque: Since the introduction of the Cotton Cloth and Yarn Control Order there has been a very considerable reduction, and prices are now on an average about 250 per cent. above the pre-war level. Food prices in India vary from centre to centre but in general the rise has been about 300 per cent. over the pre-war level.

BLOOD BANKS IN INDIA.

203. *Mr. Nabi Baksh Illahi Baksh Bhutto: (a) Will the Secretary for Education, Health and Lands be pleased to state the number of blood banks which have been established in India?

(b) How much blood is collected by them every month?

(c) Has it been brought to the notice of the Honourable Member that blood banks in India are not collecting blood in sufficient quantity?

(d) Do Government propose to adopt some measures to increase the quantity of blood in these banks?

Mr. J. D. Tyson: (a) 21.

(b) Approximately 2,700 pints.

(c) It is a fact that the amount of blood collected at some places is inadequate.

(d) The Government of India are doing all that they can to assist Provincial Governments to establish and develop blood banks. They have provided technical advice to Provincial Governments and have appointed an officer on special duty who has toured throughout India and addressed meetings on the subject in many places. They have also arranged for publicity in co-operation with the National War Front, the Red Cross Society and the Department of Information and Broadcasting. The question of further measures to be adopted for enlisting the co-operation of the public is a matter for Provincial Governments.

LIVE STOCK IMPROVEMENT WORK BY CATTLE BREEDING STATIONS AT KARNAL AND IMPERIAL AGRICULTURAL RESEARCH INSTITUTE.

204. *Sardar Sant Singh: (a) Will the Secretary for Education, Health and Lands please state the object of the cattle breeding stations at Karnal and the Imperial Agricultural Research Institute?

(b) What work has been done by these stations for the improvement of the livestock of India?

(c) In what manner are the dairy products, like milk, cream or ghee disposed of?

Mr. J. D. Tyson: (a) The object of the cattle breeding stations at Karnal and the Imperial Agricultural Research Institute is to conduct research in mixed farming with a view to improving the milking capacity of Sahiwal and Tharparkar breeds of cows.

(b) As a result of the research work being done at these stations the average yield of milk per cow per lactation has been raised from 5 lbs. a day to over 22 lbs. a day. For detailed information, the Honourable Member is referred to the Scientific Reports of the Imperial Agricultural Research Institute, for the years ending 30th June, 1937, and 30th June 1941, which are available in the library of the House.

(c) At the Institute, except in certain flush periods, the bulk of the supply of milk and milk products is sold to the staff and students of the Institute. The surplus, if any, is sold to outsiders. At Karnal, the surplus remaining after meeting the requirements of the small number of the Farm staff and certain local officials living near the Farm, is sold to a Contractor.

Sardar Sant Singh: May I know if milk is supplied at the same fixed rate to the low paid staff?

Mr. J. D. Tyson: It is supplied to all grades of the staff at the same fixed rate.

Sardar Sant Singh: Has any representation been made to the Honourable Member that the low paid staff should be supplied milk at cheaper rates?

Mr. J. D. Tyson: I have not seen any such representation.

APPOINTMENTS OF SOUTH INDIANS IN THE IMPERIAL AGRICULTURAL RESEARCH INSTITUTE.

205. *Sardar Sant Singh: (a) Will the Secretary for Education, Health and Lands please state what steps he has taken to put a stop to the appointments of South Indians in the Imperial Agricultural Research Institute, and to bring in more North Indians? If none, why?

(b) Is he aware that not less than half a dozen South Indians have again been appointed by the Director since the 1st of March, and how long is he to continue this policy?

Mr. J. D. Tyson: (a) The Honourable Member's attention is invited to the statement laid on the table of the House on the 28th July, 1943, in reply to his starred question No. 86, which shows that Punjabis have obtained more appointments than South Indians in every class of service at the Institute. Government see no reason to take action on the lines suggested by the Honourable Member.

(b) Yes, out of 29 temporary posts in the subordinate service filled by the Director since the 1st March, 1943, only 6 have been filled by South Indians.

Sardar Sant Singh: May I know if the figures given by the Honourable Member include menial staff like chaukidars and jamadars in which class the Punjabis dominate?

Mr. J. D. Tyson: They refer to the subordinate servants but my reply makes it clear that in every category, class 1, class 2 and subordinate service the Punjabis have dominated.

Sardar Sant Singh: Do the figures include class 1 and class 2 also?

Mr. J. D. Tyson: They do.

Mr. N. M. Joshi: May I know whether it is the intention of the Government of India to allow a very large number of Punjabis in the public services? Is it the policy of the Government of India?

Mr. J. D. Tyson: So far as the Institute goes, our intention is to take the best man we can get, irrespective of province.

Rao Bahadur N. Siva Raj: May I ask whether the term North Indians means only the Punjabis?

Mr. J. D. Tyson: The questioner referred to Punjabis in the previous question. He did not refer to North Indians: he referred to Punjabis and "South Indians".

Maulvi Muhammad Abdul Ghani: What is the proportion of Biharis?

(No reply.)

HARDSHIPS TO STUDENTS UNDER THREE YEARS' DEGREE COURSE, IN DELHI UNIVERSITY.

206. *Sardar Sant Singh: (a) Will the Secretary for Education, Health and Lands please state the practical advantages for the three years' course in the Delhi University?

(b) What provisions have been made for those students who during their preparatory course wish to migrate to other institutions where such system is not in existence?

(c) Is he aware that after passing the preparatory class the students who wish to sit for any competitive examination like Rurkee Examination or Railway Examination, etc., must spend one year at the Polytechnic Institute to make them eligible for these lines or others?

(d) Is he aware of the hardships involved thereby on the students inasmuch as they would be required to change colleges unnecessarily in case one is not successful in seeking admission to any of the above colleges or lines?

(e) Does he propose to consider the desirability of permitting the non-medical students to prosecute their studies in the same colleges to which they are admitted in the first instance? If not, what are the difficulties?

Mr. J. D. Tyson: (a) The institution of the three-year degree course is expected to raise the standard of University and High School education.

(b) The Preparatory Course will soon be replaced by a class XI in the reorganised Higher Secondary Schools of the Delhi Province. It is hoped that students who pass the Qualifying Examination held at the end of the Preparatory Course or the Higher Secondary Examination held at the end of class XI and wish to migrate to other Universities, will be able to obtain admission to the Senior Intermediate Class of those Universities. Those who have not yet passed either examination will be able to get admission to other Universities by virtue of their Matriculation or High School Certificate.

(c) Yes.

(d) The pre-Engineering Examination of the Delhi Polytechnic will be of the same standard as the Intermediate (Science) Examination of an Indian University and it is hoped that it will be recognised as such by all Universities in India. If any student fails to secure admission to an Engineering College or other professional course elsewhere, he may join a B.Sc., class if he desires to do so. The Academic Council of the Delhi University is empowered to exempt such students from the first year of the three-year degree course.

(e) The Honourable Member is apparently referring to students preparing for the Pre-engineering Course. As the number of such students will be small and as Colleges of the Delhi University will be preparing for the new three-year degree course, it will not be possible to provide for such students in each College. As I have already stated in reply to part (b) of the question, the Colleges will cease to provide a Preparatory Course before long and students desiring to take the pre-Engineering Course will proceed to the Polytechnic direct from the Higher Secondary Schools. The facilities available for such students at the Polytechnic are superior to any which could be provided at the Colleges of the University.

Mr. Lalchand Navalrai: May I know what particular reformation has been introduced up to this time in the High Schools?

Mr. J. D. Tyson: Over 20 High Schools have already introduced Class XI.

Dr. Sir Zia Uddin Ahmad: Is it intended to introduce pre-Engineering and pre-Medical courses in the University for the benefit of those who want to join the professional colleges?

Mr. J. D. Tyson: A pre-Medical course is being done by arrangement with the Hindu College and pre-Engineering course will be done at the Polytechnic.

Mr. Lalchand Navalrai: May I know if more competent Masters or Professors have been appointed for the higher secondary class?

Mr. J. D. Tyson: Yes, special qualifications and special salaries have been provided for.

Pandit Lakshmi Kanta Maitra: May I ask if any special qualifications have been prescribed for the teachers of the Secondary Schools?

Mr. J. D. Tyson: Yes, A Master's degree, as a general rule.

PAPERS PUBLISHED BY THE DIRECTOR, IMPERIAL AGRICULTURAL RESEARCH INSTITUTE AS CHEMIST.

207. *Sardar Sant Singh: (a) Will the Secretary for Education, Health and Lands please state why the Director, Imperial Agricultural Research Institute, as Chemist, could publish only 14 papers as compared with 150 by other sections since 1936?

(b) Is it a fact that his staff submits papers to him for publication, but he does not forward them?

Mr. J. D. Tyson: (a) Apart from the fact that some scientific subjects, of which Agricultural Chemistry is not one, lend themselves to piecemeal publication more readily than others, the present Director has had to carry the administrative burden of the move of the Institute from Pusa to New Delhi and the greatly increased work of the Directorship during four years of war.

(b) The work being done in the Chemical Section of the Institute is reported and recorded in the annual Scientific Reports of the Institute for the information

of other workers. The papers and reports submitted by the staff are published when they make a definite contribution or when co-ordinated with other lines of work in progress.

Sardar Sant Singh: May I know if the Director is a scientist and is employed as such in the Research Institute?

Mr. J. D. Tyson: He is a scientist, but of late we have had to give him some relief in his own section at the Institute because his work as Director is so heavy.

Sardar Sant Singh: Is it not a fact that his post is meant primarily for the purpose of carrying on research work?

Mr. J. D. Tyson: He combines the two posts of head of the Chemical Section and Director of the Institute. It is impossible to say which is primary.

Sardar Sant Singh: Can he not be relieved of his work as a Director in order to do more work for which he is paid?

Mr. J. D. Tyson: He is paid both as Director and as Head of the Scientific Section. We have taken steps to relieve him on the scientific side so as to enable him to handle the increased work of the Directorship.

Sardar Sant Singh: Will it not be more appropriate if he is relieved of administrative work and given more scientific work?

Mr. J. D. Tyson: That is a matter of opinion.

DISPOSAL OF THE DAIRY PRODUCTS OF THE IMPERIAL AGRICULTURAL RESEARCH INSTITUTE.

208. *Sardar Sant Singh: (a) Will the Secretary for Education, Health and Lands please state if it is a fact that a South Indian Cattle Superintendent sold but the best cows as condemned to one of the biggest industrialists in India?

(b) In what way are the dairy products disposed of?

(c) Are there any discriminatory rules for the supply of milk to the officers, subordinates and the Director, Imperial Agricultural Research Institute?

(d) Is it a fact that the Director is outside the purview of rules in the matter of the milk supply?

(e) Is it a fact that members of his staff were at times refused the supply of ghee for the simple reason that the entire quantity had been taken away by the Director?

Mr. J. D. Tyson: (a) No. The selection of cows for sale rests with the Imperial Agriculturist who obtains the sanction of the Director prior to effecting a sale. The cows referred to by the Honourable Member were not sold as "condemned" but because they were surplus to the requirements of the Institute.

(b) The Honourable Member is referred to my reply to part (c) of question No. 204.

(c) and (d). There are no rules, discriminatory or otherwise, for the supply of milk to the staff of the Institute. As a result of complaints made to the Director, the quantities of milk purchased by the various members of the staff were recently scrutinized by him and certain daily maxima were prescribed which are now in force.

(e) No. Ghee manufacture is very intermittent and it may sometimes happen that if a previous order is booked either from the Director or from anyone else, later comers cannot be supplied.

Sardar Sant Singh: May I know if all the cows that were sold were purchased by one industrialist of Bombay?

Mr. J. D. Tyson: I know that an industrialist, whether of Bombay or not, purchased a number of them.

Sardar Sant Singh: Did he purchase all of them?

Mr. J. D. Tyson: I cannot say whether he purchased all of them.

Sardar Sant Singh: Was the price charged adequate?

Mr. J. D. Tyson: Yes, Sir. The prices were from Rs. 100 to Rs. 500 per

Mr. President (The Honourable Sir Abdur Rahim): The answer to the next three questions of Sardar Sant Singh will be laid on the table as he exceeds his quota.

SIKHS IN HIGH SALARIED POSTS IN THE CENTRAL PUBLIC WORKS DEPARTMENT.

†209. *Sardar Sant Singh: Will the Honourable Member for Labour please state the number of posts carrying salaries of Rs. 400 *per mensem* or over in the Central Public Works Department and in Sections other than the Central Public Works Department? How many of these posts are held by Sikhs?

The Honourable Dr. B. R. Ambedkar: There are 60 posts on salaries rising to Rs. 400 or more and 82 posts on salaries of Rs. 400 and upwards. Of the total of 142 posts, 6 are held by Sikhs.

It is not understood to which office the Member refers by the words 'Sections other than the Central Public Works Department.'

ESTABLISHMENT BRANCH OF THE OFFICE OF THE CHIEF ENGINEER, CENTRAL PUBLIC WORKS DEPARTMENT.

†210. *Sardar Sant Singh: (a) Will the Honourable the Labour Member kindly state if it is a fact that a separate Branch to deal with establishment matters and to facilitate the work of a selection board in the office of the Chief Engineer, Central Public Works Department, was set up recently?

(b) What is the total number of staff working in this Branch, and how many of them are Hindus, Muslims and Sikhs?

(c) Is it a fact that none of the members of the staff including the Superintendent has any experience of establishment matters?

(d) Why were not experienced people already working in the Establishment Branch considered suitable for employment in this Branch?

(e) Is it a fact that establishment matters of the Muslim personnel are dealt with quickly while those of other communities lie unattended to for an indefinite period?

(f) Do Government propose to investigate an enquiry into the communal work done by this Branch?

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

(b) Total No. of staff 12.

Hindus	5
Muslims	6
Sikhs	Nil
Indian Christian	1

(c) No; two assistants and three clerks were taken from the Establishment Branches.

(d) More staff could not be removed from the Establishment Branches without detriment to the work there.

(e) No.

(f) No.

REPRESENTATIONS AGAINST THE APPOINTMENT OF ONE BAKSHI MADAN SINGH IN THE CENTRAL PUBLIC WORKS DEPARTMENT.

†211. *Sardar Sant Singh: (a) Will the Honourable the Labour Member please state if it is a fact that one Bakshi Madan Singh was appointed as an Assistant in the Works Section, Central Public Works Department, against a vacancy reserved for "other minorities"?

(b) Was he asked at the time of recruitment to produce a certificate as to the *bona fides* of his being a Sikh in accordance with the procedure laid down by the Home Department? If not, why not?

(c) Are Government aware that Bakshi Madan Singh has been "Patit" 3 or 4 times before he joined service, and that he kept hair to deceive the Government to get a job reserved for the Sikh Community?

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

(d) Is it a fact that a number of representations were made to the Additional Chief Engineer and the Administrative Officer by the local Sikh organisations and none of these has even been acknowledged so far?

(e) Do Government propose to replace this person by a *bona fide* Sikh?

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

(b) No. The Department had no doubts as to his *bona fides* at the time of his appointment.

(c) No. Government had no information to this effect.

(d) Yes. They are being acknowledged.

(e) Only, if it is established that he embraced Sikhism within a year of his application for employment, or being a Keshdhari had become *patit* before his employment.

SAFEGUARDING INDIAN INTERESTS IN BURMA AFTER ITS RECONQUEST.

212. *Mr. K. C. Neogy: (a) Will the Honourable Member for Indians Overseas be pleased to state whether the question of safeguarding the interests of Indians in Burma after its reconquest has engaged the attention of the Government of India?

(b) With reference to the plans for re-construction which are stated to be under the active consideration of a Special Department of the Government of Burma at Simla and on whose committees officials and non-officials are reported to be working, is the Department of Indians Overseas in touch with these activities and fully informed about the bearing of these plans on the future position of Indians in Burma in every sphere?

(c) Have the Government of India obtained an assurance from the Government of Burma that the plans for "the future happiness of the Burmese people" (referred to by the Governor of Burma, while inaugurating the Reconstruction Department) will also provide for the future happiness of the Indians in Burma?

The Honourable Dr. N. B. Khare: (a) Yes.

(b) and (c). The question of the reconstruction of Burma is a complicated one and requires intensive study before preliminary views can be formulated. The Government of Burma are at present engaged in this study and have informed the Government of India that the activities of the Reconstruction Department on subjects likely to be of special interest to Burma Indians have so far been exploratory. They have assured the Government of India that it is their intention to take the opinion of Burma Indians and their representative associations freely into consideration on such matters. On subjects of interest not only to Burma Indians but also to the Government of India and the public in India they propose also to take account of Indian public opinion and to enter into full discussion and negotiation with the Government of India before submitting their final proposals to the Secretary of State.

Mr. Muhammad Nauman: Does the Government of India think this to be the opportune moment to come to some agreement with the Burma Government because they are in more difficult times now than they will be afterwards?

The Honourable Dr. N. B. Khare: I have given a full answer and I have nothing to add to it.

Mr. Muhammad Nauman: We can get better terms now than at any other time.

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

INDIA'S POST WAR SHIPPING POLICY.

213. *Mr. K. C. Neogy: (a) Has the attention of the Honourable Member for Commerce been drawn to the report of the debate that took place in the House of Commons on the 14th July last on the British Government's post-war shipping policy?

(b) Have the Government of India kept in touch with the plans which are said to be maturing in this connection?

(c) Does the reference to "collaboration among the United Nations", occurring in Reuter's press report of the debate, with reference to this question, include any collaboration on the part of the Government of India?

(d) Does the Honourable Member propose to make a comprehensive statement on India's post-war shipping policy, indicating particularly its relation to the British Government's post-war shipping policy and to the scheme referred to in the said debate, "which distributed common shipping tasks fairly among all the United Nations"?

The Honourable Sir M. Azizul Huque: Government have seen Reuters' report which appeared in the press recently and are expecting shortly a full report of the debate from the Secretary of State for India. Pending receipt of this information I regret that it is not possible for me to make any statement.

Mr. Lalchand Navalrai: May I know how many ships the Indian Government possesses at present?

The Honourable Sir M. Azizul Huque: I do not carry statistics in my head which probably my Honourable friend does.

Mr. K. C. Neogy: Would it be correct to assume that India has no definite shipping policy of her own apart from one of subordination to any policy that Great Britain may have in this matter?

The Honourable Sir M. Azizul Huque: I think that is not correct.

Mr. K. C. Neogy: Would the Honourable Member be pleased to indicate the general lines of any shipping policy which the Government of India may have?

The Honourable Sir M. Azizul Huque: It is difficult for me to reply to a question of policy on a supplementary question. But if my Honourable friend will put a separate question on the subject, I will certainly answer it.

Mr. K. C. Neogy: The Honourable Member does not seem to have read part (d) of my question which runs thus:

"Does the Honourable Member propose to make a comprehensive statement of India's post-war shipping policy. . . ."

The question was there.

The Honourable Sir M. Azizul Huque: I have answered that question by saying that so far as the question of post-war shipping policy is concerned, it is a matter which will have to await decision a little later, but my friend was just now asking for the shipping policy generally.

Mr. K. C. Neogy: The present shipping policy I daresay will have some relation with the post-war shipping policy?

Mr. President (The Honourable Sir Abdur Rahim): The question is directed to post-war shipping policy. Next question.

INTERNATIONAL CONFERENCE FOR CONSIDERING TARIFF QUESTIONS AND TRADE POLICIES.

214. ***Mr. T. T. Krishnamachari:** (a) Will the Honourable the Commerce Member be pleased to state whether it is true that the Government of India have been invited to send representatives to participate in an International Conference which is to be held shortly to consider questions of tariffs and trade policies?

(b) Is it true that the Government of India intend to appoint a personnel consisting of Government officials only, to represent the country at the said Conference?

(c) In view of the fact that any decision taken at such a Conference would vitally affect the Indian industry, would the Government of India give an assurance that the representatives of trade and industry would be associated with the official representatives at the said Conference?

The Honourable Sir M. Azizul Huque: (a) No, Sir.

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

PURCHASES BY VESTED INTERESTS OF TEXTILE GOODS IN THE FALLING MARKET FOR EXPORT, ETC.

215. ***Mr. T. T. Krishnamachari:** Will the Honourable Member for Industries and Civil Supplies be pleased to state:

(a) to what extent the prices of cotton textiles have fallen consequent upon the Textile Control Order;

(b) whether it is true that some vested interests are purchasing textile goods, including piecegoods, taking advantage of the distress selling of textile stocks resulting from the Textile Control Order;

(c) whether it is true that a large part of these purchases by the vested interests in the falling market are intended for export, in view of the fact that no restrictions on the export of textile goods are imposed by the Government of India;

(d) whether it is true that non-Indian firms like the United Kingdom Commercial Corporation through their agents and others, who are interested in the export of such goods outside India, are also buying textile goods and piecegoods in this falling market; and

(e) if the Government of India propose to give an assurance that any such purchases by the vested interests or by the United Kingdom Commercial Corporation and other European firms would not be allowed, and that in no case, the export of textile goods acquired in the falling market would be allowed by Government?

The Honourable Sir M. Azizul Huque: (a) Honourable Members will appreciate that the extent of the fall in prices consequent upon the Control Order has varied from place to place and between one type of cloth and another. But I think it would be fair to say that the fall in prices has been of the order of 40 per cent. since the Control Order was promulgated.

(b) No.

(c) Does not arise.

(d) No.

(e) Does not arise.

Mr. T. T. Krishnamachari: In view of the fact that the Honourable Member has given a negative answer to parts (b) and (d), may I know if the Honourable Member has had time to get the information called for?

The Honourable Sir M. Azizul Huque: I have certainly not only had time to look into it but look into details.

Mr. T. T. Krishnamachari: May I know if in the event of complaints coming to him in the future he would assure the House that he would look after Indian interests in the matter?

The Honourable Sir M. Azizul Huque: I do not think that requires any answer. I believe it is the duty of every one of us to do so.

PROPOSED INTER-ALLIED TEXTILE CONFERENCE.

216. ***Mr. K. C. Neogy:** Will the Honourable Member for Industries and Civil Supplies be pleased to state:

(a) whether the Government of India have received any official intimation in regard to the proposed Inter-Allied Textile Conference which, it is reported, is going to be held in the near future and preliminary negotiations in regard to which are going on in America;

(b) whether the Government of India have been invited to send their representatives to the said Conference;

(c) whether, in view of the repeated demands put forward by the Indian commercial and industrial bodies that their accredited representatives should be fully taken into confidence in regard to all such International Conferences, the Government of India propose to associate the representatives of trade and industry with the personnel which may be sent to represent India on the said Conference; and

(d) whether the Government of India are committed to any scheme which is likely to involve the export of textiles from India at present or in the near future?

The Honourable Sir M. Azizul Huque: (a) The Government of India are not aware of any such Conference being convened now or in the near future. They are, however, informed that the Combined Production and Resources Board in America have been making, in respect of textiles of all kinds, a survey of the production and requirements of the United Nations.

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

Mr. K. C. Neogy: May I point out to the Honourable Member that part (d) is an independent question? "Whether the Government of India are committed to any scheme which is likely to involve the export of textiles from India at present or in the near future?"

The Honourable Sir M. Azizul Huque: We are not for the time being, as the answer has been given.

Mr. Muhammad Nauman: Am I to understand that the Government are not committed to any such thing yet?

The Honourable Sir M. Azizul Huque: So far we are not committed.

PLANS FOR PROTECTION OF AGRICULTURISTS FROM SLUMP IN PRICES AFTER THE WAR.

217. *Mr. Govind V. Deshmukh: With reference to the answer to my question No. 150, put on the 19th February, 1943, in connection with plans for protection of agriculturists from slump in prices after the war, will the Honourable Member for Commerce please state:

(a) the decision arrived at the first meeting of the Reconstruction Committee IV held in May, 1942; and

(b) the personnel of the Sub-Committee on Agriculture and the dates of its meetings, if any, held, and the conclusions arrived at by this Sub-Committee?

Mr. J. D. Tyson: (a) and (b). In view of the fact that the then Honourable Member in charge of the Department of Education, Health and Lands had in contemplation the setting up of a Committee to consider the whole problem of agriculture in India, the sub-committee set up by the Reconstruction Committee (Trade, International Trade Policy and Agricultural Policy) at its meeting of the 22nd May, 1942 was restricted in its purview to "drawing up a programme of work in regard to the agricultural aspects of the immediate post-war situation" especially from the international trade point of view. The personnel of the Sub-Committee was: Dr. T. E. (now Sir Theodore) Gregory (Chairman); Mr. P. M. Kharegat, Mir Maqbool Mahmood, Sir Chunilal B. Mehta and the Honourable Mr. Hossain Imam, Members. The Sub-Committee held no meetings.

Mr. Govind V. Deshmukh: And therefore arrived at no conclusions?

Mr. N. M. Joshi: Do the Government propose to put on this Agricultural Committee any representative of agricultural tenants and agricultural wage earners?

Mr. J. D. Tyson: I ought to make it clear that since this meeting of 22nd May, the subject of agriculture has been taken away from the Reconstruction Committee (Trade, International Trade Policy), and there is now going to be an entirely separate Reconstruction Committee on agriculture, and that will have a very much wider personnel than the five or six gentlemen whose names I have given.

Mr. N. M. Joshi: May I ask whether, when the Government of India widen the personnel, they will take into consideration the claims of agricultural tenants and agricultural wage earners to be represented on this Committee?

Mr. J. D. Tyson: Yes, Sir. The personnel has not been finally settled, but my Honourable friend Mr. Joshi has any suggestion on these lines, they will be welcome.

Mr. Govind V. Deshmukh: Before the Reconstruction work was taken charge of by the Department of Education, Health and Lands, it was given out in the Press and on the floor of the House that the Member then from whom it has been taken up now would be expediting the work and that a special I.C.S. officer was to be put in charge to expedite this work?

Mr. J. D. Tyson: I have no such recollection. It was not in our Department at that time.

RECONSTRUCTION COMMITTEES.

218. *Mr. Govind V. Deshmukh: With reference to the answer to my question No. 149, put on the 19th February, 1943, in connection with Reconstruction Committees, will the Honourable Member for Commerce please state:

(a) whether the personnel constituting the Reconstruction Committee No. IV has undergone any change;

(b) the preliminary points which formed the subject matter of discussion, and the decisions reached thereon;

(c) if Government are thinking of publishing any of the reports of any of the Reconstruction Committees; if not, why not; and

(d) if any work was done by these Committees during the period after February 1943; if so, what the nature of it is?

The Honourable Sir M. Azizul Huque: (a) The original Committee has now been split up into the two following Committees, viz. "Trade and Industrial Policy Committee" and "Agricultural Policy Committee" and the question of membership of these Committees is under consideration.

(b) A statement is placed on the table of the House.

(c) Attention is invited to the reply to part (c) of question No. 149 of 19th February, 1943 put by the Honourable Member. The position has not changed since then.

(d) The Policy Committees have not met after February, 1943.

Statement showing the preliminary points which formed the subject matter of discussion at the Reconstruction Committee No. IV, and the decisions reached thereon.

The preliminary points which formed the subject matter of discussion were (i) Consideration of the conditions to be attached to repayment of Government's share of Excess Profits Tax and (ii) Acquisition of capital goods for post-war reconstruction. The following decisions were reached:

Firstly it is desired that there should be a definite date after the termination of hostilities by which all these refunds will have been made, say 3 years.

Secondly, it is not considered that restrictive conditions in regard to the application of the money so refunded to prevent its use for the distribution of dividends or the issue of bonus shares are in the long run practicable. On the other hand, it is possible to give priority to claimants who have schemes to submit for approval and in those cases refunds should be made within a shorter period, say one year after the termination of hostilities, for use on approved schemes. As regards the nature of the schemes which should be approved by Government, this Committee should be consulted, although individual cases will naturally have to be dealt with by Government.

Thirdly, the decision of the Government on the recommendations of this Committee should be announced as soon as possible.

Fourthly, it should be made clear that these refunds will not be liable to Excess Profits Tax.

Fifthly, regarding the definition of "the termination of hostilities", it should be verified that the language used in the Act applies to the date when the fighting ceases and not to the later date when peace is declared.

Six Sub-Committees namely (1) A Committee on Metallurgical Industries; (2) A Committee on Ship-building; (3) A Committee on Engineering; (4) A Committee on Textiles; (5) A Committee on Chemicals, Dyes, etc., and lastly (6) A Committee on Mechanical Engineering Industries, were formed.

REPAIRS TO THE TAJ MAHAL, AGRA.

219. *Dr. Sir Zia Uddin Ahmad: (a) Will the Secretary for Education, Health and Lands kindly state whether the Government of India is alive to the fact that it was announced in newspapers with reference to the Director General of Archaeology in India about the year 1937-38 that the Taj was in a dangerous condition, that the Director General of Archaeology had been taking a keen

interest in that famous monument, and that he had allotted a large sum of rupees for its repairs?

(b) Was any committee appointed to inspect the Taj, and to make a report on its condition?

(c) Was a scaffolding erected to make the required inspection on the monument? If so, does the Honourable Member propose to supply information on the following points:

(i) when was the scaffolding erected, and what was its cost;

(ii) does the scaffolding still stand, or has it been dismantled;

(iii) if it has been dismantled, has any report by the Committee been made, and the measures adopted for repairs to the Taj;

(iv) if the report has been made, may a copy of it be placed on the table of the House;

(v) in case the scaffolding still stands, are Government aware that it is very unsightly to that majestic and world famous monument, and that it has been depriving the visitors, some of whom make long journeys to see it, of the pleasure of enjoying the sight of the monument; and

(vi) are Government also aware that the delay in repairs to the Taj, if it is really occurring, is dangerous to the existence of the monument, that the public is anxious on that account, and that this procedure is casting a reflection on the Archaeological Department?

(d) Did Government sanction any amount for repairs to the Taj? If so, what was the amount, and was the whole of it utilised? In case it was not utilised, what was the reason for it, and how much of it was surrendered?

Mr. J. D. Tyson: (a) Attention of the Honourable Member is invited to the answer to his starred question No. 1371 given on the 30th March, 1939.

(b) and (c)—(i) to (iv) and (vi). The attention of the Honourable Member is invited to my answer to starred question No. 70 on 28th July, 1943, and starred question No. 129 on 2nd August, 1943.

(c)—(v). The Government are aware that scaffolding obstructs a free view of the monument.

(d) The amount sanctioned by Government in the current year for repairs to the Taj Mahal is Rs. 54,750 excluding contingencies and departmental charges. The whole of it will be utilised in the current year.

UNITED KINGDOM COMMERCIAL CORPORATION AND POST-WAR INDIAN TRADE.

220. *Mr. K. C. Neogy: With reference to the unstarred question No. 90, dated the 30th March, 1943, will the Honourable the Commerce Member be pleased to lay on the table a statement in reply to clauses (b) and (c) thereof, explaining in detail the part, if any, that the United Kingdom Commercial Corporation is likely to play in post-war trade with India?

The Honourable Sir M. Azizul Huque: The Government of India understand that His Majesty's Government are unable to give an undertaking that the activities of the United Kingdom Commercial Corporation will cease immediately after the War, inasmuch as any such undertaking would preclude the use of the Corporation's machinery in the unpredictable and difficult conditions which may exist in the period following the War. This does not mean however that the Corporation will remain in India as a permanent organization after the War and act in competition with Indian interests.

Mr. Muhammad Nauman: Any probable period can be ascertained when this Corporation will not be in existence in this country after the War?

The Honourable Sir M. Azizul Huque: I do not think it is possible for anybody to visualise the period of time by which these activities would be over after the War.

Mr. Muhammad Nauman: May I know whether the Honourable Member will ask the Corporation itself to say what time it will take to go away from this country? The Government ought to be able to calculate the precise time on the basis of their estimate.

(No answer.)

Maulvi Muhammad Abdul Ghani: May I know whether it is the intention of the Government of India to disorganise this Corporation soon after the war?

The Honourable Sir M. Azizul Huque: I am afraid if I am to answer it, it might disorganise the proceedings of this House.

Mr. K. C. Neogy: Were the Government of India consulted by His Majesty's Government before coming to the decision that the activities of this Corporation would be extended beyond the termination of the War?

The Honourable Sir M. Azizul Huque: I want notice of this question because that is a specific point which has to be answered. I think that does not arise out of the present question.

Mr. R. R. Gupta: Since the export of foodstuffs and cloth is not being taken up by this Corporation, what is the other business which this Corporation is carrying on or is intended to carry on?

The Honourable Sir M. Azizul Huque: I think if my Honourable friend who is connected with the various Chamber organizations of this country will see the reply of Government given in full extending over many pages and explaining in detail the functions and activities of U. K. C. C., he will find the reply that they are functioning under special circumstances.

COLLABORATION IN POST-WAR SHIPPING.

221. *Mr. T. T. Krishnamachari: Will the Honourable Member for Commerce please state:

(a) whether his attention was drawn to the statement made by Mr. Noel Baker, Parliamentary Secretary to the Ministry of War Transport, in the House of Commons on the 14th July, 1943, that the Governments of the United Nations have already committed themselves to the principle of collaboration in the matter of post-war shipping; and

(b) whether the Government of India have been consulted; if so, whether they have agreed to the policy of collaboration with the United Nations, and on what basis?

The Honourable Sir M. Azizul Huque: The Honourable Member's attention is invited to the reply given by me to a question already put by Mr. K. C. Neogy on the same subject; i.e., 213.

Mr. T. T. Krishnamachari: When an invitation eventuates from the Ministry of Shipping in the United Kingdom will the Government consult local shipping interests before deciding on a policy of collaboration?

The Honourable Sir M. Azizul Huque: It is very difficult for me to answer a problematic question like this, but Government will certainly take every factor into consideration and will certainly consult all interests concerned, if that is necessary.

Mr. K. C. Neogy: Does the Honourable Member's answer to my question cover the point whether the Government of India were consulted before that declaration was made by Mr. Noel Baker? What is the reply to that?

The Honourable Sir M. Azizul Huque: So far as I am aware, no.

UNSTARRED QUESTIONS AND ANSWERS.

RECOMMENDATIONS OF THE INTERNATIONAL FOOD CONFERENCE AT HOTSPRINGS

48. Mr. K. C. Neogy: Will the Honourable Member for Food be pleased to lay on the table:

(a) the full information as to the decisions that were taken at the International Food Conference recently held at-Hotspings; and

(b) the report submitted to the Government of India by one of their representatives, viz., Dr. D. R. Aykroyd, in regard to the said Conference?

The Honourable Sir M. Azizul Huque: (a) A copy of the Final Act of the United Nations Conference on Food and Agriculture embodying the Resolutions and recommendations adopted at the Conference has been placed in the Library of the Legislature.

(b) No separate report has been submitted to the Government of India by Dr. Aykroyd.

RECOMMENDATIONS OF THE INTERNATIONAL FOOD CONFERENCE AT HOTSPRINGS.

49. **Mr. K. C. Neogy:** Will the Honourable Member for Food be pleased to state:

(a) whether the representatives of the Government of India at Hotsprings entered into any commitments as regards India's participation in the measures designed to give relief to the European countries in the post-war period, and whether the Government have decided to be a party to any scheme which may require India to export her foodstuffs for this purpose; and

(b) whether they have communicated detailed instructions in this regard to their delegates on the Food Commission which is at present engaged in the task of implementing the recommendations of the Food Conference?

The Honourable Sir M. Azizul Huque: (a) No.

(b) Does not arise.

COMMERCIAL ASPECTS OF INDIAN SPRING-WATERS.

50. **Mr. K. C. Neogy:** Will the Honourable Member for Labour be pleased to refer to the unstarred question No. 92, dated the 30th March, 1943, and make a statement:

(a) explaining whether the commercial aspects of the Indian spring-waters referred to therein have been examined, and whether the arrangements to bottle the waters for trial have been completed; and

(b) indicating the location of the different springs which have so far been tried and found satisfactory?

The Honourable Dr. B. R. Ambedkar: (a) The commercial aspects of Indian spring-waters are still under examination. The arrangements to bottle the waters for trial are complete.

(b) The springs occur on private land, and as negotiations are still in progress with the proprietor of the land, Government do not consider it desirable to disclose the location of the springs at this stage.

OUTCOME OF THE "GROW MORE FOOD" CAMPAIGN.

51. **Mr. K. C. Neogy:** (a) Will the Secretary for Education, Health and Lands be pleased to refer to the unstarred question No. 12, dated the 11th February, 1943, regarding the "Grow More Food" Campaign, and lay on the table the revised and complete statistics of the increase in the acreage and output per acre of the principal food crops?

(b) Will the Honourable Member particularly refer to the unfavourable conditions, such as floods or drought as well as any mischief done by locusts, that may affect the prospects of the different crops in the different parts of the country?

(c) What are the agricultural or horticultural products of India, if any, that used to have an export market in Burma and other countries now in enemy occupation, and how have the trade prospects of these products suffered as a consequence of the loss of the said market? Was any step taken within the knowledge of the Government of India to inform the producers of these commodities of the loss of their market in proper time and to induce them to undertake the cultivation of substitutes, either as a part of the "Grow More Food" Campaign, or otherwise?

Mr. J. D. Tyson: (a) A revised and up-to-date statement is laid on the table.

(b) Cyclonic conditions in Bengal and Orissa and shortage of rainfall in Madras and Bombay seriously affected the rice and *kharif* grains harvests in these regions. Fungus disease and insect pests are reported to have done some damage to the rice crop in Bengal. Damage by locusts was negligible.

(c) The following are the main agricultural or horticultural products exported to countries which are now enemy or enemy occupied countries, including Burma:

UNSTARRED QUESTIONS AND ANSWERS

Oilseeds; cotton; jute; tobacco; fruits and vegetables; grain, pulse and flour, spices; coffee.

The disposal of exportable surpluses on account of the loss of foreign markets presented a problem of some magnitude only in regard to groundnuts and raw cotton of short and medium staple. The steps taken by the Government of India to deal with groundnut position in 1941 have been briefly explained in their Resolution in the Department of Commerce No. 86-C. W. (3)/41, dated the 6th September, 1941, published in the *Gazette of India*, dated the 6th September, 1941, but under present conditions the demand for groundnuts is much in excess of the production.

As regards short and medium staple cotton, the cultivators were warned to curtail the area under such cotton, and a "Fund for the benefit of Cotton Growers" has been created with the proceeds of an additional duty of one anna per pound on imports of raw cotton. With the help of this Fund, certain open market purchases of short staple cotton were undertaken by Government in 1942 with a view to steadying the market and all possible further steps have been taken with the co-operation of the Provincial and Indian States Governments concerned to induce the cultivator to undertake the cultivation of substitutes, particularly foodgrains.

STATEMENT.

Increase in Area and Yield in 1942-43 over 1941-42.
(Figures are in thousands).

Province or State.	Kharif Food Grains.		Wheat		Sugarcane.		Rice.	
	Acre.	Tons.	Acre.	Tons.	Acre.	Tons. (Raw sugar)	Acre.	Tons.
Ajmer-Merwara.	20	3	8	2	3	5	124	49
Assam	111	345	9	14	11	45	701	2,905
Bengal	660	2,608	20	96	19	26	406	505
Bihar	835	703	219	18	6	2	146	300
Bombay	1,450	696	311	120	4	3	42	974
C. P. & Berar	750	783					0	0
Coorg	0	0						
Dalhi	41	10	5	1	0	0	182	380
Madras	743	507	61	68	7	8	1	11
N. W. F. P.	61	148	0	0	1	0	70	132
Orissa	219	100			9	19	205	86
Punjab	751	235	387	279	0	1	63	121
Sind	57	76	164	61				283
United Provinces	1,652	2,267	300	126	92	1,333	485	
Total British Provinces	(a) 6,030	(a) 2,099	-216	749	85	1,339	897	-1,345
Baroda	Not known		12	0	0	2	92	32
Bombay States	Not known		1	10	2	6	54	43
Bhopal (C. I. State)	Not known		105	24	2	2	1	3
Easter Agency States	Not known		3	1			52	181
Gwalior	Not known		1	26				
Hyderabad Dn.	2,194	937	160	4	6	7	332	270
Khairpur (Sind)	Not known		33	10	Not known		1	0
Mysore	Not known		0	0	4	13		2
Punjab States	Not known		152	135				
Rajputana States	Not known		315	68				
Rampur (U. P.)	Not known		23	8	4	8	17	11
Tripura (Bengal)	Not known							
Total Indian States	(a) 2,194	(a) 937	-475	185	-10	-18	444	538
Grand Total	(a) 8,224	(a) 3,036	259	934	75	1,321	1,341	-807
Kharif foodgrains excluding rice	6,978	3,843						

(a) Include rice figures

MOTION FOR ADJOURNMENT.

DEATHS DUE TO STARVATION AND FAMINE CONDITION IN BENGAL.

Mr. President (The Honourable Sir Abdur Rahim): I have received notice from Sir Abdul Halim Ghuznavi that he wants to move the adjournment of the business of the House for discussing a definite matter of urgent public importance, viz., the critical situation that has arisen in Bengal leading to a large number of deaths from starvation and forcing people in different parts of the province to live on carcasses floating down the rivers, and selling their wives and children to be relieved of their burden, and the failure of Government to declare the prevalence of famine in the province, or take other prompt and adequate measures to cope with the situation.

Has this situation arisen out of the food shortage?

Sir Abdul Halim Ghuznavi (Dacca cum Mymensingh: Muhammadan Rural): Yes, Sir; I will be able to prove that.

Mr. President (The Honourable Sir Abdur Rahim): The next point is, whose duty is it to declare a state of famine in the province?

The Honourable Sir M. Azizul Huque (Food Member): It is the duty of the Provincial Government, Sir.

Sir Abdul Halim Ghuznavi: Sir, may I put the case before you?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot put the case any higher than in the notice. The question is whether it is in order. This motion anticipates the debate which has been fixed to take place on Monday next. Besides, with regard to the declaration of a state of famine in Bengal, it is a responsibility laid on the Government of Bengal and not on the Government of India. I therefore rule that the motion is out of order.

THE DELHI UNIVERSITY (AMENDMENT) BILL—contd.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Sir, yesterday I was submitting to the House that my Honourable friend Mr. Ghasuddin did not take into consideration the financial aspect of the increase in the term of the Vice-Chancellor. It is a question not of a few hundreds but of Rs. 30,000 because the monthly salary being Rs. 2,500 one year's salary comes to Rs. 30,000. And besides if the Vice-Chancellor is efficient there would be hardly any one to oppose the extension of his term of service. It has been rightly pointed out that his term may be extended the next time. But if he goes against the interests of the University it will be very difficult for the authorities to remove him as there is no such provision for dispensing with his services. So we should be very cautious in giving more time than what is necessary and I think the period of three years is more than enough. Sir, I support the amendment.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I will only add a word or two with regard to this amendment. Cases of other universities have been pointed out where the Vice-Chancellor's term is three years, and I wish to make it consistent with the term of the Pro-Chancellor. Under section 10 of the Act—"The Pro-Chancellor shall be appointed by the Chancellor and shall hold office for three years."

I want to make the term of the Vice-Chancellor consistent with that. Why should Government insist upon a period of four years? We have not been told how, if one year more is not given to him the heavens will fall down. The term should be three years and I therefore support the amendment.

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

"That in clause 5 of the Bill, in part (a) of the proposed proviso for the word 'four' the word 'three' be substituted."

(436)

THE DELHI UNIVERSITY (AMENDMENT) BILL.

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The Assembly divided:

AYES—26.

Abdul Ghani, Maulvi Muhammad.
Azhar Ali, Mr. Muhammad.
Banerjee, Dr. P. N.
Bhutto, Mr. Nabi Baksh Illahi Baksh.
Chattopadhyaya, Mr. Amarendra Nath.
Choudhury, Mr. Abdur Rasheed.
Choudhury, Mr. Muhammad Hussain.
Essak Sait, Mr. H. A. Sathar H.
Ghuznavi, Sir Abdul Halim.
Ismail Khan, Hajee Chowdhury Muhammad.
Jehangir, Sir Cowasjee.
Krishnamachari, Mr. T. T.
Lalchand Navalrai, Mr.

Liaquat Ali Khan, Nawabzada Muhammad.
Maitra, Pandit Lakshmi Kanta.
Murtuza Sahib Bahadur, Maulvi Syed.
Nairang, Syed Ghulam Bhik.
Nauman, Mr. Muhammad.
Neogy, Mr. K. C.
Parma Nand, Bhai.
Sant Singh, Sardar.
Siddique Ali Khan, Nawab.
Umar Aly Shah, Mr.
Yamin Khan, Sir Muhammad.
Zafar Ali Khan, Maulana.
Zia Uddin Ahmad, Dr. Sir.

NOES—40.

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.
Chapman-Mortimer, Mr. T.
Daga, Seth Sunder Lal.
Dalal, Dr. Sir Ratanji Dinshaw.
Dalpat Singh, Sardar Bahadur Captain.
Ghasuddin, Mr. M.
Gwilt, Mr. E. L. C.
Haider, Khan Bahadur Shamsuddin.
Imam, Mr. Saiyid Haider.
Ismael Alikhan, Kunwer Hajee.
James, Sir F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Joshi, Mr. D. S.
Kamaluddin Ahmad, Shams-ul-Ulema.
Khare, The Honourable Dr. N. B.
Lawson, Mr. C. P.
Mackeown, Mr. J. A.
Maxwell, The Honourable Sir Reginald.

Miller, Mr. C. C.
Muazzam Sahib Bahadur, Mr. Muhammad.
Mudaliar, The Honourable Dewan Bahadur Sir A. Ramaswami.
Noon, The Honourable Malik Sir Feroz Khan.
Pai, Mr. A. V.
Piare Lal Kureel, Mr.
Raisman, The Honourable Sir Jeremy.
Richardson, Sir Henry.
Roy, The Honourable Sir Asoka Kumar.
Sargent, Mr. J. P.
Shahban, Khan Bahadur Mian Ghulam Kadir Muhammad.
Siva Raj, Rao Bahadur N.
Spear, Dr. T. G. P.
Spence, Sir George.
Sultan Ahmed, The Honourable Sir.
Thakur Singh, Major.
Trivedi, Mr. C. M.
Tyson, Mr. J. D.

The motion was negatived.

Mr. Amarendra Nath Chattopadhyaya (Burdwan Division: Non-Muhammadan Rural): Sir, I beg to move:

"That in clause 5 of the Bill, in part (b) of the proposed proviso for the words 'two thousand five hundred' the words 'one thousand five hundred' be substituted and after the word 'residence' the words 'and conveyance' be inserted."

Sir, it has always been an ideal in India that the dignity of a teacher is never assessed by the remuneration which he gets. We are going to have an officer for education and if the man is really fit to be the head of this University, salary should not be his only consideration. And may I say that Rs. 1,500 should not be taken as a very small amount for a paid Vice-Chancellor.

Sir, we have been accustomed to suffer under the top-heavy administration everywhere and our efforts have failed all along. Today, placed as we are in this Assembly, I am afraid we shall be defeated if we pressed the motion to a division: I, therefore, place this amendment before this House on the ground that if an Indian is appointed as paid Vice-Chancellor, I think no Indian will refuse a remuneration of Rs. 1,500. But if the Government have in their mind any European gentleman, of course he will not accept it. So far as an Indian is concerned, any Indian gentleman will accept Rs. 1,500 with conveyance and house allowance. And I believe an Indian gentleman will be appointed. I, therefore, move that this amendment should be accepted.

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

"That in clause 5 of the Bill, in part (b) of the proposed proviso for the words 'two thousand five hundred' the words 'one thousand five hundred' be substituted and after the word 'residence' the words 'and conveyance' be inserted."

Mr. J. D. Tyson (Secretary, Department of Education, Health and Lands): Sir, I agree that the salary is a good salary. The reason is that if we are to have a whole-time and paid Vice-Chancellor, as I think we may sometimes have to have, he will be for the specific purpose of looking after the developments envisaged in this scheme and we shall want a really good man. That is the only reason for having a paid Vice-Chancellor. I do not know whether Honourable Members have looked up what the salaries are in the other universities that have paid Vice-Chancellors. At Aligarh it is, I think, Rs. 1,500 and a furnished residence; Madras Rs. 2,000; Allahabad Rs. 2,000 plus Rs. 200 in lieu of a residence; Annamalai Rs. 1,500 to Rs. 2,500; and for Dacca it is rather interesting that the Saddler Committee in their recommendation for setting up this University thought that the Vice-Chancellor should be paid Rs. 4,000. That is not the pay that was finally decided. I think the Vice-Chancellor of Dacca gets Rs. 2,000 and a house. Well, I admit that this figure of Rs. 2,500 is above all those except the highest that can be paid at Annamalai, but we considered in the Select Committee whether we should fix a ceiling and leave it to the Chancellor to fix the actual pay subject to that ceiling. It was the unanimous view of the Select Committee that we should fix the pay and that we should fix it at Rs. 2,500. I am anxious to keep to the view of the Select Committee, especially as it was a unanimous view, and I am afraid therefore that I cannot accept the amendment.

Sir Cowasjee Jehangir (Bombay City: Non-Muhammadan Urban): Why not have the maximum at Rs. 2,500?

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): My Honourable friend, Mr. Tyson, admits that except at the Annamalai University nowhere is such a high salary as Rs. 2,500 plus residence granted, and in Annamalai it is only the maximum that is fixed at Rs. 2,500. Now, Sir, the Delhi University is not a much bigger university than the Universities of Allahabad, Dacca and Lucknow. Therefore, Sir there is no necessity for providing a higher salary. Then again we should consider the fact that India is a poor country and we have always urged retrenchment in salaries of the higher officers. Sir, as regards the question whether good men will be available or not at a salary of Rs. 1,500 plus residence and conveyance allowances, I am certain that good men will be available. We want a man who will accept the post of the Vice-Chancellor of the Delhi University from a spirit of service not from a spirit of self-aggrandisement. We do not want a man who will care only for money and not for service. Therefore, Sir, looked at from all points of view, I think it is desirable to provide a smaller salary than has been provided in the Report of the Select Committee. I support this amendment.

Mr. J. D. Tyson: May I correct a mistake inadvertently made? It has been brought to my notice that the salary in Dacca is Rs. 2,500 plus residence.

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

"That in clause 5 of the Bill, in part (b) of the proposed proviso for the words 'two thousand five hundred' the words 'one thousand five hundred' be substituted and after the word 'residence' the words 'and conveyance' be inserted."

The motion was negatived.

Syed Ghulam Bhik Nairang (East Punjab: Muhammadan): Sir, I move:

"That in clause 5 of the Bill, in part (b) of the proposed proviso the words 'five hundred' be omitted."

The effect of that would be to reduce the salary of the Vice-Chancellor from Rs. 2,500 to Rs. 2,000. From the figures which were quoted by my Honourable friend, Mr. Tyson, in his speech on the last amendment, it appears that the ordinary scale of salary allowed to a Vice-Chancellor in the majority of the Universities of India is not over Rs. 2,000. Dacca may be an exception; so may be Annamalai.

My Honourable friend referred to the Aligarh Muslim University where the scale is Rs. 1,500 plus a furnished house. But if I may not be looked upon as giving out a secret, I may say that the present Vice-Chancellor, my Honourable friend, Dr. Sir Zia Uddin Ahmad, is drawing only Rs. 500, and that too in

order to give the various entertainments which he, as Vice-Chancellor, is called upon to give on various occasions. So this responsible work, as my Honourable friend Dr. Banerji has said very aptly, should be undertaken by gentlemen of learning and experience, more out of a sense of duty than a desire to make money.

We, Sir, in our Party meeting considered that point and we designedly, instead of haggling for further reduction put it at Rs. 2,000 and decided to move for the deletion of the words "five hundred".

I may also submit, Sir, one little thing. It appears to me that my honourable friend, Mr. Tyson, considers the decisions of the Select Committee so sacrosanct that his conscience does not permit him to accept any amendment which may go against the decision of that great body. I think it is a matter of very ordinary procedure in this House that very often the recommendations of the Select Committee are upset in the House. So if that is the only thing which is troubling the mind of my Honourable friend, Mr. Tyson, that in agreeing to the amendments he would be violating the sacred duty of faithfully following the recommendations of the Select Committee, then I think, Sir, matters will be hopeless. He had better get rid of that idea and consider with an open mind an amendment that is put forward in a reasonable spirit. Sir, yesterday during the course of the debates, it was given out that 65 per cent. of the expenditure on the Delhi University is contributed by Government. If that is so, it is quite obvious that the entire amount spent on the University is not contributed out of the revenues of the Delhi Province. So really the expenditure incurred on this University—which I may say by the way may be even more than 65 per cent if the interests of efficiency so require—is an all-India question, and as such the representatives of the ratepayers have every right to insist that we shall examine where we can economise without any detriment to the cause of education. I submit, Sir, that the amendment which I have moved is really a very reasonable one and I hope that Government will accept it. Sir, I move.

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

"That in clause 5 of the Bill, in part (b) of the proposed proviso the words 'five hundred' be omitted."

Mr. J. D. Tyson: I am sorry, Sir, I can really add very little to what I said on the last amendment. We deliberately fixed a liberal scale of salary with the idea that if we did want a paid Vice-Chancellor we should be offering terms which would attract the best possible man. Neither the Select Committee nor, may I add, the Government, have any particular person in mind, European or Indian. We simply wanted to fix a pay which would enable the best man to come forward for the post. I would only say that I do not regard the decisions of the Select Committee as sacrosanct, but this was a matter that was thoroughly discussed in the Select Committee. A good many of the provisions of this Bill were discussed at considerable length in Select Committee. We arrived at a very high degree of unanimity, I think we can claim to have considered all the points that have been put forward so far and when, after considering those points, we were unanimously of a certain opinion and the same points are a mere reiteration here, there is no justification for changing our minds. I am afraid I cannot accept the amendment.

Sir Cowasjee Jehangir: While supporting this amendment, I congratulate the Delhi University on being so near the centre of Government. It gets a larger grant than any other university, Government has shown greater favours to this university than to any other university in India, and now, when it comes to fixing the pay of the Vice-Chancellor it must be in keeping with the dignity of the Central Government. Well, Sir, in the case of the last two amendments, that is, this one and the last one, there cannot be a question of principle. When it came to asking by the opposition that the Vice-Chancellor should be appointed for three years for very good reasons, the amendment was defeated.

[Sir Cowasjee Jehangir.]

Now, when it comes to giving either Rs. 2,500 or Rs. 2,000, the Government are still adamant. Rs. 2,000 in this country with a free house and a free conveyance

Mr. J. D. Tyson: No conveyance.

Sir Cowasjee Jehangir: a free house is a good salary. What I would have suggested to Honourable Members would have been to have maximum of Rs. 2,500 if you like, but a maximum, and leave it to the discretion of the appointing authorities to give a pay suitable to the best applicant. It may happen that you will get a gentleman applying for this very honourable post who may be drawing Rs. 1,000 and would be too willing to come for Rs. 1,500 or Rs. 2,000, but you will be bound to pay him Rs. 2,500. I think that is wrong. In a question of this sort a certain amount of discretion must be given to the authorities and not fix the pay at Rs. 2,500. You are raising the value of the educational market; that is what you are doing. And an educationist is not expected to draw as high a salary as is done in some other professions. He never expects to make Rs. 10,000 as some of my Honourable friends whose profession is the Bar. His ambition is never that. His ambition is to live like a gentleman, to behave like a gentleman and to teach his pupils to be gentlemen, and for that in England—my Honourable friend, Mr. Sargent, must know what salaries are paid—Rs. 2,500 a month converted into sterling would be a very handsome salary. I would still suggest to my Honourable friends that in a small matter like this there should be a compromise and there should be a maximum salary. Let it be Rs. 2,500 I have no objection. But let it be the maximum and if the man is worth it, give it, but let the discretion lie with the appointing authorities.

Dr. P. N. Banerjea: In supporting this amendment I have very little to add to what I said in connection with the previous amendment, but I wish to observe that this amendment is a more modest one than the amendment moved by Mr. Chattopadhyaya, and as such it ought to be acceptable to the Government. It seems to me that the Government have adopted an adamant attitude with regard to all the amendments moved from this side of the House. That is not right. They should have an open mind on some questions and this is one of the questions on which I hope that Government will yield to the wishes of the Opposition.

Dr. Sir Zia Uddin Ahmad (United Provinces Southern Divisions : Muhamadan Rural): I had no intention to intervene in this debate but on account of some remarks from Sir Cowasjee Jehangir, I changed my mind. There is no doubt that the Delhi University on account of its vicinity to the Government of India is in a better position than the other universities maintained by the Government of India, who are not very close to them. If we take the expenditure per student you will find that the figure is much higher for Delhi University than it is either for Aligarh or for Benares. We got a grant about 20 years ago of three lakhs of rupees, and in spite of the fact that the number of students has trebled, in spite of the fact that we opened a medical college, in spite of the fact that we opened an engineering college, in spite of the fact that we have spent thousands of rupees in our war efforts, we have not received a single pie from the Government of India. They should tell us definitely, that we are relieved altogether from their bondage, and that we look after ourselves, or when they put their screw on every effort of the university it is their duty to look after their interests. Whatever amount they have got they must distribute it among all the children equitably and not give it to the eldest son and leave the others to starve.

An Honourable Member: Nearest son.

Dr. Sir Zia Uddin Ahmad: Yes, nearest and youngest. Coming to this amendment I would rather have liked to leave the matter of salary alone, as I suggested in my amendment. This should be decided on merits, according

to the person that may be available, because it is not fair to give a high salary to the Vice-Chancellor for in that case you raise the standard of living of all the teachers in the university. Teachers or professors will naturally demand higher salaries when they compare their own salaries with that of the Vice-Chancellor. That is a point which cannot be ignored. In some of the universities unfortunately we have adopted a very high standard of salaries, the professors spend a good deal of time over devising methods for spending the high salary that they have got. The person who has got modest salary will spend more time in learning, he will mix with the students in academic atmosphere. A person who draws very high salary, spends his time in upkeep of the car and other luxurious articles, he does not know how to spend his money. It is very desirable that we should relieve professors from the worldly anxiety so that they may concentrate their attention on educational work. But a salary which a politician needs or an advocate needs is not really required by university professors who really ought to be satisfied with a modest standard of living, but at the same time salary should not be so low that they are constantly troubled on account of family anxieties.

The Honourable Sir Sultan Ahmed (Leader of the House): After listening to the debate with great interest, I feel that perhaps we should accommodate the non-official Members of the Assembly, and if I have your permission, I would like to move that the Vice-Chancellor shall receive a salary at a rate not exceeding Rs. 2,500 per mensem in addition to provision for his residence.

Mr. President (The Honourable Sir Abdur Rahim): I take it that it will not inconvenience the House to allow this amendment to be moved.

Dr. P. N. Banerjea: Who will fix the actual salary? The Executive Council should fix.

The Honourable Sir Sultan Ahmed: The question is about the salary only.

Dr. P. N. Banerjea: The Executive Council should fix. Let there be an understanding about this.

Pandit Nilakantha Das (Orissa Division : Non-Muhamadan): There was difficulty at a certain stage of the discussion. This particular wording 'not exceeding' was deliberately avoided for good reasons. So, may I request the Honourable Member, the Leader of the House, to accept a fixed salary of Rs. 2,000 a month and not to create further complications by introducing 'not exceeding Rs. 2,500'? The question will arise as to who will fix the salary. Perhaps further amendments will be necessary. We have got experience of this. I may remind my Honourable friend that at some stage all these aspects of the question were discussed. So, I request him still to accept Rs. 2,000. It will not be very unreasonable. I would ask him not to put the maximum.

The Honourable Sir Sultan Ahmed: If the House does not accept my amendment I am prepared to withdraw it. I thought it might be an offer that might be accepted. If Mr. Nilakantha Das does not agree and if that is the desire of the Assembly, I will not press it. I felt I was doing something which will be acceptable to the majority of the House.

Nawabzada Muhammad Liaquat Ali Khan (Rohilkund and Kumaon Divisions : Muhamadan Rural): Is the Honourable Member's amendment before the House?

The Honourable Sir Sultan Ahmed: I have not moved it.

Dr. P. N. Banerjea: Who will fix the salary? That should be made clear. Unless that is made clear, we cannot accept the amendment.

Nawabzada Muhammad Liaquat Ali Khan: I shall be willing to accept it provided it was made clear as to who was to fix the salary. In this clause here, a fixed salary was prescribed and there was no question of who was going to fix the salary. Now, when you do not mention any definite figure, then it must be made clear as to who will be the authority responsible for fixing the salary, and on that will depend whether we will accept the amendment or not.

The Honourable Sir Sultan Ahmed: That will be the Chancellor.

Dr. P. N. Banerjee: In that case, we will not accept.

Nawabzada Muhammad Liaquat Ali Khan: I take it that my Honourable friend's amendment is not before the House?

The Honourable Sir Sultan Ahmed: No.

Nawabzada Muhammad Liaquat Ali Khan: The amendment that has been moved by my Honourable friend Mr. Nairang is one which I should have thought would be acceptable to the Government. Every time my Honourable friend Mr. Tyson has got up he has stated that we want to fix the salary at this high rate because we want to attract the best man. I would ask him what sort of man he has got in his mind, that he proposes to attract him by means of offering a bigger bait. As far as we know, Sir, those who are really interested in education, who have really made education as the work of their life would be more than satisfied with the salary that has been suggested by my Honourable friend Mr. Nairang. I willingly accept the assurance of my Honourable friend Mr. Tyson that they have nobody in mind in particular. As a matter of fact, they have not even thought whether they will import a man from outside or whether he will be appointed from within this country but I can say that unless you have an intention, even though it may be very remote in your minds today, to import a man from England, the salary which has been suggested by my Honourable friend Mr. Nairang is a very good salary and I can assure you that it will attract the best Indian that you can get in this country. There are at present 18 other Universities functioning in this land—universities that have been in existence for many years, universities which have more complicated problems to solve than the University of Delhi and if those 18 universities had been able to find men, some honorary and some on low salaries, I do not see any reason why the University of Delhi will not be able to get a suitable man. Unless my Honourable friend the Education Secretary can satisfy this House and can point out the class of men that he has got in his mind for the Vice-Chancellorship of this University, I am afraid we will not be satisfied with the explanation that has been given and therefore I support this amendment which has been moved by my Honourable friend Mr. Nairang.

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa: Muhammadan): I do not want to take much time of the House. I certainly must confess to a feeling of surprise at the attitude which the Government have adopted in such a small matter as this. They have no intention of accepting any amendment whatsoever moved from our Benches and in that case I do not know whether we should at all participate in this discussion. The Government knows only too well that they have a clear majority and can force any decision that they care to on any issue before the House but at the same time I believe there is a feeling of co-operation, at least among the Indian Members of the Treasury Benches, that there should be no antagonistic feeling between two sides of the House in matters which are of as much interest to the elected representatives as to the Government. I think the Government representative is working on wrong premises if he thinks that the dignity of this office of a Vice-Chancellor will be governed by the salary the post carries. As my Honourable friend the Deputy Leader of the Muslim League Party has pointed out, Rs. 2,000 per month would attract anybody who can be considered to be the best person for holding this office. The Government of India representative says that they have nobody in mind for this post. If that is the position and if we the taxpayers of this country are the people who are going to pay for the expenditure of all these items, then I should think we have a claim and a right to tell the Government that we will not spend more than a definite sum of Rs. 2,000. We cannot afford to spend more than this. I would like to point out that there is no country in the world whose Vice-Chancellor gets an amount equivalent to this amount, namely Rs. 2,000 per month, having regard to the *per capita* wealth of India as compared to the *per capita* wealth of other countries. The whole-issue

is this. If in England the *per capita* wealth is about Rs. 240 yearly, certainly the Vice-Chancellor of that country can get a bigger amount as compared to that of India, the *per capita* wealth of which country is not more than Rs. 37 or Rs. 38 per year. The unfortunate position in this country is that in all the educational institutions that the Government of India has established or has contributed towards their establishment, Government has always somehow or other spent more money on buildings and other paraphernalia than on the real thing, namely, the education of the country. I noticed a very miserable state of things in Patna this time. Many students there could not get admission in the 1st year science or in the arts classes after passing Matriculation because there were not enough seats, but the professors and principals there are getting the fat salaries of Rs. 1,000 to Rs. 2,500, per month to impart education to a small number of students. We have got fed up with this system which the Government has been following and so far as we are concerned we cannot accept such programmes which the Government places over our heads by ignoring the entire views of the representatives in this House. I, therefore, support the amendment moved by my Honourable friend Syed Ghulam Bhik Nairang to fix the salary of Vice-Chancellor at Rs. 2,000 only and request once again the members of the Treasury Benches to look into this matter more seriously and accept this amendment which is so innocent in its nature.

Mr. J. D. Tyson: With your permission, Sir, I should like to say that on re-consideration, because obviously the view of the House is that on Rs. 2,000 we can get a Vice-Chancellor, I am prepared to accept the amendment though with some misgiving. I must point out that we cannot then expect men who are now Vice-Chancellors in other universities, most of whom are drawing Rs. 2,000 and more, to come to Delhi. The House will realise that it rules out one field of recruitment. However, in deference to their wishes, I accept the amendment.

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

"That in clause 5 of the Bill, in part (b) of the proposed proviso the words 'five hundred' be omitted."

The motion was adopted.

Syed Ghulam Bhik Nairang: Sir, I move:

"That in clause 5 of the Bill, in part (c) of the proposed proviso after the word 'whom' the words 'one being a Muslim' be inserted."

Sir, this amendment of mine may possibly be considered to tend to import into the affairs of the Delhi University that highly dreaded element which is sometimes conveniently called 'communalism'. But after giving the matter very anxious consideration, my Party came to the conclusion that at present the position of Muslims in the Delhi University is so insignificant as to be for all practical purposes equivalent to zero. They have no voice in most of the matters with which the University deals and therefore we were forced to come to the conclusion that we must make an attempt to secure some representation for the Muslims on the various Committees and bodies which will function in the administration of this University. This amendment I may say, at the risk of being considered a communalist, is the thin end of the wedge, being the first of the series of amendments which try to secure from Government a position for the Muslims in the University.

Sub-clause (c) reads thus:

"A committee of three persons, two of whom shall be persons not connected with the University or any College nominated by the Executive Council, and one a person nominated by the Chancellor, who shall also appoint one of the three as chairman of the Committee, shall select not less than three persons and shall report its selection to the Executive Council. The Executive Council shall make its recommendations on the three persons so selected to the Chancellor, who shall appoint one of such persons as Vice-Chancellor."

So, a committee of three is going, according to this provision to select a panel of not less than three persons. They may be four or more but they should not be less than three and with regard to this panel the Executive Council is to make recommendations as to their fitness for the office of the

[Syed Ghulam Bhik Nairang.]

Vice-Chancellor, and then the Chancellor has to decide as to who should be appointed. So, this is the first part of the machinery which the Bill has devised for the appointment of the Vice-Chancellor. If one of these three persons is a Muslim, we get a representation in the selection of the Vice-Chancellor in that shape and I think it will redound to the credit of the Delhi University and will be calculated to remove to a certain extent a feeling which the Muslims have had for a long time, ever since the inception of the Delhi University in 1922 by the present Act, that for all practical purposes, the Delhi University is another edition of the Benares Hindu University. Look at the various offices held and the composition of the Court and other bodies. I may be permitted to say that out of the officers of the University under the present Act there is no Muslim, there being 10 officers. Among Professors and Readers appointed, Readers 8, not a single Muslim; recognised Readers, Muslims 4 and non-Muslims 15. Lecturers one Muslim and two non-Muslims; so out of 25 Professors and Readers and Lecturers, there are five Muslims and 25 non-Muslims. In the Court out of a total membership of 123, Muslims are 24. Out of the Members of the Executive Council, three Muslims as against 21 non-Muslims. Among Members of the Academic Council, six Muslims as against 39 non-Muslims. I can give other figures, but I think it is not necessary. These figures are given by way of illustration. My contention is that the present position of the Muslims in this University is so insignificant as to be useless for all practical purposes Muslims being unable in any way to influence the administration of the University or its work or in any way to voice the needs and requirements of the Muslims, and therefore we have tabled a number of amendments, this being the first one of them, with due apologies to those who always consider that the raising of such questions is importing communalism into a body like a University which they say is a temple of learning, to which the devotees should go and worship without questioning who is a Muslim and who is a non-Muslim. Sir, this temple of learning, again with due apologies to those Honourable Members of this House who may hold strong views on temple entry, is a temple like the innumerable temples in India where only certain privileged classes are allowed to enter and worship and in order to enable others to enter these temples, Temple Entry Bills were tabled in this House which after quite a storm of opposition all over the country had to be withdrawn. So, really, Sir, if these depressed classes or Scheduled castes or untouchables were forbidden entry into these sacred temples, we are also practically refused entry into the sacred temple of learning under the present circumstances of the administration. As we are seeking to amend the law relating to this University, I hope that not only the Government but all fair minded Members of this House will treat this amendment and a few other amendments which we have tabled in the same spirit with indulgence and will give their consent to them.

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

"That in clause 5 of the Bill, in part (c) of the proposed proviso after the word 'whom' the words 'one being a Muslim' be inserted."

Maulvi Muhammad Abdul Ghani: Sir, the amendment moved does not propose any drastic change. Only a small change that a Muslim should be on the Committee of Selection. It does not say that any type of Muslim can be put. Here on page 10 of the Select Committee Report, it is said that: "The Committee of Selection shall consist of, etc." There it is mentioned the types of persons and their qualifications. We do not suggest that a Muslim shall not have any of these qualifications mentioned therein. This Committee of Selection is a very powerful body so far as the Delhi University is concerned. In Statute 17 relating to Committee of Selection it is said:

"No person shall be appointed or recognised as a teacher of the University except on the recommendation of a Committee of Selection constituted for the purpose."

No person of whatever qualification can be accepted as a University teacher without the recommendation of this Committee. Secondly this Committee has great powers regarding appointment or confirmation as given in sub-clause (3).

Dr. P. N. Banerjee: On a point of order, Sir. My Honourable friend Maulvi Muhammad Abdul Ghani is misreading the two amendments. He is not speaking to the amendment now moved.

Maulvi Muhammad Abdul Ghani: I am strictly confining myself to the present amendment.

Dr. P. N. Banerjee: No, he is referring to Committee of Selection.

Mr. President (The Honourable Sir Abdur Rahim): I cannot hear what the Honourable Member Maulvi Muhammad Abdul Ghani is saying. Unless he speaks loud, I cannot say whether he is in order or not.

Maulvi Muhammad Abdul Ghani: I am quite in order, Sir. My Honourable friend the Learned Professor perhaps has not followed what I am saying. I am speaking on the Committee of Selection about which this amendment has been moved.

Dr. P. N. Banerjee: The Honourable Member is mistaken. This amendment relates to a different matter, the Committee for selection of a Vice-Chancellor, not a Committee of Selection for the selection of teachers.

Mr. President (The Honourable Sir Abdur Rahim): Perhaps the Honourable Member is thinking of his own amendment.

Maulvi Muhammad Abdul Ghani: This amendment relates to clause 5, part (c), "A Committee of three persons".....

Dr. P. N. Banerjee: This is a Committee for the selection of a Vice-Chancellor. The Honourable Member is referring to the Committee for selection of Teachers, etc. The two are quite different.

Maulvi Muhammad Abdul Ghani: Thank you. In that case, I have only to submit that the amendment moved is a modest one and I support it. This Committee of 3 persons to recommend names of persons for Vice-Chancellorship is also very influential.

Mr. Jamnadas M. Mehta (Bombay Central Division: Non-Muhammadan Rural): Sir, I rise to oppose this amendment; not that I am in much hope of Government's strength in opposing such wretched proposals, but still I must make my protest against this attempt to communalise the temple of learning. We have had too much communalism in this country; at least in the educational sphere let us have pure education on merits and let us have in high offices, people, whether honorary or paid, who will be of first-class intellectual calibre and cultural advancement. No question of any caste or community should arise. I would not mind if all the three members of the committee to be selected belong to one community, and let that be the community of my Honourable friends of the Muslim League if they can produce men of calibre, but let them not ask for it because they are Muslims. My request to them is to live according to their religion and not live on their religion. This attempt to push themselves on the ground of race and religion is to exploit religion for personal advantages; it is unworthy of educated men, unworthy of legislators, unworthy of strong religious-minded men. That we should use our religion for getting us a job is a prostitution of religion, it is an insult to the temple of learning by which we call the Delhi University which is going to be reorganised by this Bill. As I said, we have had too much communalism in other directions in public life; let there be one, this educational institution of the highest type in the province of Delhi which should be free from all communalism; let it be a place where learning pure and simple will be fostered and encouraged for its own sake where men will meet because they are learned and because they are cultured, without reference to whether they wear a beard or a pigtail. That is my ambition in this country. In the sea of communalism all round let there be at least one island of cosmopolitanism, i.e., this Delhi University; and that is the spirit in which I ask the House to approach this question, instead of stultifying this Bill and the whole debate thereon by the amendments which are tabled in the name of my Honourable friends of the Muslim League.

Mr. M. Ghiasuddin (Punjab: Landholders): What is the Honourable Member's answer to the figures read out by the Mover?

Mr. Jamnadas M. Mehta: They do not matter at all, they have nothing to do with the appointment of this Committee. I would have even asked that the Vice-Chancellor should not be a paid man, but that point I am not discussing; I shall discuss it when the whole clause is put. It is because there is some job going that people are becoming communal; and in justification of this amendment figures were given of jobs. I do not want to make any lengthy contribution to this very unhappy controversy except to stand out without qualification and without equivocation for keeping the temple of learning unaffected and unimpaired by the blasts of communal breezes.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): Unfortunately this temple of learning is the monopoly of my friend and others of his way of thinking.

Mr. J. D. Tyson: Sir, this amendment to which I could have returned a particular reply has by the speech of my Honourable friend who moved it been made typical of a large number of amendments that are on the list to be moved. My Honourable friend was perfectly frank in adopting that attitude. Therefore, as it is expected of me, I will reply on the matter of principle that has been raised. As my Honourable friends opposite have realised, they have raised a very important matter. To adopt this amendment and still more the amendments which follow,—for this to some extent might have stood by itself,—would be to take a very serious step. I do not wish to go into the merits of that step on this occasion, but I must point out that, as is well known, there is no provision for communal representation in the Delhi University Act as it stands. We have had no request for it from the university. I have had the University Acts of India searched, and I am told that a provision of the kind exists only in one university, the University of Dacca. The case of that university was of course rather special. The Sadler Commission, which dealt with the proposal to have a university at Dacca when they were dealing with the Calcutta University, pointed to the "strong disposition which is now moving the Mussalmans of Bengal and specially those who live in the eastern part of the Presidency to avail themselves more fully than heretofore of the opportunities afforded by modern education." And I am sure my Honourable friend Dr. Sir Zia Uddin who was a member of that Commission will bear me out when I say that the Dacca College and the Jagannath College and possibly other institutions then existing in Dacca were raised to the level of the university very specially to meet this new spirit and this desire for higher education by the Mussalmans of Bengal. And the Commission themselves said that they and the Government of those days were very anxious to encourage this new movement of the Muslim community towards higher education; and it was for that reason that in the case of the Dacca University they recommended a wide range of communal representation for Muslims in that university, and I think the present Dacca University Act probably reflects to a very great extent the recommendations of the Sadler Commission. It was done in a special area and for a special purpose. The recommendations that they made for Calcutta for very much smaller representation, to have the Muslim point of view represented and allow it to be aired, have not, I believe, been accepted by the Calcutta University; and, as I said before, I do not think that this principle of communal representation has been accepted in any other university in India. It is clear that opinion even in the House here is very divided and I do not think we should be doing the right thing if we were to accept this and, as it were, thrust it upon the university without further very serious consideration. I am afraid, therefore, that I must oppose the amendment.

Nawabzada Muhammad Liaquat Ali Khan: Sir, it is a welcome change to listen to Mr. Jamnadas Mehta speaking in restrained tones. He has opposed this amendment on the ground that he was against the introduction of communalism in the temple of learning. But I submit that a temple loses all

its sanctity when it becomes a stronghold of one particular community. It is a temple of learning as long as every one irrespective of religion and irrespective of caste is allowed free entry into it. Sir, I would like to point out to this House that this amendment has been brought forward—and there are a number of amendments on similar grounds—after an experience of not a few months,

not a few years, but after an experience of over twenty years. The **I. P. M.** Honourable Member, Mr. Jamnadas Mehta, stated that wherever there was a question of jobs the Mussalmans—the Muslim League Party—came forward to demand a share in that.

Mr. Jamnadas M. Mehta: I did not say that. You are putting a false argument in my mouth.

An Honourable Member in the Muslim League Party: Of course you said that.

Mr. Jamnadas M. Mehta: I never said that. It requires understanding of the English language.

Nawabzada Muhammad Liaquat Ali Khan: I agree English language is indeed difficult and I am not surprised if Mr. Jamnadas Mehta has not been able to convey his meaning to the Honourable Members of this House. Sir, he did mention that here was a question of jobs, and the figures which were given by my Honourable friend were connected with jobs. Let me tell him that it is not a question of jobs here. As a matter of fact, this particular amendment does not refer to any committee, members of which, would get any remuneration. According to the new scheme under this proposed Bill this committee of selection for the Vice Chancellor is indeed the committee that will appoint the Vice Chancellor. The final choice does rest with the Chancellor, but this committee will play a very important part where the question of the recommendation of names is concerned. Therefore, Sir, what is it that this amendment desires? All that it desires is that the claims of a particular community will not be ignored, that a particular community will not be damned because it happens to profess a different religion. This committee, as I have pointed out, is not going to get any remuneration. We do not say that the Mussalmans should appoint members of this committee. According to this proposal, two of these members are to be elected by the Executive Council and the Executive Council is a body where the members of the other community are in a great majority. All that this amendment seeks to provide is that it will draw the attention of those members to this fact that there are such people who are deeply interested in university education in Delhi as Mussalmans. Mr. President, Delhi has a large Muslim population and I regret to have to say that their interests have been completely ignored by those who have been responsible for the management of the University of Delhi.

Sir, it is suggested that the introduction of communalism does not help where the advancement of education is concerned, but surely it is desirable where the advancement of education of a particular community is retarded. I could give instances, I could give concrete cases where the Mussalmans have not received a fair treatment at the hands of the University authorities and I will give you, Mr. President, one case: There is one Muslim college here. Unfortunately, the Mussalmans having no representation in the University, its voice is never given any heed to. Whenever we apply for recognition in certain subjects, our applications are kept pending for two years or three years and I know that there are still some applications pending for the last two years, whereas in the case of the colleges that are run by other communities the recognitions are given within a few months, and not only that, but I make bold to say that our staff and our library, which is a condition for giving recognition in certain subjects, is not inferior to a number of other colleges that have been given recognition in those subjects, and the reason is obvious: It is because the Mussalmans have no voice in the management and administration of this university. Had it not been on account of this bitter experience, had we not given a fair trial and had we not given an opportunity for a number of years to those who happen to be

[Nawabzada Muhammad Liaquat Ali Khan:] in a majority in the university affairs to safeguard our interests, I assure Mr. Jamnadas Mehta that I would have been the last person to come forward and support a motion of this kind. But he will surely agree with me that one community is completely ignored and when the doors are not only shut but bolted to this temple of learning against one particular community that community is entitled to come and appeal to the Honourable Members of this House to at least have that door opened and let some places be reserved for them so that they might worship in this temple of learning.

Sir, my Honourable friend, Mr. Tyson, stated that he did not want to go into the merits of this question and he rested his case on the argument that in no other university, except Dacca, such a provision was in existence. To my mind, Sir, that is no argument. If you are satisfied or at least satisfy us that our complaints are unjustified,—that the Mussalmans of Delhi have not had a fair chance in the past, I do not see any reason why we should fight shy of facing this problem now. My Honourable friend, Mr. Nairang, quoted certain figures as to the composition of the Executive Council. The Executive Council consists of 24 members. 21 are non-Muslims and 3 are Muslims. And let me tell you how these three have got in, because I want this House to be in possession of all facts and figures before they decide one way or the other. These three Muslims,—who are in the Executive Council which is in fact the body that administers the affairs of the University and which is going to be even a more powerful body in the future than it has been in the past,—these three Muslims have got into it, one because he happens to be the Principal of the Anglo-Arabic College and all the Principals of the various colleges are *ex-officio* members. The other has got in not by election by those who consider that a university is a temple of learning, and no communalism should come in that; he has got in by nomination by the Chancellor, and there is only one who was elected by the members of the staff. So, Sir, I put it before this Honourable House: How can an Executive Council of 24 at the present moment with practically no Muslim representation do justice to the claims of the Mussalmans? I submit Mr. President.

Pandit Nilakantha Das: Will the Honourable Member say how many candidates were defeated in election?

Nawabzada Muhammad Liaquat Ali Khan: My Honourable friend asks. How many candidates were defeated? I do not keep such a list. Otherwise I would have collected the figures and produced them. I am not fighting shy of production of any figures in this respect, but I can assure him that their number must have been large, and I can tell him that the number of students and the members of the staff, leaving aside the Muslim population in the city, is not negligible. Of course, they are not as many as the members belonging to other communities, and it cannot be stated, as the Honourable Member Mr. Jamnadas Mehta had tried to point out, that all these things are decided on merit. He, having contested elections to various bodies, should know that it is not always merit that counts. Wherever there is a question of election, there are so many considerations that weigh, and I make bold to say that probably at the time of the next elections Mr. Jamnadas Mehta will not count too much on merit.

My Honourable friend Mr. Tyson has stated that we have had no request from the university. This is a strange argument. How could he have any request from the university which is dominated by one particular community? What does he mean by university? Does he mean the Executive Council of the University? Well, I have given you the figures with regard to the composition of the Executive Council. Does he mean the Court of the University? Well, I shall give you figures with regard to the composition of the Court of the Delhi University. There are 123 members altogether.

Mr. Jamnadas Mehta: All educationists!

Nawabzada Muhammad Liaquat Ali Khan: No, not all educationists. There are some Members of the Assembly also in that.

Out of these, 24 are Muslims and 99 are non-Muslims. Out of these 24, again, let me point out to the Honourable House that 8 are nominated by the Chancellor. There are 25 members to be elected to this Court by the registered graduates, and let me tell the Honourable Members of this House that out of this number there is only one Muslim. In the same way I could give you more figures, but I do not want to waste the time of the House as my Honourable friend has already given you figures.

Now, Sir, my Honourable friend, Mr. Tyson, has said that another important part of the University is the Academic Council. With regard to this Council, my Honourable friend Mr. Nairang has already given you figures. But they can stand repetition. Out of 45 members of the Academic Council there are only 6 Muslims. Now, I want to ask my Honourable friend, Mr. Tyson, how could you possibly expect a university composed in this manner sending a recommendation to this Honourable House that we the members of the Court and the Executive Council and the Academic Council have treated the Muslims most shabbily in the past. Therefore we request the Government to make this amendment in the Bill which is before the House. This is an argument which I am afraid I do not follow.

I do appeal to the Honourable Members of this House to see that a particular university does not become the stronghold of a particular community: that every one who is entitled to receive benefit from that university has a share in the administration of that university.

Sir, I submit, that the case which I have placed before the Honourable Members of this House is one which cannot be refuted and I strongly support the amendment which has been moved by my Honourable friend, Mr. Nairang.

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. Hooseinbhoj A. Lalljee (one of the Panel of Chairman) in the Chair.

Pandit Nilakantha Das: I am afraid that my Honourable friend, Mr. Jamnadas Mehta has not been appreciated in the plea that he has put forward. What he means is that a man only on account of his religion should not be allowed to have any place in any organisation of higher education like the University of Delhi. But my friends on those Benches of the Muslim League are rather persistent, for this is not the only amendment for having a Muslim as one of these three of the Reference Committees. But amendments are coming one after another and there are so many and it appears that the idea is to divide the whole University so to say into communal compartments. There was an attempt very serious and persistent from those very Benches for killing the Bill by circulation and things like that. If consistency be at all a question to be considered, I ask how could they have obtained any communal proportion if the Bill had been killed. That was not the intention then. It appears that something else is behind the back of their minds. Now that the Bill has come they want after trying to kill it—they want to make it a diseased one.

Syed Ghulam Bhik Nairang: Is the Honourable Member in order in attributing motives?

Mr. Chairman (Mr. Hooseinbhoj A. Lalljee): I should like the Honourable Member not to attribute motives to other Honourable Members.

Pandit Nilakantha Das: I simply questioned the consistency. There may or may not be motives.

Maulvi Muhammad Abdul Ghani: On a matter of personal explanation, Sir, When moving my circulation motion I gave full reasons for it. Our position is not inconsistent, but consistent.

Pandit Nilakantha Das: The position of my Honourable friend, according to him, is consistent. But, as I understand it, if there was any intention of having any communal proportion from the Selection Committee for the Vice Chancellor

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to the composition of the Court and the Academic Council and so on, in my opinion the Bill should have been supported from the very beginning. By killing the Bill no communal proportion or anything of that kind would come. It would remain the same as it is to-day, against which the complaint is that for these 20 years or more there was dissatisfaction so far as the Muslim community is concerned, with the working of the University. So I appeal to my Honourable friends to be consistent. If this Bill had not come, the present position would continue for another 20 years. So I am certain that originally this communal share was not the intention. There was really no grievance about the paucity of Muhammadan representation in the University. Then again I am simply surprised—I put a question to my Honourable friend, the Deputy Leader of the Party, when he was speaking, whether there were numbers of Muhammadan candidates and whether their qualifications being acceptable they were not elected. No reply was given. Again, I am afraid if there should not be some amendments in future or now to the effect that if there are half a dozen doctorates granted this year, say 3 or 2 of them should be Muhammadans, or if 300 pupils pass the B.A. 150 or 100 of them should be Muhammadans. I appeal to my friends not to carry these political ideas of communal proportion under which we have unfortunately got to work—not to carry these ideas of communal proportion too far, even into institutions like the universities, and particularly the University of Delhi which I expect will be a model university for the other universities in India. With these words I appeal to my friends to withdraw this as well as not to move other amendments like this.

Mr. Kailash Bihari Lall (Bhagalpur, Purnea and the Sonthal Parganas: Non-Muhammadan): I oppose this amendment on the ground that it introduces communalism in educational institutions and also on the ground that there is some impossibility of adjusting communal representation on such bodies. I will deal with both these points.

I will first deal with the impossibility. I find that there are two persons to be nominated by the Executive Council. This amendment says that one must be a Muslim. Supposing one is a Muslim, then there remains only one person to be nominated. There are the Sikhs, the Indian Christians, the Parsis and God knows how many other communities. I cannot think of all of them at the moment. They spring up like mushrooms whenever there is a division of spoils. Suppose a Sikh is nominated. There will be grievance on the part of Indian Christians and Parsis and the general mass of Hindus. If a Parsi is nominated, there will be similarly disaffection among the other communities. Then there is one seat to be nominated by the Chancellor. Now, who knows what the Chancellor will do, when he comes to choose from among these various communities? As he has to exercise his judgment in selecting a Vice Chancellor, so it is quite possible that even a European may be nominated. I do not see that there is any bar in nominating a European by the Chancellor. If the third nomination which is to be made by the Chancellor is left out, there remains only two to be nominated by the Executive Council and if one is a Muslim and if that is laid down in the statute, then only one seat will be left for so many other communities. I appeal to the reason and good sense of the Members not to introduce communalism of this kind in educational matters. So, my first point is the very nature of the impossibility that is involved in the acceptance of this amendment. Then suppose the nomination is of a Hindu, then what about the Indian Christians, Parsis, Sikhs and others because they may say that they want one seat. So there is an inherent defect in the amendment which amounts to an impossibility and when a body of three persons is to be constituted, the impossible nature of the proposal put forward should be taken into consideration.

Then I come to the point about the exhibition of communalism which is quite unnecessary. So many of my friends have spoken on this subject that I

do not want to say much about it. I do not claim to be an expert in educational matters and I was indifferent to this Act also because there are many friends of mine, who are experts and who are capable of piloting this Bill but so far as this matter is concerned, it concerns the well being of the nation and in this matter a man like even myself may take a hand. It is most deplorable that every affair in this country is saturated with the spirit of communalism and even educational institutions are not free. (*An Honourable Member*: "Who is responsible?") I am not going to fasten responsibility on any particular community. On account of the follies of those who have guided the destinies of the nation, many things have happened but I am not going to allocate responsibility. But the fact is that the spirit of communalism is rampant at present and our whole life is saturated with the spirit of communalism and if we want to remedy this state of affairs, those who are sober minded and who can claim to be the guides of the nation they have to think over the problem and solve it in such a way that the life of the future generation is not spoiled. The young men who will come out of the university will have the control of the destiny of the nation in course of time and therefore we have to take care that educational institutions at least are free from such contamination. If you introduce the spirit of communalism, people have to ransack their brain in a communal way to find men for important posts like the Vice Chancellor. People will go about canvassing for votes and the whole thing will run on communal lines and it is certain that the life of the educational institutions will also be spoiled. As the matter stands today, it is known to us that even the Professors, Principals, the Vice Chancellors and others connected with the running of educational institutions are not free from such communal bias. I say that the elders in this House who have got to guide the future destiny of India ought to keep their heads cool in these crucial moments in the future interests of the nation. The future looks dark and even hopeless. I did not read this Act at all, to speak quite frankly but I have gone through some of the amendments which seek to introduce a spirit of communalism into this Bill. Even in the Bill as it was presented by the Government I find that there are provisions for award of scholarships on communal denominations. It is our duty in this House to put the nation on the right path and therefore we should see to it that such communal things are left out of legislation of this kind. I remember seeing even a hostel of students where all of them could not live together. I was a member of a committee and I saw a class of students who wanted to remain separate and some members suggested on communal grounds that there should be a separate boarding house for a certain class of people because they cannot live together. I set my face against such move and I carried the day for the time being but I was sure that the whole atmosphere was surcharged with the spirit of communalism and I could not carry things longer. This is the spirit prevailing here in the enactment of the Delhi University which is said to be the guiding Act for the whole of India. If that is the spirit of the Delhi University Act which is going to be the ideal Act for the rest of India, then I do not know how things will shape in the future. Here is a university where two sets of professors would not like to sit together and where two sets of students also would not like to sit together; they would not like to remain in the same hostel. Things may come to such a pass that one set of students may say that they are not going to hear the lectures from one set of professors. The Muslim students may say that they will not hear lectures from Hindu professors and the Hindu students may say that they will not hear lectures from Muslim professors. If things are allowed to go on like that, where shall we be? I am afraid this is the spirit prevailing in this House, which is expected to give a lead to the nation, in regard to a measure which is said to be an ideal measure not only for the present generation but also for the future generations.

I have heard some arguments given by my friend Nawabzada Liaquat Ali Khan Sahab and he has given some figures also to show how the claims of his community have been neglected. It is surely deplorable if the claims of his community have been neglected. But the

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remedy does not lie in this way. There should be some measure of liberality also introduced while considering such questions. (An Honourable Member: "What is your remedy?") My remedy is quite broad and I have given vent to it in this House before and it will take too long to speak on it again. But I am going to suggest that instead of making an exhibition of communal feeling by introducing so clearly communal words and communal feelings in the very body of the Act, we may bring about some sort of consolation by such means which may not make such an exhibition. I was going to suggest that there may be some sort of a standing Instrument of Instructions which may not have the form of law but those who are to guide the affairs in such matters may be guided by it. Even the Parliament and the British Government had to issue an Instrument of Instructions with regard to the Government of India Act. It is not strange that those who are to guide the destiny of this measure and the future well-being of this measure and to educate the future citizens of this country may not be saturated with communalism. They should have this device so that things may be properly managed, justice may be done and the whole thing may be manœuvred in such a way that no community may have any grievance that injustice has been done to it. Sometimes things are done in a purely communal spirit and they should not be tolerated by those who are in authority. The other day a question was asked about the things that are happening in the Agricultural Institute, the Director of which belongs to a particular community and to a particular province and he is making appointments of persons from his own province. If this thing is brought to the notice of the Government, they should see whether it is a fact that at once curb the tendency of such a corruption. Similarly, if a malpractice is brought to the notice of those who are in charge of the university that a particular man who is a Hindu or a Muhammadan or a Sikh or a Parsee is carrying on such a thing, then instead of thinking of the prestige of the Government, the Government should pounce upon the man and see that he is not allowed to have things in his own way. But whenever such things are brought to the notice of the Government, the question of prestige comes in and whether it is a monstrous thing or a good thing, the Government must support it because it has been done by it. This spirit should not work here where apparently some sort of monstrosity is practised. That is the only way to set things right and to give a good lead to the nation provided your mind works that way. If the authorities have not got their mind to set things right in that way, then God knows what will be the end of this country if even in the University Act we have got such communal provisions. Of course, there are institutions even today where there are such representations, but there should not be any hue and cry over that.

I do not know whether I will be within my rights to make a reference here to a thing which I have in my mind or whether it would look good, but I will tell you something which I saw in my dream. I dreamt a dream in which I saw that there was a Parliament for the future of India. In this Parliament, the Speaker of the House belonged to a particular community, the Secretary and the Assistant Secretary also belonged to the same community and the Leader of the House also belonged to the same community. That Parliament was going on and there was no hue and cry over it. (An Honourable Member: "What about the Reporters?") They may also belong to the same community. So, one can understand that there may be things like that and we may have consolation on such occasions. It is only by way of accident that we have got such a combination just as I saw in my dream. Supposing in the committee of your university there are three persons and there is not a single Muslim in it.

Sir Cowasjee Jehangir: What is the point of the dream?

Mr. Kailash Bihari Lall: The point of the dream was that there is a Parliament of India in which the Speaker, the Secretary, the Assistant Secretary and the Leader of the House belong to one particular community . . .

Mr. Chairman (Mr. Hooseinbhoy A. Lalljee): The Honourable Member should confine himself to the amendment before the House.

Mr. Kailash Bihari Lall: I was simply referring to the Honourable Member who gave facts and figures about communal representation on a certain body. I was only saying that he should take consolation because of such coincidences as I saw in my dream. We should take consolation in such matters and we should keep our heads cool and think over such matters, so that we may not

3 P. M. in our heated moments, in our anxiety for achieving something good for Muslims do harm to the whole nation. It is for these reasons that I oppose this amendment. I do not oppose this from any communal point of view which is the prevailing view everywhere. I have already made the House aware of my own views about nationalism. It is from a broad point of view that I am opposing this amendment. I do not want that any communal feeling should be brought into this question. I think even the Government should see the impossibility of accepting this amendment, and also my Honourable friends and those who are supporting this amendment should also look to the reasonableness of my argument and drop this amendment.

Maulana Zafar Ali Khan: Sir, as long as the Muslims remained silent without demanding their due share in the loaves and fishes, they were good boys, but the moment they ask for their proper share, the demon of communalism lifts its head and jumps up like the proverbial Jack in the Box and we are being twitted with being rank communalists and all that. It did one's heart good to see the Hindus, Muslims and Sikhs voting together when certain amendments were pressed to division, all going in one way. But, Sir, that beautiful spectacle was only of short duration. My Honourable friend Mr. Jamnadas Mehta set the poisonous ball rolling and he shouted communalism! communalism! with the lungs of a Stentor. Then those who are his henchmen took up the cry with greater vigour. My Honourable friend Pandit Nilakantha Das from Cuttack charged us with hatching a conspiracy to kill the Bill. Well, Sir, so far as this Bill is concerned, our friends like Mr. Lalchand Navalrai and Dr. Banerjea have joined us in killing this Bill when they voted with us on the question of salary for the Vice-Chancellor. Did they do not kill it then. Then you remained silent. But now when we are asking for one seat in the Committee of Selection which was our due share, then you begin to shout.

Pandit Nilakantha Das: I supported you in fixing the salary at Rs. 2,000.

Maulana Zafar Ali Khan: Do you contend that the Muslims have no right to ask for their share on communal basis? This principle was enunciated and accepted when the communal award was given. Since then we have been telling the people in this country that there are two nations in this country, the Hindus and the Muslims. I assure you, Sir, that ten crores of Muslims cannot be silenced by any administration and by any shouts and by any slogans. They will have their rightful share. The Hindus will be stultifying themselves if they deny us our due share. I expected my Honourable friend Babu Kailash Bihari Lall to be just. He speaks of the Delhi University Bill but he forgets the Dacca University Bill. In the case of the Dacca University, it was the Hindus who wanted communal representation on the population basis. Then you were silent. Now when we ask for some share in the management of Delhi University, which is claimed to be a model university, an all-India University, on the plea that we are a nation and therefore have some claim upon it, then everybody gets up and says, no.

Sardar Sant Singh (West Punjab: Sikh): You do not mention the Sikhs.

Maulana Zafar Ali Khan: If you want a seat there, you can have it. You are welcome. No other community has stated in such plain words that they want their separate communal share in the administration. Their rights have not been championed as Christians or Sikhs or Anglo-Indians. It is only in the case of Muslims, who are admittedly a separate nation in this country that the right of getting their due share in the administration of the country has been conceded. The right of demanding our shares according to our

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population basis and according to what is just and due to us can no longer be denied.

Sir, I would like my Honourable friends to realise that India wants to be free, but she cannot be free as long as the educational institutions are not free. You speak of the temple of learning, but what does that expression signify? If a temple of learning signifies justice and acceptance of the rights of others to their proper share, then we also have a right to enter that temple. But when you do not allow six crores of Harijans to enter this temple, and have kept them out of it for many thousand years, how can you expect us not to join with them in forcing entry into this temple. That entry would be forced and you will have to realise one of these days that without your coming to an honourable settlement with us, we shall not be able to emancipate our country and shake the chains that lie heavily on our feet. India cannot get freedom, she cannot obtain the right of self determination so long as there is no settlement between us. But you do not want a settlement. You want everything for yourselves.

Sardar Sant Singh: Do not forget the Sikhs.

Maulana Zafar Ali Khan: We only want our due share in the management of educational affairs, let alone other Departments. But even here, you do not want to give us anything. Figures have been placed before the House, statistics have been laid before you that for 22 years past we have been suffering, and today refusing to be convinced that your case is absolutely hopeless, absolutely unjust, you want to deny us our rights.

Mr. Chairman (Mr. Hooseinbhoy A. Lalljee): Will the Honourable Member confine himself to the amendment before the House?

Maulana Zafar Ali Khan: I am confining myself to the scope of the amendment and the Bill. I am telling my Honourable Hindu friends that for the past 22 years, we have been suffering under their domination and now seeing that we have no hope of getting justice and fairplay at their hands, as a last resort, we want to incorporate our rights in the Statute book. I therefore strongly support this amendment.

Dr. Sir Zia Uddin Ahmad: I heard with great interest the sermon of my Honourable friend Babu Kailash Behari Lall. I wish he may practise the sermon he was preaching. He is asking us to do one thing, he does another himself. The first thing he ought to do is to refuse to stand on behalf of any single community, the Hindus. He ought to resign his seat in the Assembly. He should say that he would come only from a joint constituency and never from a constituency comprising only of a single community. The second thing he ought to do is this. He should say, let the Government take the entire responsibility upon their shoulders; there should be no Hindu, no Muslim and no Sikh institutions. Let the Government run all the educational institutions themselves. If the Government shoulder the entire responsibility, then all this talk will disappear.

The second thing is that when we legislate in matters of education we should not do anything that is unacademic. But in this particular case I find that it is not unacademic. I have here the authority of no less a person than the late Sir Ashutosh Mukherji who is well-known in the academic world and who supported this particular view. On page 215 of Vol. V of the Report of the Sadler Commission we find:

"In every committee constituted for the appointment of university teachers there should be at least one Mussalman."

This particular sentence received the support of Sir Ashutosh Mukherji. When this point was discussed I supported the views of the Hindus and with regard to the selection committee of Calcutta we said, on page 298 of Vol. IV.

"On every such committee there should be at least one Hindu and one Mussulman member, and the Vice-Chancellor should be empowered to appoint an additional member or members for this purpose should it be necessary."

So that we both thought that it was very desirable to have at least one Muhammadan in every selection committee for teachers. Therefore the support of Sir Ashutosh Mukherji and four eminent educationists is in itself a proof that the proposal of the kind now before us is not unacademic.

The other point is this. If in the committee for selecting the Vice-Chancellor all the three members happen to be Englishmen, my friend Babu Kailash Bihari Lall will not sit quiet. Immediately there will be a protest from every corner, a protest in the press and adjournment motions in this House; and objections of every kind. When they are all Englishmen we will oppose it on the ground of nationalism. But when we say that this Indian nation should also include Muslims and they also should be included, immediately we are told that that is communalism. If without any question being raised about Englishmen or Indians it goes to the best men, I can understand it; but whenever you press the claims of Indians on national grounds I do not see why Muslims as part of the Indian nation should not be included. If you refuse us that we will have no alternative but to go back to the extreme position to which we have been thrown by the Hindus themselves and say that as we have not been included in the Indian nation let it be a Hindu nation and a Muslim nation.

Mr. Muhammad Nauman: Sir, I shall not take up much time of the House and it is not my desire to introduce any heat into the debate like my friend Babu Kailash Bihari Lall, the last person I would expect to argue in the way he did. However, as for this amendment, we seek nothing more and nothing less than our just share as a separate nation. We want representation of one in a Committee of three and an opportunity to work in co-operation with the representatives of other nations of this country and probably that will bring future peace into this country earlier, as Sir Zia Uddin pointed out rather than if we are placed in water-tight compartments by such attitude as that of my friend Babu Kailash Bihari Lall. He referred to a certain dream, referring particularly to this House and making a reflection on the Chair and on the Leader of the House. That only shows bad taste. If that sort of dream can be mentioned we also can refer to other dreams and give him a fitting reply; but, as I said, I do not desire to introduce any heat. But it was surely in bad taste and the fact

Mr. Kailash Bihari Lall: Sir, on a point of order, is the Honourable Member in order when he says that I made a reflection on the Chair when there was no such reflection?

Mr. Chairman (Mr. Hooseinbhoy A. Lalljee): The Honourable Member made no reflection on the Chair.

Mr. Muhammad Nauman: I will say that the analogy of a fictitious dream was not befitting to this House and it did not show good taste. What we demand, Sir, is not any superiority or predominance at all but that the case of the Muslims should not go by default. If there had been a proposal that the Chairman or even a majority of that committee should be from a particular community there would be some justification for opposition from certain sections of the House. I do not want to make any personal remarks, particularly against my Honourable friend who comes from my part of the country. Certain instances were quoted by him and he himself has shown far worse taste in the matter of a peon who was a Muslim in the joint hostel of Bhagalpur to which he referred.

Mr. Kailash Bihari Lall: I challenge that statement; it is a downright fabrication.

Mr. Chairman (Mr. Hooseinbhoy A. Lalljee): Order, order. I wish Honourable Members will not impute motives or bring in something which is not within the scope of the amendment.

Mr. Kailash Bihari Lall: My Honourable friend has lost his head.

Mr. Muhammad Nauman: I do not want to introduce any heat but truth is always bitter. I am trying to invoke a sense of appreciation in you by trying to tell you that what we demand is not something of which you should

[Mr. Muhammad Nauman.]

be at all afraid. You have used an unparliamentary remark, but I will not do that and this is the difference.

Pandit Nilakantha Das: On a point of order. The Honourable Member is not addressing the Chair.

Mr. Muhammad Nauman: In supporting the particular amendment, my submission would be that there is nothing in it on which any Member of this House should have any difference with us.

Sir, I do not want to recite the stories or the facts, which are on the records of this House and the other Houses of Legislature where the other nation had showed the mentality which compelled us to have some sort of reservations to voice our feelings and safeguard our interests. In this connection, with your permission, Mr. Chairman, I may remind the House about the Aligarh University Bill of 1937 which only sought that the Muslim University of Aligarh should be given powers to affiliate Muslims colleges in other parts of India, and the public opinion which was expressed by our sister community the Hindus was that they did not approve of that idea, and the Bill was shelved for all times to come. That shows what has been the current running through in this country, and however much we may dislike it, however much we may like to clear up the atmosphere, and however much we may lament the present state of affairs, the unfortunate fact is there and we have to face the facts. In seeking to make this amendment, we are not trespassing on anybody's rights. We will remain a minority; my representative will be in a minority in that committee of three, and for that reason I do not see what harm could there possibly be in this amendment being accepted by my Honourable friends belonging to the Hindu community. I hope and trust that they in their heart of hearts feel that this should be done till such time as we are able to hold our own. Of course time may change. And then things may change automatically. In that case it will not be difficult for my Hindu friends to amend this section at any moment. Things would be different if both the nations work together in a better manner and with better out-look than what is being done at present. With these few remarks I support the amendment of my Party.

Sardar Sant Singh: Sir, I have the most unpleasant duty of opposing this amendment. My reasons for doing it are that if communalism is to find a place on the Statute book of India

Nawabzada Muhammad Liaquat Ali Khan: But it is there.

Sardar Sant Singh: . . . I am at one with my Honourable friends if they include me also with them. If the Honourable the mover of this amendment had chosen to say that as three members are to be appointed, one should be Hindu, another a Muslim and third a Sikh, he would have been perfectly justified and I would have supported the amendment.

Nawabzada Muhammad Liaquat Ali Khan: It was not considered necessary.

Sardar Sant Singh: I would not have heard this argument that they claim one seat there because if it is conceded to them Muslims will still be in a minority. Well, if they had included me I can assure my Honourable friends that there would have been no majority and no minority. I have been fighting for my rights, but unfortunately I haven't got big battalions behind me as my Honourable friend, Nawabzada Liaquat Ali Khan, has got behind him, although seven at least of the gentlemen sitting behind him have associations with me because they have the same appearance as myself

Nawabzada Muhammad Liaquat Ali Khan: Appearances are deceptive.

Sardar Sant Singh: . . . while on this side I only find one. Therefore, I will advise them that whenever they want communal representation on any body they should get a good share reserved for me, though I am not one who claims a separate nationality because I know that this phase of separate nationality is a temporary one with my Honourable friend and he will soon see that he and I will have the same form, the same shape, the same culture

Nawabzada Muhammad Liaquat Ali Khan: Not the same length of beard!

Sardar Sant Singh: Ask your friends who are sitting behind you.

Therefore, Sir, I submit that this amendment will not prove to be a thing of utility to Muslims. They must withdraw it and put a new amendment which I will support.

Mr. S. C. Chatterji (Nominated Non-Official): Sir, it is not without hesitation that I have ventured to stand up and make a few observations in the debate on this amendment. It is such a delicate ground, Sir, as angels may fear to tread. But I venture to come into the debate to make an appeal, if I may, to the Honourable Member who moved this amendment as well as to several other Honourable Members of the Muslim League Party, who have tabled similar amendments asking for reservation or special representation for Muslims on various bodies of the University. I entirely agree with the remarks made by several speakers already that it would be most regrettable if we in this country are driven so far as to ask for special representation on communal lines even on our educational bodies. Nevertheless, Sir, I think—and herein I differ both from Mr. Tyson as well as from several other Honourable Members who have already spoken—that one has to recognize that the Honourable Member who has moved this amendment and particularly Nawabzada Liaquat Ali Khan have made out a case, to my mind a most convincing case, for, at any rate, entering a protest against the record of the Delhi University for the manner in which some of their bodies have in the past been composed. I think, Sir, the argument of Mr. Tyson in so far as it had referred to the Delhi University has been successfully rebutted by Nawabzada Liaquat Ali Khan and cleverly used for his own purpose. The composition of some of the bodies of the University being what it is, Nawabzada Liaquat Ali Khan is perfectly right in pointing out that it could not be expected of such bodies that they would condemn themselves in a matter like this. Sir, I belong to one of the smallest communities in the country, but I believe that this community has a peculiar feature, and to my mind a happy feature. It is a community which is composed of people who are drawn from all the principal and minor communities of India. It is perhaps possible for me, as it is not possible for a member of one of the major communities in a matter like this to appreciate the point of view of the other side. As I have said, if one would face facts, even facts which may appear to be discreditable to a temple of learning, one ought to face them and to recognise them. I do not, therefore, say, Sir, that there is no case for a demand such as this, unfortunate though I consider that demand to be, not in national interests but in the interests of education. The main purpose of university education is to liberalise the mind, and I appeal to my friends of the Muslim League Party to consider whether—though their grievances to my mind are genuine and their complaint of long standing—it would redound at all to the credit of this House and to our country if we were to make an act which would advertise the fact that even in a temple of learning we could not rise above communal prejudices.

Sir Muhammad Yamin Khan (Agra Division : Muhammadan Rural): Sir, on this point I think there ought not to have been two views, but the debate has taken a turn which, though we suspected it might take, we never expected that it would actually take this turn. I would have been very glad if my friend, Sardar Sant Singh, had also moved an amendment to safeguard his interests, but because he has failed to do this I do not know why he should think that we have done something wrong. His existence in this House is simply because the Sikh community had been given separate representation, and it is for the Sikhs to take up the matter wherever it concerns their community. It is a wonderful argument that because the Sikhs have failed to advocate their own cause or to safeguard their interests, therefore the Muslims should be penalised for that.

Sardar Sant Singh: No, no. May I offer a few words by way of personal explanation. I never said that. What I said was that if there are to be communal representations, nobody is justified to disregard other communities in India.

Sir Muhammad Yamin Khan: I never said this. Does our amendment say that we disregard the Sikh community? We only say give us one. Now it is for Sardar Sant Singh to say that the other two may be given to his community. Let him justify his case. But I feel that on two grounds it was absolutely unnecessary for him to do so. If he would look at the question which he tabled today he will find that in one question he is asking about the total number of staff working in a branch and how many of them are Hindus, Muslims and Sikhs. Now, he has never been shy in advocating the cause of his own community. He wants to see that, not only in a big institution like the university but in every section of the Government, the Sikhs are adequately represented. I give him credit for this. But let him accept that we are also in the same boat as he is when he feels that if the Sikh is not in any particular branch his cause may be suffering. In the same manner the Muslims feel that if they are not represented properly in any institution then their cause may also be suffering. He has quoted the case of a fellow who was a Hindu but because he wanted a job he grew a beard and got a post as a Sikh. When it is so easy to obtain jobs, it surely requires great checking and Government cannot be in the know as to who is really a Sikh and who is not. If people can become Sikhs by a little barber's negligence and the next day embrace Sikhism, it is rather a very difficult question for the Government.

Sardar Sant Singh: May I inform the Honourable Member that the Government have issued circulars on that point. I am simply surprised at the ignorance, these circulars which were discussed in this House are to the effect that any person who gets a job and then cuts off his hair and becomes a Hindu, he loses his job. You need not be afraid of that.

Sir Muhammad Yamin Khan: I quite agree

Mr. Chairman (Mr. Hooseinbhoj A. Lalljee): Order, order. The Honourable Member must confine himself to this amendment.

Sir Muhammad Yamin Khan: I am doing so. But why did not Sardar Sant Singh table his amendment? I think it was due to the fact that the Pro-Chancellor is a Sikh, that his community is very well represented there and that his interests were in safer hands.

Now, Sir, I do not want to be hard on the claims which had been made by my friend, Mr. Chatterji, and I think his speech on the whole was fair, and though he opposed our amendment that opposition showed, as was revealed by his speech, that the attempt was half-hearted and he thought that it was his duty that he must oppose us, otherwise I think that the trend of his speech was that he was going to support us. In his case, too, I sympathise with him that a man belonging to a Brahmin community, as his name shows, should cease to be such and that by the mere change of his religion he should get into a different community.

Mr. Amarendra Nath Chattopadhyaya: He is a Christian.

Sir Muhammad Yamin Khan: But a Brahmin can be a Christian.

Mr. Amarendra Nath Chattopadhyaya: No, no.

Sir Muhammad Yamin Khan: That is a fact. I sympathise with the Honourable Member that in spite of his belonging to the greatest community and the highest caste, a mere change of religion can change him from one community to another. Therefore, I do not want to go into that. Let us take it as a practical proposition. Let us not bring heat into this. Before 1905 we know what the condition was in the political institutions. We had joint electorates everywhere and it was felt by a man like Mr. Gokhale,—a man of the position of Mr. Gokhale was the first to advocate that the Mussalmans should have proper representation.

Dr. P. N. Banerjee: That is not correct.

Sir Muhammad Yamin Khan: Yes. If the Honourable Member desires, I can give him his speeches in many places and they have been quoted by Mr. Jinnah in his presidential address. In 1905 the Muslim League was formed in order to safeguard the interests of the Muslims so that they may get their

places even in institutions like the municipal boards and the district boards. The League pressed their claims until in 1908 this principle was conceded in the Minto-Morley reforms, because facts and figures at that time were worse than what have been revealed to-day by Nawabzada Liaquat Ali Khan. Therefore the principle was accepted, namely, that separate election was necessary in order to introduce members of the Muslim community.

Bhai Parma Nand (West Punjab: Non-Muhammadan): What were Mr. Jinnah's views in those days?

Sir Muhammad Yamin Khan: Till 1935 he was for joint electorates with reservation of seats. Now he finds it is hopeless to stick to those views. A man like Mr. Jinnah whose life was a challenge to his own community has now been converted and he finds that it is really hopeless.

Mr. Lalchand Navalrai: Have you not misled him?

Sir Muhammad Yamin Khan: Have we misled him or your community has led him, by the actions and misdeeds of my friends who made him come to this side? Probably this debate will make him more staunch.

Bhai Parma Nand: And would have converted Mr. Gokhale also!

Sir Muhammad Yamin Khan: I do not want to talk about Mr. Gokhale. He is dead and gone. He was a great soul, respected by every Indian at that time. Now, Sir, the very existence of many of Honourable Members here is simply due to their belonging to a particular community. Even my friend, Sir Cowasjee Jehangir, would not have been in this House if he had not been so very popular with many sections in his own city. As we find our place in this House on account of representation given to different communities, it is not right for us to say that we do not adhere to that principle as long as that exists, but for practical purposes I will say one thing. Is it or is it not a fact that in the country there is a spirit where the members of one community do not want to give their votes for another community? Do you want to ignore this fact, or should we take into consideration facts as they are in this country? I am sure no Member in this House will deny that there is a great deal of communalism outside the House. Even when we are deliberating here, even the smallest suggestion from one side makes a dozen others on the other side to get up and oppose, and that reflects the condition in the country outside. Can you, in these circumstances, exclude the fact that Mussalmans have got no chance whatever of getting into this committee.

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

A seat ought to be reserved for the Mussalmans. Is there any other way? The Government have recognised this principle; even their Executive Council is composed of members of different communities. Members of communities who are not represented in the Executive Council have been clamouring that they must have representation in the Executive Council where the decisions are taken sometimes jointly. If that is so, for the working of education of a big city like Delhi, if you want the people of Delhi to be educated, then all classes and all communities of Delhi must have a fair play in their education and anything which adversely affects those communities must be removed. Here when you have to elect a Vice Chancellor, the Vice Chancellor may not care at all for the Mussalman community. The population of the Delhi City is about 50 percent Muslim, but if the populations of Delhi and New Delhi are taken together, Muslims come to 40 per cent. Then is it unreasonable when we ask that out of three at least one should be a Muslim, and that also not by election? The Mussalman who may come may practically be under the thumb of the other community too or of the Government. Therefore, I do not think that there is any danger whatever in accepting this demand. If we had said that there shall be a proper electorate by which the Mussalman will be brought in here, that may have affected the question, but here how is this Mussalman

[Sir Muhammad Yamin Khan.]

to come in? That is very well safeguarded to see that there is no communalism coming. The Mussalman will know how the Muslim education is suffering, if their education is neglected or if they want something more, he will represent this to the Vice Chancellor who will feel in his heart that he owes also something to the Mussalmans, and he will be fair and just to all the communities. That is the only safeguard. We do not say that the Vice Chancellor may be a Mussalman, or half the Vice Chancellor should be Mussalman and half should be Hindu. No such absurdity is there. We are making only a very meagre demand, that the Committee which will appoint this Vice Chancellor must have at least one Muslim on it. The Mussalman may be an official, I do not know how he will come, but we want that at least one Mussalman must be there. That is the point.

How can the Government ignore or refuse to accept that principle which they have accepted from 1908 up to this time—the principle that the Mussalmans cannot come in without separate electorates and that wherever they cannot come in they must have separate representation. Of course, we would not have demanded it, if there had been fair play towards the Mussalmans. We are very sorry that there should be this condition of affairs but has this condition been brought about by us? The figures quoted by Nawabzada Liqat Ali Khan show how the claims of the Mussalmans have been ignored. Therefore, there is justification for this amendment. Whenever this demand comes up, it comes up because of suppression and oppression, or on account of negligence. The Hindi proverb says that Krishan will rise whenever there is a Kans and the Kans is the evil spirit of crushing another people and therefore the spirit of Krishanism must supersede the spirit of Kansism of trying to keep the Muslims away from power. Therefore this motion is not wrong and the more my friends will

oppose it the more the Mussalmans will be forced to see that their demand is met. As their demand is more and more suppressed, it will become more and more just, because in the words of a poet:

*"Islam ki fitrat men Qudrut ne lakhuk di hai
Ubhrengi hum utnahi jitna ke dabadenge."*

Nature has provided elasticity like that in a spring in Islam, we will rise as much as we will be pressed down.

With these words, I support the motion.

An Honourable Member: I move that the question be put.

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

"That the question be now put."

The motion was adopted.

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

"That in clause 5 of the Bill, in part (c) of the proposed proviso after the word 'whom' the words 'one being a Muslim' be inserted."

The Assembly divided:

AYES—21.

Abdul Ghani, Maulvi Muhammad
Abdullah, Mr. H. M.
Azhar Ali, Mr. Muhammad.
Bhutto, Mr. Nabi Baksh Illahi Baksh.
Choudhury, Mr. Abdur Rasheed.
Choudhury, Mr. Muhammad Hussain.
Essak Sait, Mr. H. A. Sathar H.
Ghiasuddin, Mr. M.
Kamaluddin Ahmad, Shams-ul-Ulema.
Lalljee, Mr. Hooseinhoy A.
Liaquat Ali Khan, Nawabzada Muham-
mad.

Murtuza Sahib Bahadur, Maulvi Syed.
Nairang, Syed Ghulam Bhik.
Nauman, Mr. Muhammad.
Shahban, Khan Bahadur Mian Ghulam
Kadir Muhammad.
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.

Ahmad Nawaz Khan, Major Nawab Sir.
Aiyar, Mr. T. S. Sankara.
Ambedkar, The Honourable Dr. B. R.
Banerjee, Dr. P. N.
Bentham, The Honourable Sir Edward.
Bewoor, Sir Gurnath.
Chapman-Mortimer, Mr. T.
Chatterji, Mr. S. C.
Chattopadhyaya, Mr. Amarendra Nath.
Daga, Seth Sunder Lall.
Dalal, Dr. Sir Ratanji Dinshaw.
Dalpat Singh, Sardar Bahadur Captain.
Dam, Mr. Ananga Mohan.
Das, Pandit Nilakantha.
Imam, Mr. Saivid Haidar.
Jawahar Singh Sardar Bahadur Sardar Sir
Joshi, Mr. D. S.
Kailash Bihari Lall, Mr.
Khare, The Honourable Dr. N. B.

Lalchand Navalrai, Mr.
Mackeown, Mr. J. A.
Maitra, Pandit Lakshmi Kanta.
Maxwell, The Honourable Sir Reginald.
Mehta, Mr. Jamnadas M.
Pai, Mr. A. V.
Parma Nand, Bhai.
Raisman, The Honourable Sir Jeremy.
Ray, Mr. Renuka.
Roy, The Honourable Sir Asoka Kumar.
Sant Singh, Sardar.
Sargent, Mr. J. P.
Spear, Dr. T. G. P.
Spence, Sir George.
Sultan Ahmed, The Honourable Sir.
Thakur Singh, Major.
Trivedi, Mr. C. M.
Tyson, Mr. J. D.

The motion was negatived.

Sir George Spence (Secretary, Legislative Department): Sir, I move:

"That in clause 5 of the Bill, in clause (c) of the proposed Proviso the word 'three' where it occurs for the last time be omitted."

This amendment is designed to remove a flaw in this clause to which the Honourable Dr. Banerjee referred yesterday. It is, of course, a pure mistake. The first sentence of the clause provides that the Committee shall select not less than three persons. They may therefore select more than three persons and if they do, the Executive Council will make its recommendations on all the persons selected and not only on three of them. So we have got to get rid of the word 'three' where it occurs in the second sentence. Sir, I move.

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

"That in clause 5 of the Bill, in clause (c) of the proposed Proviso the word 'three' where it occurs for the last time be omitted."

The motion was adopted.

Clause 5, as amended, was added to the Bill.

Syed Ghulam Bhik Nairang: Sir, I move:

"That clause 6 of the Bill be omitted."

This clause, as the House will see from the Bill before it, is to this effect:

"In section 12 of the said Act, in sub-section (5), the words 'in accordance with this Act, the Statutes and the Ordinances' shall be omitted."

Mr. Jamnadas M. Mehta: May I, Sir, make a submission?

Mr. President (The Honourable Sir Abdur Rahim): Is it a point of order?

Mr. Jamnadas M. Mehta: Sir, I only heard you putting the amendment of Sir George Spence. Afterwards I did not hear you. It was not possible to hear. I did not hear that the whole amended clause 5 was put.

Mr. President (The Honourable Sir Abdur Rahim): Yes, I put it.

Mr. Jamnadas M. Mehta: Then, it is my misfortune that I did not hear it.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must be more alert.

Syed Ghulam Bhik Nairang: Now, Sir, the proposed amendment in the Bill seeks to amend sub-section (5) of section 12. That sub-section reads thus:

"The Vice-Chancellor shall give effect to any order of the Executive Council regarding the appointment, dismissal or suspension of an officer or teacher of the University, or regarding the recognition or withdrawal of the recognition of any such teacher, and shall exercise general control in the University. He shall be responsible for the discipline of the University in accordance with this Act, the Statutes and the Ordinances."

The amendment seeks to do away with the last words "in accordance with this Act, the Statutes and Ordinances". It does not appear how the omission of these words from sub-section (5) of section 12 will improve matters. Apparently, the responsibility of the Vice-Chancellor for the discipline of the

[Syed Ghulam Bhik Nairang.]

University in the absence of the restriction imposed by the words sought to be omitted will leave him an autocratic ruler, the master of all he surveys. Therefore, I submit that these words should not be deleted. They appear to be perfectly salutary and necessary and this clause of the Bill should, therefore, be omitted. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved: "That clause 6 of the Bill be omitted."

Mr. J. D. Tyson: Sir, the words which we seek in the amending Bill to remove from this section of the Act are, in our opinion, unnecessary, otiose and possibly mischievous. They require that the Vice-Chancellor shall be responsible for the discipline of the university "in accordance with this Act, the statutes and the ordinances". Now, Sir, it might be argued and, in fact, has been argued that in the matter of enforcing discipline the Vice-Chancellor cannot go outside what is written in the Act, the Statutes or the Ordinances. For example, he could not send students down for drunkenness or some other misdemeanour because, as a matter of fact, neither in the Act nor in the statutes nor in the Ordinances is there any catalogue of the possible misdemeanours of students or of the punishments which he can apply. The danger which, I think, my Honourable friend opposite has in mind is that if we remove these words the Vice-Chancellor will become, as he said just now, an autocrat and be enabled to act perhaps in defiance of the Act, Statutes and Ordinances. But in subsection (2) of the same section of the Act, it is laid down that "it shall be the duty of the Vice-Chancellor to see that the Act, statutes and the ordinances are faithfully observed and he shall have all the powers necessary for this purpose". Even without that it is quite clear that the Vice-Chancellor cannot act contrary to the Act, statutes and ordinances, but the existence of this phrase which we are now seeking to delete may hamper the Vice-Chancellor, in the absence of a complete catalogue of the possible misdemeanours which may call forth his powers of discipline. There is no danger in removing this phrase and on the other hand, it is really necessary. I may add that in the Select Committee, in order to demarcate perfectly clearly what is the field of the Vice-Chancellor's responsibility in the matter of discipline and that of the Principals of the Colleges, we added some words to Statute 33, clause 5 (which will be found at page 16 of the printed Bill now before us) to make it clear that discipline in the Colleges is for the Principal to enforce and that the reference here is to discipline in the University. Sir, I cannot accept the amendment.

Nawabzada Muhammad Liaquat Ali Khan: Sir, I am afraid the speech of my Honourable friend the Education Secretary is anything but convincing. He started by saying that the retention of these words might be mischievous, but he did not tell us as to how the retention of these words was mischievous.

Mr. J. D. Tyson: I am sorry if I did not make myself plain. I said that it might prevent the Vice-Chancellor from 'inflicting punishment' because punishment is not provided in the Acts, statutes and ordinances.

Nawabzada Muhammad Liaquat Ali Khan: As my Honourable friend knows the ordinances can be framed by the University itself, and therefore in cases where punishment is necessary, the University authorities can frame the ordinances. Now, Sir, this Act has been in existence for over 20 years. The need for removing these words has never been felt till now. You always make an amendment in an Act if it is found by experience that it has hindered the work of the administration of a particular institution. I was expecting that the Honourable the Education Secretary would give us some instances where it has been found that the retention of these words in the Act has acted adversely in the interest of the university. He is only talking in problematical terms. So far there has never been felt any need either by the Government or the University authorities to remove these words. I think that a little check on the powers of the Vice-Chancellor is a very desirable thing. If the Vice-Chancellor feels that with these words in the Act, he is not able to

perform his duties to the best of his ability or to the satisfaction of all others, he has got the Executive Council and the Court there and they can certainly frame ordinances. Why are the Government anxious to remove any check on the Vice-Chancellor that may be provided in this Act? The Honourable Member referred to Part II of section 12 and he quoted that it shall be the duty of the Vice-Chancellor to see that these Acts, statutes and ordinances are faithfully observed and that he shall have all the powers necessary for this purpose. Does he mean that he visualises a Vice-Chancellor where this might be on his conscience and he would like to have a more free hand to do as he pleases. Of course it is the duty of the Vice-Chancellor to see that all the laws and the statutes are observed. I therefore suggest that the Government have not made out any case whatsoever for the deletion of these words. On the contrary I consider that the retention of these words is wholesome.

Mr. Lalchand Navalrai: Sir, I am sorry to hear since this morning mostly on all the amendments my Honourable Mr. Tyson is harping upon the fact that because the Select Committee has agreed with him, therefore it should be more or less final and should be accepted by the House without further question. If what the Select Committee says should be the final word, then what is the good of tabling all these amendments? Why should a Bill come back to the House after the Select Committee has reported? If the Government should come back and say that the Select Committee has done such and such a thing, therefore it is one of the final reasons on behalf of the Government, what is the good of the House then? After all the Select Committee is the daughter of this House. It is not the mother of this House. The Committee is selected by this House and when the Select Committee makes certain suggestions, the mother must enquire into them and see whether they are rightly done or not.

An Honourable Member: Those days are gone.

Mr. Lalchand Navalrai: They have gone outside in the outer atmosphere and not in this House. That should not deter us from giving our own opinion and press for the thing that the House wants.

Coming to this amendment, I am not able to understand why this change is going to be made in section 12. If once for all it were said that unlimited and unfettered powers are to be given to the Vice-Chancellor in respect of discipline, then that would be a different question. Here this is not going to be said. Here on the contrary it is being pleaded one way and the result is being asked the other way. It is said that the Vice-Chancellor has got to do his duties according to the Statutes, Acts and Ordinances. Clause (2) of section 12 has been pointed out by the Honourable Member himself. But then subsequently when similar words appear with respect to the discipline of the University and the power of the Vice-Chancellor, he says take away those powers, they will not be in accordance with the Act, Statutes and Ordinances. Then, it would mean this. If one were to read clause 2, then one would say that the Vice-Chancellor has got to do things according to Acts, Statutes and Ordinances. But then they will say if these words are taken away, similar words are there with regard to ordinances also. If the words are taken away, the consequence will be that it would be taken away with respect to discipline. Clause 2 does not apply at all. Then, it would be a blank cheque to be given to the Vice-Chancellor in respect of disciplinary powers which he will have to exercise. I think the difficulty that the Honourable Member pointed out is with respect to misdemeanour or misbehaviour of certain persons that he has disciplinary powers and he should be given discretionary powers, i.e., he should act in any manner he likes. I will not be a party to that and no such power should in fairness be given which may be abused, however honest and bona-fide his action may be. But there may be an error in that action and therefore a blank cheque should not be given. It has been said that if they want to check misdemeanour let an ordinance be made. Ordinances will be made by the university where the Vice-Chancellor will be the Chairman and the Executive Council will not be so

[Mr. Lalchand Navalrai.]

unreasonable as to oppose him when he is in the right. Therefore these words should remain, otherwise the whole thing will be misleading. It will mean that he is to act according to the Ordinances in certain matters and in the case of discipline he is himself the master. Sir, I support this amendment.

Mr. J. P. Sargent (Government of India: Nominated Official): Sir, I am not sufficiently conceited to hope for a moment that I can remove the apprehensions of my Honourable friend the Deputy Leader of the Muslim League Party in regard to this particular matter. But this, I would ask him to believe, is really a question of practical administrative convenience. I remember an occasion on which this particular difficulty arose in the Executive Council of the university when I was present. Certain difficulties had arisen in the university with which the Vice-Chancellor had thought it was necessary to deal. There was not any difference, as far as I remember, in the Executive Council as to the rightness of the action which the Vice-Chancellor had taken. But the question was raised as a technical issue as to whether in view of these particular words and the absence of any statute or ordinance authorising the Vice-Chancellor to take action in a case of that kind his action was in fact in order or not. And it was then agreed that this point ought to be clarified when the next suitable occasion should arise for promoting legislation. And I remember an instruction being given to the Registrar accordingly, and no doubt that led to the appearance of this among the submissions from the university. I think people familiar with the difficulties which may confront university officers will realise the practical impossibility of framing a code of statutes or ordinances which will cover every possible emergency, still less every possible misdemeanour which the ingenuity of youth can devise. I do not know what the size of such a code would be; but on the other hand if there is any risk that the Vice-Chancellor is liable or that any Vice-Chancellor would be liable to exceed his prerogative and act in an arbitrary manner, it is up to the appropriate bodies in the university to devise a statute or ordinance covering any particular disciplinary question or misdemeanour question. This will give a line to the Vice-Chancellor which he is just as much bound to follow as any other member of the university, once the thing is embodied in a statute or ordinance. It is much more convenient to limit the Vice-Chancellor's powers by definite statute in ways in which the university might think it was necessary rather than to attempt to devise a code which would cover all possible emergencies with which he might be called upon to deal. This matter was discussed at great length at that time and I think it is significant that none of the university bodies who were consulted have raised the slightest objection to the deletion of these words.

An Honourable Member: The question may now be put.

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

"That the question be now put."

The motion was adopted.

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

"That clause 6 of the Bill be omitted."

The motion was negatived.

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

"That clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

Dr. Sir Zia Uddin Ahmad: Sir, I move:

"That after clause 6 of the Bill, the following be inserted and the subsequent clauses be re-numbered accordingly:

Amendment of section 14, Act VIII of 1922.—In section 14 of the said Act, the proviso be omitted."

This is only a question of convenience in accountancy. The proviso to section 14 says that in the case of any vacancy the Chancellor may, on the recommendation of the Executive Council, direct the Registrar to act as Treasurer.

But the Registrar is the sanctioning officer and the Treasurer is the disbursement officer, and we always have two different persons, one for ordering payment and another for making the actual payment. The two things should not be done by the same person. Therefore in the interest of accounting convenience I suggest that in the absence of the Treasurer some person other than the Registrar should be appointed in his place. Sir, I move.

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

"That after clause 6 of the Bill, the following be inserted and the subsequent clauses be re-numbered accordingly:

7. Amendment of section 14, Act VIII of 1922.—In section 14 of the said Act, the proviso be omitted."

Mr. J. D. Tyson: Sir, we have not regarded this as a serious flaw in the Act, if it is a flaw at all. I imagine that the kind of emergency which this proviso is intended to meet is the unexpected death or resignation of the Treasurer when a short acting vacancy occurs and the person on the spot to fill the vacancy is the Registrar. We have had such cases, the case of the late Sir Raghavendra Rau being the most recent one. The vacancy is short and a new Treasurer is appointed as soon as possible. I think it would be wrong, and of course it would really be impracticable for the Registrar with his own work to do to go on being Treasurer for a long time. I hope my Honourable friend will not press the amendment.

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

"That after clause 6 of the Bill, the following be inserted and the subsequent clauses be re-numbered accordingly:

7. Amendment of section 14, Act VIII of 1922.—In section 14 of the said Act, the proviso be omitted."

The motion was negatived.

Syed Ghulam Bhik Nairang: Sir, I move:

"That clause 7 of the Bill be omitted."

Clause 7 seeks to amend section 22 of the Act in certain respects; that is to say, a new clause (ff) is sought to be added after clause (f). It is to this effect:

"That the Executive Council shall have power, subject to the Statutes, to recognise or withdraw recognition from a College or Hall not maintained by the University."

There are other powers which are conferred on the Executive Council by Act 8 of 1922—of course they are specified in that section, and I need not read out that section in extenso. The clause which is proposed to be added as (ff) confers on the Executive Council the power to recognize a College or Hall, or to withdraw recognition from a College or Hall, and we submit, Sir, that that is giving too large an order to the Executive Council. The power of recognition or withdrawal of recognition should remain where it is today and there is no need to entrust larger and more drastic powers to the Executive Council. Sir, I move.

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

"That clause 7 of the Bill be omitted."

Mr. J. D. Tyson: Sir, as has been stated, at present the power to recognize and to withdraw recognition of Colleges and Halls lies with the Court. The Court is a very large body comprising, I think, more than 120 persons many of whom are not resident in Delhi. It meets once annually unless specially called. It cannot for a moment be claimed that it is in touch with the day-to-day position in the university, and in putting forward this amendment to the present Act we have felt that, in this matter of recognition, we were doing the right thing in recognising the Court as a legislative body and recognising and using the Executive Council as the principal executive body of the university. We feel that it is right that the Court should lay down the terms and conditions on which recognition should be accorded or for failure to comply with which recognition should be taken away, but that when it comes to the application of those rules the Executive Council is the appropriate body for the purpose. Merely from the practical point of view, I do not think it is likely that one would ever get a matter of this kind properly handled in a body

[Mr. J. D. Tyson.]

like the Court. It is not really a businesslike body and we have been twitted on this side of the House by my Honourable friend, the Leader of the Congress-Nationalist Party, whose attention I am afraid I have not been able to attract, for not taking a firm line with some of the Colleges which in his opinion have been misbehaving. So now I shall expect his support—though I shall not expect it very confidently—in this matter, when we are legislating to ensure that the university itself should be given the power to take a firm line. For I cannot believe that a body constituted as the Court is constituted is suited or was ever really intended to deal with such matters as the taking away of recognition. We attach great importance, I may say, on this side to the carrying of this amendment of the Act which we consider will be definitely for the good of the university in the matter of recognition and taking away recognition.

Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan Urban): May I ask which body has the power to recognize or withdraw recognition in the case of the Dacca University which, I believe, is the latest university established by the Government? I do not know that; I simply want to know.

(No answer was given.)

Mr. Lalchand Navalrai: Sir, this function of withdrawing recognition from a College or Hall cannot be denied to be a very serious matter, and I cannot understand why that power should be taken away from the Court, which is the highest authority. In regard to this function, it is safer that the power should be in the hands of the Court. After all, if any matter of withdrawal of recognition has to be adjudicated by the Court, it shall have to come up through the Executive Council who will no doubt express their views. I would always like to see that the powers and privileges of the Court are not lightly treated, and therefore I am submitting that the present system, which has been in use for a very long time and in the working of which there has been no difficulty, should not be discontinued.

My Honourable friend, Mr. Tyson, has said that there are many members on the Court and they may not be able to meet frequently and there may be difficulties on that score. I have seen about a hundred members of the Court assembling when any meeting has been called and I do not think there is any difficulty in respect of that. Therefore, I would submit that the present system should be allowed to continue.

Dr. Sir Zia Uddin Ahmad: Sir, I should like to know what is contemplated in practice. Will the recognition be given by the Executive Council or the Executive Council will only recommend to the bigger body? As regards the recognition, it is not a serious matter. If the Council recognizes, the matter ends there; I have no objection. But the question of withdrawal of recognition is a serious matter and this cannot be left to a smaller body alone. If my Honourable friend would consult the older Acts drafted and enacted during the regime of Lord Curzon, he will find that the power of recognition is not given to the Syndicate—a smaller body. It is always invested in the Senate, that is the bigger body, and the Senate has been replaced in these modern Universities by the Court. In no university the withdrawal of recognition can be left to the smaller body alone. They are the persons who should initiate and examine the whole thing, but the actual withdrawal question should go to the Senate and I think it would be quite right even if the opinion of the Court is not final. There should be a provision for appeal to the Chancellor. Its importance can be judged from the speeches that we had this afternoon. I think it is extremely important that the Executive Council should recommend to the Court about the withdrawal of recognitions, and the power for withdrawal should be in the hands of the Court which is a bigger body, but the Managing Committee of the Colleges whose recognition has been withdrawn should have a right to appeal to the Chancellor. So I think it will be a very weak point in the Act if you give this power of withdrawal of recognition to a smaller body like the Executive Council. In the case of recognition I do not seriously object because there is no harm done, but in the case of the withdrawal of recognition we have to be very careful.

Nawabzada Muhammad Liaquat Ali Khan: I support the amendment which has been moved by my Honourable friend, Mr. Nairang. The Honourable the Education Secretary said that it was not advisable to place this power of withdrawal of recognition in the hands of the Court and it was more advisable to allow the Executive Council to have this power. I am afraid I have not been able to understand the logic of it. Is my Honourable friend afraid that in a meeting of the Court which is open to the public there is likely to be greater searchlight into the actions of its members than there will be in the action of the members of the Executive Council? Sir, if we take into consideration the constitution of the Executive Council as provided in this Bill, we would find that in actual practice we will be placing this power of withdrawal of recognition in the hands of one individual, and that individual, I submit, is the Vice-Chancellor. Sir, according to the provisions of the Act the members of the Executive Council are to be:

- The Superintendent of Education, Delhi and Ajmer-Merwara;
- The Deans of the Faculties;
- The Principals of recognised Colleges;
- The Educational Adviser to the Government of India;
- Five members of the Court elected by the Court at its annual meeting, of whom at least two shall be graduates of the University elected by the registered graduates from among their own number:
- Two members of the Academic Council;
- Two members to be appointed by the Professors of the University;
- Four persons nominated by the Chancellor, of whom at least two shall be women.

The composition of this Executive Council would show that it would be a body where the representatives will be either of the Government in the form of ex-officio members or employees of the University over whom the Vice-Chancellor will have great control. So, I submit, that it will be inadvisable to leave the power of withdrawal of recognition in the hands of a body like this. Sir, if you have this power given to the Court, there is always a check as to how the members of the Court behave because of public opinion. The proceedings of the Executive Council, I understand, are confidential, and therefore there is greater chance of misuse of power by a body like this than there would be in the case of a body like the Court, and as has been pointed out, I do not think—I stand to correction—that there is any university where the Executive Council enjoys absolute power of withdrawal of recognition. Therefore, I submit that the amendment which has been moved is necessary and it is in the interest of all those institutions in Delhi that are not lucky enough to have adequate representation on the Executive Council.

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

"That clause 7 of the Bill be omitted."

The motion was negatived.

Syed Ghulam Bhik Nairang: Sir, I move:

"That in clause 7 of the Bill, to the proposed clause (ff) the words 'and subject to confirmation by the Court' be added at the end."

I thought, Sir, that the amendment which has just been negatived, would be agreed to by Government, but that was not to be. In the interests of the considerations which have been sufficiently detailed in the debate on the last motion, it may serve my purpose, Sir, if the present amendment is agreed to, because, as has been pointed out, the action of the Executive Council in according recognition to a college may perhaps not be a matter of such great moment, but the withdrawal of such recognition may be a matter of life and death to that college and may harm very vital interests, and to leave the power of withdrawing of such recognition in the hands of a small body of persons composed mainly of officials with a one-sided mentality, of which we have had some exhibitions in the course of the debates so far about this Bill, I submit, Sir, would be very unsafe, and in order to inspire confidence in the machinery by which the University is sought to be administered under

[Syed Ghulam Bhik Nairang.]

the amended law, I think, Sir, it would be only wise on the part of Government to accept this amendment and to add to the powers which they seek to confer on the Executive Council the rider, "subject to confirmation by the Court". After all the Court is not only a statutory body created by the University Act but a body theoretically of the highest authority in the University. Why that body should be distrusted and power snatched from it and conferred on a body which, I may be pardoned for saying, will not inspire so much confidence as the larger body of the Court can, I cannot understand. The heavens will not fall. Nobody will be harmed. This condition which is a very simple one, but of very great importance, should be accepted by the Government and this amendment should be carried. Sir, I move.

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

"That in clause 7 of the Bill, to the proposed clause (ff) the words 'and subject to confirmation by the Court' be added at the end."

Mr. J. P. Sargent: Sir, I happen to be a member both of the Executive Council of the University and of the Court of the University, and therefore you will naturally expect me to speak with the utmost respect of both those bodies. It is merely a question in my mind of which is the best way of doing effective justice should any case of recognition or de-recognition arise. Now, my Honourable friend, the Secretary of Education, Health and Lands, said in connection with the last amendment that the question of the general principles which governs the grant or withdrawal of the grant is a matter which can be laid down by the legislative body, i.e., the Court. The question whether in any individual instance the behaviour, if I may use that word, of a college, or a prospective college, is such as to deserve recognition or has been such as to deserve withdrawal of recognition is a matter of practical administration, which, in my opinion, ought to be settled by people who are familiar with the day-to-day administration of the University. It is not a reflection of any kind on any individual, but as the members of the Court, as is well known I believe in this House, meet only once a year, are a large body and in many cases do not even live in Delhi, and I venture to say, in many cases are not and would not claim to be familiar with the day-to-day administration of the University, if I had to appear before a tribunal on a matter of considerable importance, I think, as a practical person, I would regard the Executive Council as a body much more likely to do essential justice in matters of this kind than the Court. I would remind Honourable Members that in another section which we shall subsequently be discussing a safeguard has been provided against what one might call capricious or hasty withdrawal of recognition from any college of the University.

An Honourable Member: What is the safeguard?

Dr. P. N. Banerjee: I dealt with this question yesterday in the course of my speech, and it was not my intention to intervene today in the debate on this subject, but the few words which fell from my Honourable friend, Mr. Sargent, have compelled me to say something on this matter. My Honourable friend says that affiliation and disaffiliation are matters of day-to-day administration. Is that correct? How many colleges are there under the Delhi University? There are only 7 or 8 colleges and recognition of these colleges and withdrawal of recognition from these colleges cannot be regarded as matters of day-to-day administration.

Mr. J. P. Sargent: Sir, on a matter of personal explanation, if my Honourable friend would permit me. I did not say that the granting and withdrawal of recognition in the case of colleges of the University was a matter of day-to-day administration. But I said that to do it properly and justly required a knowledge of the day-to-day administration of the University which I think is quite a different thing.

Dr. P. N. Banerjee: I stand corrected. But these matters are matters of an exceptional character,—affiliation and disaffiliation. How many instances can be cited where colleges have been disaffiliated? Very few. I am told not

one. In that case would it be very inconvenient for members of the Court to come and attend a meeting if such an important matter as disaffiliation of a college was being considered? I do not think that the members of the Court would find any difficulty. If they find any difficulty then they should cease to be members of the Court. Then it is to be considered whether the Senates of the different Universities have ever found it difficult to deal with questions of affiliation and disaffiliation. Has any difficulty arisen in Bombay? Has any difficulty arisen in Calcutta? Has any difficulty arisen in the Patna University? I have kept myself in touch with the decisions of the various universities in India and I know of no instance in which it can be said that the larger body has found it difficult to deal with questions of affiliation and disaffiliation. It is a matter of common knowledge that confidence is the crux of the whole problem in regard to affiliation and disaffiliation. And which body is likely to command greater confidence,—the Executive Council or the Court? On the Executive Council teachers of the University are represented in large numbers, the outside public is very meagrely represented there; whereas on the Court the public opinion of the country is well represented. Therefore, even if the initiative in the matter of affiliation and disaffiliation is taken by the executive body, the action of the executive body should be confirmed by the Court. That will give full satisfaction; otherwise there may be a sense of dissatisfaction.

Now, Sir, what does disaffiliation mean? Disaffiliation means the closing of a college. In India most of the colleges have been built up by the self-sacrificing efforts of individuals and by the generous donations which have been made by the public. It is true that in recent times Government has come forward with grants, but Government has been responsible for the establishment of only a few colleges. Therefore, to take away recognition from a college should be regarded as a very serious matter, and such a serious matter should not be entrusted to a small body of persons some of whom may be more or less under the control of the Government. Sir, I support the amendment.

Nawabzada Muhammad Liaquat Ali Khan: Sir, . . .

Mr. President (The Honourable Sir Abdur Rahim): As it is now one minute to five, the Honourable Member had better begin his speech to-morrow.

The Assembly then adjourned till Eleven of the Clock on Friday, the 6th August, 1943.

LEGISLATIVE ASSEMBLY

Friday, 6th August, 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

CHIEF ENGINEERS AND COMMANDERS, ROYAL ENGINEERS, IN MILITARY ENGINEERING SERVICE.

222. *Mr. Nabi Baksh Illahi Baksh Bhutto: (a) Will the War Secretary be pleased to state the total number of Chief Engineers and Commanders, Royal Engineers, in the Military Engineering Service in India? How many of them are Indians?

(b) With reference to the answer to starred question No 276 asked by Mr. Muhammad Azhar Ali on the 31st March, 1942, will the Honourable Member please state how many Indians have been appointed to these posts since April 1st, 1942?

(c) How many of them are Musalmans?

Mr. C. M. Trivedi: (a) Chief Engineers 4.
Commanders, Royal Engineers 34.

One of the latter is an Indian.

(b) One Indian has been appointed Commander, Royal Engineers.

(c) None.

MISSING INDIAN SOLDIERS AND OFFICERS IN FAR EAST.

223. *Mr. Nabi Baksh Illahi Baksh Bhutto: Will the War Secretary be pleased to state the number of those Indian soldiers and officers who were serving in the far East and whose fate is still unknown?

Mr. C. M. Trivedi: Officers	...	...	360
Viceroy's Commissioned Officers	...	...	1,487
Indian Other Ranks	...	...	71,693

It is known that many are prisoners of war, but the Japanese refusal to submit nominal rolls of prisoners of war in their hands to the Protecting Power for onward transmission to the countries concerned makes it very difficult to list our casualties under killed, missing and prisoners.

ONE-SCHOOL PROGRAMME ASSISTANTS OF THE ALL-INDIA RADIO.

224. *Mr. Nabi Baksh Illahi Baksh Bhutto: (a) Will the Honourable Member for Information and Broadcasting be pleased to state if it is a fact that nearly all the Programme Assistants in the All-India Radio belong to the same school of literature and represent the same school in the programmes?

(b) What is the number of Urdu (or Hindustani) poems in blank verse broadcast from Delhi, Lucknow and Lahore within a year?

(c) Is the Honourable Member aware of the fact that in Urdu blank verse does not exist and certain Programme Assistants and a Programme Director are giving it much more prominence than it deserves?

(d) Does the Honourable Member propose to suggest to the Controller of Broadcasting to see that Programme Assistants are posted to each station so as to represent all schools of Indian literature?

The Honourable Sir Sultan Ahmed: (a) Government are not aware that there are any recognised and well-defined "schools" of literature, nor is it a fact that the programmes reflect any such onesidedness as the Honourable Member suggests.

(b) Two.

(c) and (d). I am going into all these questions and hope to come to definite conclusion within the near future.

SETTLEMENT OF KAZAKS IN INDIA.

225. *Mr. Nabi Baksh Illahi Baksh Bhutto: (a) Will the Honourable the Defence Member be pleased to state what arrangements have been made for the settlement of Kazaks in India?

(b) How many of them have settled in Hyderabad and Bhopal?

The Honourable Malik Sir Feroz Khan Noon: (a) Pending arrangements for the permanent settlement of the Kazaks, they were maintained by the Government of India in a camp at Tarnawa in the Hazara District in the N.-W. F. P.

(b) 128 families have gone to Bhopal, but none have gone to Hyderabad.

Mr. Muhammad Nauman: May I know what particular facilities they were offered in British India, if they wanted to settle here?

The Honourable Malik Sir Feroz Khan Noon: None.

Mr. Lalchand Navalrai: Have they come to stay here permanently?

The Honourable Malik Sir Feroz Khan Noon: I am afraid I have not asked them that question.

Sir Muhammad Yamin Khan: Why were they removed from the Kohat District?

The Honourable Malik Sir Feroz Khan Noon: They were not in Kohat District.

Sardar Sant Singh: What is the meaning of the word 'Kazak'? Is it a Persian word?

The Honourable Malik Sir Feroz Khan Noon: You will have to consult some school master about that.

INDIANS CONNECTED WITH THE INDIAN ARMY, NAVY AND AIR FORCE IN SOUTH AFRICA.

226. *Mr. Govind V. Deshmukh: Will the War Secretary please state:

(a) if there are any Indians connected with the Indian Army, Navy and Air Force in South Africa;

(b) the treatment they are having as regards their residence and travel in South Africa;

(c) what amenities they are having; and

(d) who pays for the expenses incurred on - maintaining them in South Africa?

Mr. C. M. Trivedi: (a) None, Sir.

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

SIKHS IN HIGH SALARIED POSTS IN INFORMATION AND BROADCASTING DEPARTMENT.

227. *Sardar Sant Singh: Will the Honourable Member for Information and Broadcasting please state the number of posts in his Department carrying salaries of Rs. 400 *per mensem* and over, and the number of Sikhs enjoying such salaries? What is the highest salary paid to a Sikh in his Department?

The Honourable Sir Sultan Ahmed: There are 123 posts carrying salaries of Rs. 400 and over per month in the Department of Information and Broadcasting. Of these only one is a member of the Sikh community and he draws a salary of Rs. 700 p. m.

Sardar Sant Singh: Will the Honourable Member kindly take steps to complete the quota of the Sikhs in the higher posts in the Department under him?

The Honourable Sir Sultan Ahmed: I do not know the quota.

Sardar Sant Singh: Will the Honourable Member try to find out what is the quota of the Sikhs in his department?

The Honourable Sir Sultan Ahmed: As far as I know there is no quota.

SIKHS IN TEMPORARY MINISTERIAL POSTS IN CERTAIN OFFICES.

228. *Sardar Sant Singh: (a) Will the Honourable the Home Member kindly state the total number of ministerial posts (temporary and for the duration of War) created from the 1st September, 1939, to the 1st July, 1943, in the following offices, separately:

STARRED QUESTIONS AND ANSWERS

- (i) Director General, Posts and Telegraphs,
 - (ii) War Transport Department,
 - (iii) Labour Department,
 - (iv) Communications Department,
 - (v) Food Department,
 - (vi) Information and Broadcasting Department,
 - (vii) Intelligence Bureau,
 - (viii) Finance Department, and
 - (ix) Auditor General of India?
- (b) How many of these were filled by Sikhs?

The Honourable Sir Reginald Maxwell: 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.

Sardar Sant Singh: May I ask the Honourable Member if he does not feel that his Department should keep statistics of the various communities recruited as a result of the Circular of July 1934?

The Honourable Sir Reginald Maxwell: Yes, but not in the form asked for.

Sardar Sant Singh: Am I to understand that the Honourable Member is not going to collect this information because of the fact that the Sikhs are very few in number?

The Honourable Sir Reginald Maxwell: That is not the reason. It will involve very extensive examination of the records of these departments for a period of five years and would involve a great deal of work.

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

Sardar Sant Singh: May I put one more question, because from my community's point of view, this is a very important question and Government is avoiding an answer?

Mr. President (The Honourable Sir Abdur Rahim): The next question has been called.

POWER OF THE HEAD OF A DEPARTMENT TO REFUSE TO ACCEPT RESIGNATION OF A TEMPORARY GOVERNMENT SERVANT.

229. *Sardar Sant Singh: (a) Will the Honourable the Home Member kindly state whether the head of an office or Department has any power to refuse to accept the resignation tendered by a temporary Government servant in accordance with the terms of his appointment?

(b) Is the Honourable Member aware that such a power is being exercised by some heads of offices without assuring or guaranteeing a permanent appointment to such persons?

The Honourable Sir Reginald Maxwell: (a) Yes, by virtue of the provisions of the Essential Services (Maintenance) Ordinance, 1941.

(b) I am prepared to take it from the Honourable Member that cases of the kind referred to in his question have occurred. Not all temporary employees are eligible for permanent employment, and even in the case of those who are not it is not always in the public interest to allow them to resign their appointments when they want to do so.

Sardar Sant Singh: May I ask if that Ordinance applies to permanent servants or applies to temporary hands as well?

The Honourable Sir Reginald Maxwell: To all.

Sardar Sant Singh: Is Government at liberty to discharge a man at any time they like?

The Honourable Sir Reginald Maxwell: That depends upon the terms of the employment in each case.

Sardar Sant Singh: May I know if there is any justice in the position that the Government can discharge a man at any time but that the man cannot leave the service for getting a permanent post elsewhere?

Mr. President (The Honourable Sir Abdur Rahim): That is an argument.

POLICY OF GOVERNMENT ~~IN~~ ALLOWING PRIVATELY CONGRESS ACTIVITIES, FROM INSIDE THE JAIL.

230. *Mr. H. A. Sathar H. Essak Sait: Will the Honourable the Home Member be pleased to state:

(a) whether he has seen the statement issued by Mrs. Rukmini Lakshmpipathi published on page 4 in the *Hindu*, dated the 11th May, 1943, under the heading "Central Assembly Bye-election", in which the following passage occurs—

"On April 6, Sri K. Kamaraj Nadar, President, Tamil Nadu Provincial Congress Committee, now a detenu in the Amraoti District Jail, wrote to me, authorising me to set up a Congress candidate for the bye-election. The office-bearers of the Tamil Nadu and Andhra Provincial Congress Committees and most of the members of their respective Working Committees are in the same jail. Recently when there were proposals to hold elections to the Legislative Council they were unanimously in favour of running Congress Party candidates and letters to that effect were received in January last. Having this as a precedent, action was taken on the authority specifically communicated to me from the Amraoti jail in a letter censored by the jail authorities"; and

(b) whether it is the policy of Government to allow privately the Congress to carry on their normal activities, to hold meetings, and to give directions from inside the jail?

The Honourable Sir Reginald Maxwell: (a) Yes.

(b) No.

Mr. H. A. Sathar H. Essak Sait: How is it that these letters are exchanged through the jail authorities?

The Honourable Sir Reginald Maxwell: I have no information that they are.

Mr. H. A. Sathar H. Essak Sait: The statement that has appeared in the *Hindu* has not been contradicted either by the Congress or the Government?

The Honourable Sir Reginald Maxwell: The mere fact that the statement has not been contradicted does not mean that it is true. So far as I know, the statement might refer to one letter which was written to Mrs. Satyamurti or some one else by a security prisoner on behalf of Kamaraj Nadar. This letter contained a remark that as Mr. Satyamurti was dead she should see that his place was properly filled and this remark was not censored as no political significance was attached to it at the time.

Mr. H. A. Sathar H. Essak Sait: Then the statement made by Mrs. Lakshmpipathi is not according to facts?

The Honourable Sir Reginald Maxwell: It was according to her own interpretation of them.

STOPPAGE OF MESSAGES FROM RELATIVES IN INDIA TO INDIANS IN JAPANESE OCCUPIED ISLANDS.

231. *Mr. Lalchand Navalrai: (a) Will the Honourable Member for Information and Broadcasting be pleased to state whether it is a fact that the Director, External Service, All-India Radio, Delhi, has intimated to the public that messages or information from relatives in India will not be sent henceforth to Indians in islands in the occupation of Japan? If so, why?

(b) What steps do Government propose to take to ensure that the news of welfare of the families and relatives of Indians in countries now under the Japanese domination are conveyed to them till they are freed? If not, why not?

The Honourable Sir Sultan Ahmed: (a) and (b). Messages for broadcast are accepted by All-India Radio for all territories in Japanese possession including Japan itself. The second part of part (a) and part (b) of the question do not, therefore, arise.

Mr. Lalchand Navalrai: Is it that the information is being received through the All-India Radio from Japan and also intimations are being sent from here over there mutually?

The Honourable Sir Sultan Ahmed: The question is whether it is a fact that the Director, External Service, All-India Radio has intimated to the public

that messages or information from relatives in India will not be sent henceforth and the answer to that is 'No'.

Mr. Lalchand Navalrai: Then, may I take it that information is being sent?

The Honourable Sir Sultan Ahmed: 32 messages a day.

DESIRABILITY OF STOPPING THE PUBLICATION OF *The Indian Information*.

232. *Mr. Lalchand Navalrai: (a) Will the Honourable Member for Information and Broadcasting be pleased to state whether it is a fact that Government publishes a periodical entitled *The Indian Information*? If so, at what intervals, and what are the expenses incurred, separately, on its editing, printing and despatching?

(b) Have Government considered the relative cost of this publication as compared with the advantages gained? If so, which is greater?

(c) What is the annual consumption of newsprint on the production of *The Indian Information*? Have Government considered the question of the publication being stopped, in view of the acute shortage of paper in the country?

(d) Is it a fact that the news published in *The Indian Information* are very old and obsolete which had come in the public press months before the issue of *The Indian Information*? What purposes does *The Indian Information* serve?

(e) Is it a fact that the principal Information Officer of the Government of India issues unofficial notes daily for information and publication by press either as worded by him or used as back ground material?

(f) Is it a fact that Government communiqués and press notes are issued when necessary? Why then is *The Indian Information* continued to be published as duplicating the press information of Government? Is it proposed to close this periodical? If not, why not?

The Honourable Sir Sultan Ahmed: (a) Yes. *Indian Information* is published twice a month. The average expenses incurred on its editing are Rs. 1,220 a month. Information regarding the printing and despatching charges has been called for and will be laid on the table of the House when received.

(b) Yes. Government consider that the advantages of the publication outweigh the expenditure involved.

(c) *Indian Information* is not printed on newsprint but on supercalendered paper produced in India of which about 126 tons are consumed in a year. It is not proposed to stop the publication but I would like to assure the Honourable Member that the needs of paper economy are constantly kept in view.

(d) *Indian Information* does not pretend to be a newspaper. It is produced mainly to serve as a reference record for the use of newspaper offices, libraries, persons, institutions, etc., whose role is to inform the public, and it is supplied only to those who ask for it.

(e) Yes.

(f) Yes. For reasons already stated it is not proposed to close the periodical.

Mr. K. C. Neogy: Will the Honourable Member consider the desirability of amalgamating this publication with any cinema film magazine? In that case the Honourable Member can be assured of having the portraits of Members of the Executive Council printed as now.

The Honourable Sir Sultan Ahmed: I will seriously consider that!

Sir F. E. James: May I ask the Honourable Member to recollect for a moment the debate in this House on the question of the shortage of paper and the brave words which were then used by one of his colleagues as to the reproduction of this journal in a smaller form, and ask why in spite of that, nothing has been done up-to-date?

The Honourable Sir Sultan Ahmed: The number of pages has been reduced and we have also tried to reduce the circulation. The question of reducing the size of the magazine has been under very serious consideration and it is only because the present contractors could not arrange to print it in a reduced size that we have not been able to do it. The moment the present contract

expires, we propose to give it to another publisher who has agreed to reduce the size and have it in a smaller form.

Pandit Lakshmi Kanta Maitra: Do the figures relate to the cost of the editing of the journal?

The Honourable Sir Sultan Ahmed: Yes.

Pandit Lakshmi Kanta Maitra: Do I understand that this editor was appointed by his Department some time ago for this specific purpose?

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

THE ENQUIRY ENTRUSTED TO DR. NEMENYI.

233. *Mr. T. T. Krishnamachari: Will the Honourable the Finance Member please state:

- (a) the terms and the scope of the enquiry entrusted to Dr. Nemenyi;
- (b) the cost of the enquiry to Government;
- (c) the credentials of Dr. Nemenyi for being entrusted with this work;
- (d) whether no Indian Economist of standing was available for the purpose; and
- (e) if Dr. Nemenyi has submitted his report to Government, if so, if it will be made available to the public?

The Honourable Sir Jeremy Raisman: (a) The object was to make a rapid survey, by means of direct contacts both official and non-official, of the opinions held regarding present economic trends and the scope for ameliorative action both in Central and provincial fields, and in Indian States;

(b) The total cost to Government will be about Rs. 6,000.

(c) Knowledge and practical experience of economic, financial and currency problems combined with widespread business contacts throughout India and the Indian States extending over a number of years.

(d) No other economist possessing the same personal qualifications was available for the immediate purpose;

(e) Dr. Nemenyi has already submitted a number of interim reports, but it is not proposed to publish them.

Mr. T. T. Krishnamachari: What was Dr. Nemenyi doing before he undertook this inquiry?

The Honourable Sir Jeremy Raisman: I understand that he had a business appointment.

Mr. K. C. Neogy: Was he not also engaged in writing a book in support of the Honourable Member's theories in connection with currency and finance?

The Honourable Sir Jeremy Raisman: As far as I am aware, he was not actually engaged at that time on that particular book, but it is true that he had published his views quite independently on the question of inflation.

Sardar Sant Singh: What are the academic qualifications of this gentleman?

The Honourable Sir Jeremy Raisman: I cannot precisely quote them at this moment, but he has been recognised for some time as being a competent economist.

Dr. P. N. Banerjee: Recognised by whom?

The Honourable Sir Jeremy Raisman: By my predecessors. He was associated, as far as I remember, with the Banking Inquiry Commission.

Sir Cowasjee Jehangir: Was this gentleman employed in India before?

The Honourable Sir Jeremy Raisman: Yes, Sir.

Sir Cowasjee Jehangir: With whom was he employed?

The Honourable Sir Jeremy Raisman: He has been employed with an Indian firm for some time.

Sir Cowasjee Jehangir: What is the name of that firm with whom he was employed?

The Honourable Sir Jeremy Raisman: I do not know the precise name of the firm and I do not think this question is relevant.

Sir Cowasjee Jehangir: Was he not employed with Birla Brothers?

The Honourable Sir Jeremy Raisman: So far as I am aware, that is not correct.

Mr. Muhammad Azhar Ali: When the Honourable Member does not know the qualifications of this gentleman, how can he say that there was none to be found in India of those qualifications?

The Honourable Sir Jeremy Raisman: I have seen his qualifications and I know that they are perfectly adequate.

Mr. Muhammad Azhar Ali: But the Honourable Member is not prepared to disclose them?

The Honourable Sir Jeremy Raisman: I did not say that. I do not happen to have such details as the name of the University where he graduated from before me at the moment.

Pandit Lakshmi Kanta Maitra: The Honourable Member said that this gentleman is an economist and has written a book on inflation. What views did he express in that book? Were they in favour of the policy of the Government of India?

The Honourable Sir Jeremy Raisman: Those views are expressed independently.

Pandit Lakshmi Kanta Maitra: Did he write that book before he joined the office?

The Honourable Sir Jeremy Raisman: He had written an article or a series of articles before he undertook this particular inquiry.

Pandit Lakshmi Kanta Maitra: Is it a fact that because his views are favourable to the Honourable Member's Department, he was taken in his Department? Is there any foundation for that allegation?

The Honourable Sir Jeremy Raisman: I do not think that will be a fair inference.

Mr. N. M. Joshi: May I ask whether the results of the inquiry made by the Doctor will be published and supplied to the Members of the Legislature?

The Honourable Sir Jeremy Raisman: I have already answered that question.

Mr. N. M. Joshi: May I ask the Honourable Member to repeat the reply?

The Honourable Sir Jeremy Raisman: The answer was that it is not proposed to publish them.

Mr. N. M. Joshi: May I ask whether the Honourable Member is aware that this learned Doctor has completed a report which was circulated to the Members of the Assembly?

The Honourable Sir Jeremy Raisman: It was not circulated by the Government.

Mr. Govind V. Deshmukh: May I ask what attempts were made to secure an Indian of the required qualifications before the Honourable Member came to the conclusion that no Indian of the required qualifications was to be found?

The Honourable Sir Jeremy Raisman: There are a number of economists already in the employ of Government but such of them as might have been suitable were all too occupied at that time to be sent round the country.

Dr. P. N. Banerjee: Do the Universities of India not employ any economists and are they not suitable?

The Honourable Sir Jeremy Raisman: I must point out that this was not merely an academic inquiry. It was an inquiry of a different nature. It was as I said, in the nature of a practical survey of opinions held by individuals and it was necessarily to be conducted by an individual who had already made certain contacts.

Sardar Sant Singh: As there has been a good deal of discussion in this House on the question of inflation and other matters connected with it, will the Honourable Member be pleased to circulate this report as confidential to the Members of this House?

The Honourable Sir Jeremy Raisman: No, Sir. The value of reports of that kind would be greatly diminished if they were not compiled entirely confidentially.

Pandit Lakshmi Kanta Maitra: Is this economist an Austrian? If so, was he appointed on the recommendation of Herr Hitler?

The Honourable Sir Jeremy Raisman: I believe he is of Hungarian origin. I think at the present time he is a naturalised British citizen.

CONTROL OF CAPITAL ISSUES AND NEW JOINT STOCK COMPANIES STARTED WITH GOVERNMENT PERMISSION.

234. *Mr. T. T. Krishnamachari: Will the Honourable the Finance Member please state:

(a) whether Government have specifically laid down the type and nature of Joint Stock Companies for the promotion of which permission will be granted besides the general indications afforded by the Government communiqué on the control of capital issues, to guide the Government Examiner of Capital Issues; if so, what they are;

(b) how many Joint Stock Companies professing to have a capital of over a lakh of rupees have been started with Government's permission since the date of the ordinance on the subject; and

(c) if Government are satisfied that every one of these concerns that have been started with Government's permission, fill a basic need of the country?

The Honourable Sir Jeremy Raisman: (a) No. The final decision is that of the Government.

(b) Separate information is not available distinguishing between companies with a capital of one lakh and less and companies with a capital of over one lakh; but the total number of new companies which have been allowed to issue capital, up to 24th July, was 132.

(c) No, since in 88 out of the 132 cases, consent was given without special scrutiny on the lines suggested by the Honourable Member either because arrangements had already been carried very far when the control was introduced or because the concerns were private companies with petty capital.

HARDSHIPS CAUSED BY THE NEW DEFENCE OF INDIA RULE TAKING POWER TO PROHIBIT ADVANCES AGAINST SPECIFIED COMMODITIES.

235. *Mr. T. T. Krishnamachari: Will the Honourable the Finance Member please state:

(a) whether Government had to amend the Defence of India Rules and add a new clause No. 94B, taking power to prohibit advances against specified commodities by reason of any appreciable increase in bank advances in this country;

(b) whether Government are aware that the possibility of a blanket ban of the nature contemplated in the new Rule being imposed is having a greatly unsettling effect on the market;

(c) whether Government considered that it could not have achieved its aim, if any, by private negotiation with banking interests; if not, why not;

(d) whether Government have taken into account before acting in this matter, the considerable quantity of distress selling and hardship that will result to interests who are not fortunately placed so as to command a large capital of their own;

(e) what steps are being taken by Government to allay panic, and to safeguard the interests of the *bona fide* merchants and traders; and

(f) whether Government contemplate putting a check on advances unsecured by the mortgage of commodities?

The Honourable Sir Jeremy Raisman: (a) No.

(b) No.

(c) No. The making of advances is not confined to banking institutions so that negotiations with banks even if practicable would not cover the whole field.

(d) and (e). No order has so far been issued under the new rule and the reaction produced by Government taking power to prohibit such advances of which the Honourable Member is perhaps aware, is itself evidence that the former high level of prices was in large part due to speculation. Government have no reason to believe that should notification of any commodities prove necessary for this purpose, *bona fide* merchants and traders who do not indulge in speculation will suffer.

(f) Not at present, though should such a course of action at any future time appear desirable in the public interest, Government would not hesitate to take such action as lay within their power.

Mr. T. T. Krishnamachari: Arising out of the answer to part (a), may I ask what is the reason which prompted the Government to issue this new Rule?

The Honourable Sir Jeremy Raisman: Because they thought it would have a salutary effect.

Mr. T. T. Krishnamachari: Was it merely to have the effect of a threat and nothing more?

The Honourable Sir Jeremy Raisman: No, Sir. It is not merely a threat but it is a threat which can and which will be put into action if necessary.

Mr. T. T. Krishnamachari: May I know if the Honourable Member is aware that the Reserve Bank has issued instructions to Scheduled Banks not to take notice of this new Rule?

The Honourable Sir Jeremy Raisman: I am not aware of that. But I am aware that the Reserve Bank has told Banks that unless they exercise considerable caution, they may provoke action in this way.

Mr. T. T. Krishnamachari: What is the estimate of the Government with regard to the question of lowering of prices owing to the deflationary reactions to this new Rule?

The Honourable Sir Jeremy Raisman: I must ask the Honourable Member to read the various market reports. There have been quite notable effects on various indices.

Mr. T. T. Krishnamachari: May I ask if the Honourable Member bases his presumption on the fact that index prices have dropped because that was due to cloth control order?

The Honourable Sir Jeremy Raisman: There are at least another half a dozen indices which have also responded.

Sir Cowasjee Jehangir: What is the effect on the price of silver?

The Honourable Sir Jeremy Raisman: There was a notable drop in the bullion market. But I should like to take this opportunity of warning my friends in the bullion market.

Sardar Sant Singh: But they are not here to hear you.

The Honourable Sir Jeremy Raisman: But I have no doubt it will reach them. I should like to take this opportunity of warning them that any disaster which may again come upon them will be entirely provoked by themselves.

OBSERVATIONS OF THE CHIEF JUSTICE OF BENGAL re DEFENCE OF INDIA RULE 26.

236. *Mr. K. C. Neogy: (a) Will the Honourable the Home Member be pleased to state whether it is a fact that in the course of the judgment delivered on the 14th July last in two Contempt of Court cases, arising out of the arrest of Mr. Shibnath Banerjee and Mr. Datta Mazumdar, Members of the Bengal Legislative Assembly, under Bengal Regulation III of 1818, after their release from detention under Rule 26 of the Defence of India Rules by a Special Bench of the High Court, the Chief Justice of the Calcutta High Court made observations to the following effect:—

"That it was a surprise to His Lordship when he found that there was no provision under Defence of India Rule 26 to inform the detenu of the grounds on which he was detained and no provision for his being allowed to show cause against his detention; that in Bengal Regulation III of 1818, there was a provision for enabling the detenu to be told what were the grounds for his detention, and for enabling him to show cause against it; that a regulation made in England under the Emergency Power Act of 1939, which provided for the detention of certain persons who were not brought to trial, contemplated an opportunity being given to the detenu of having the grounds for his detention stated and showing cause against the detention; and that His Lordship drew attention to the absence of a similar provision in Defence of India Rule 26, in the hope that those who were responsible for this, might consider it?"

(b) Does the Honourable Member propose to lay on the table the full text of the observations made by His Lordship the Chief Justice on this point.

(c) Is any action proposed to be taken in the matter, as a result of the said observations of the Honourable the Chief Justice of Bengal?

The Honourable Sir Reginald Maxwell: (a) and (c). The attention of the Honourable Member is invited to my reply to Mr. Deshmukh's question No. 172 on the 3rd August, 1943.

(b) The judgment will doubtless be reported in due course in an issue of law reports maintained in the Library and in the circumstances I do not propose to lay a copy on the table.

Mr. K. C. Neogy: Do I take it that the Honourable Member has obtained an authenticated copy of these observations and still he declines to place them on the table?

The Honourable Sir Reginald Maxwell: No, Sir. As I have said in reply to the question referred to, a copy of the judgment has been applied for, but has not yet been received.

Sardar Sant Singh: How is the Honourable Member aware that this particular judgment is to be published in the *Indian Law Reports*?

The Honourable Sir Reginald Maxwell: That is the usual procedure.

Sardar Sant Singh: Not necessarily. May I ask the Honourable Member that in view of the observations that have come from such a high quarter as the Chief Justice of Bengal, have the Government of India taken any steps to examine the proposal and reach any conclusions about it?

The Honourable Sir Reginald Maxwell: As I explained before, we cannot examine these things on Press Reports. We must have an authentic copy of the judgment itself and when it is received, we shall examine it.

PERSONS SHOT TO DEATH IN DELHI PROVINCE BY THE MILITARY OR THE ARMED POLICE.

237. ***Mr. K. C. Neogy:** (a) Will the Honourable the Home Member be pleased to make a brief statement regarding the case in which the District and Sessions Judge of Delhi convicted four members of the armed police under Section 302 of the Indian Penal Code, for the murder of three boys by shooting on the night of October 30-31, 1942, and sentenced them to death?

(b) What was found by the learned Judge to be the motive of the murder?

(c) Is it a fact that rewards had actually been ordered to be paid on behalf of Government to the four convicted members of the police force for having shot the three boys?

(d) In how many other cases were people shot to death in the Delhi Province in August, September and October 1942, by the military or the armed police by way of dispersing crowds, dealing with unlawful assemblies and stopping or preventing of sabotage or otherwise? Will the Honourable Member lay on the table a brief statement giving the circumstances of each such case?

The Honourable Sir Reginald Maxwell: (a) and (b). In the case to which the Honourable Member refers the High Court has still to pass orders on the reference made from the Sessions Court for the confirmation of the sentences and on the appeals preferred by the convicted persons. While the case is thus *sub-judice* it would not be proper for me to make any statement.

(c) No rewards were paid or ordered to be paid to the men in question by any authority in the Delhi Province.

(d) The number of persons killed in Delhi Province during August, September and October last year by police firing was 20 and by military firing 14. I do not consider that any useful purpose would be served by going into the circumstances of each case.

Mr. T. T. Krishnamachari: With reference to the answer to part (a), may I ask whether one of the prosecution witnesses who gave evidence in this case has figured in the police court as a prosecution witness on 60 occasions?

The Honourable Sir Reginald Maxwell: I am not aware of that.

Mr. T. T. Krishnamachari: Will the Honourable Member kindly make enquiries?

The Honourable Sir Reginald Maxwell: If it is relevant to the case, it is for the High Court to take notice of it in passing orders.

INDIAN REPRESENTATION AT THE PROPOSED INTERNATIONAL CURRENCY CONFERENCE.

238. ***Mr. T. T. Krishnamachari:** Will the Honourable the Finance Member please state:

(a) whether it is a fact that the Indian Government have been invited to send representatives to the proposed International Currency Conference, as reported in the *Hindu* of Madras in its issue of the 22nd July, 1943; and

(b) whether Government have decided to send Sir Theodore Gregory to represent them at this conference?

The Honourable Sir Jeremy Raisman: (a) No arrangements have yet been made for the holding of an International Currency Conference. India has been invited to send technical experts to discuss informally and without commitments with the technical experts of the Government of the United States of America the feasibility of post-war international monetary co-operation.

Government are at present awaiting public reaction and comment on the two plans which were published in India on the 5th July last and given the widest circulation. When this is forthcoming and the Reserve Bank's views have been received, Government will consider what further steps should be taken.

(b) The question of the representatives to be sent to the International Conference, if and when it is summoned, has not yet been considered.

Sardar Sant Singh: May I ask if the Honourable Member will secure representation of Indians only on this Conference?

The Honourable Sir Jeremy Raisman: The Government of India are fully aware of the importance of Indian representation.

Mr. Muhammad Nauman: May I know if the nomination will be made by the Executive Council or by the Finance Department?

The Honourable Sir Jeremy Raisman: It will be made by the Government of India.

Pandit Lakshmi Kanta Maitra: Have the Government of India formally issued any letter of invitation to the commercial bodies to express opinions on their two proposals or simply given publicity to the proposals and awaiting their criticisms to be published in the Press?

The Honourable Sir Jeremy Raisman: I think they have invited opinions.

Mr. T. T. Krishnamachari: Will the Government of India give an assurance that in case representatives are sent, it would not be confined purely to technical experts of the Government of India?

The Honourable Sir Jeremy Raisman: There are two possibilities. One is a preliminary technical conference which must be confined to technical experts, and the other is a full-blown International Conference which would, I imagine, not be of a purely technical character.

Pandit Lakshmi Kanta Maitra: Does the Honourable Member mean that technical experts will be purely officials or will include non-officials also?

The Honourable Sir Jeremy Raisman: It would consist of technical experts. I do not think they would necessarily be either officials or non-officials.

Mr. T. T. Krishnamachari: Will the Honourable Member again cast his eye round for suitable experts outside those in the employment of the Government of India in case he has to send somebody, as he has done in the case of Dr. Nemenyi?

The Honourable Sir Jeremy Raisman: I am always prepared to receive competent assistance from any quarter from which it may be forthcoming.

Pandit Lakshmi Kanta Maitra: May I take it that the possibility of non-official experts being taken is not excluded? If so, what procedure are Government going to lay down for getting the necessary non-official experts?

The Honourable Sir Jeremy Raisman: I have said that the possibility is not excluded, but I do not think that any special procedure is necessary in the process of selection.

SCALE OF PAY OF A GAZETTED PUBLIC OFFICER ALLOWED LEAVE OUT OF INDIA PRIOR TO RETIREMENT.

239. *Mr. Muhammad Azhar Ali: Will the Honourable the Finance Member please state:

(a) the scale of pay (old or 1934 revised) to which a Gazetted Public Officer is entitled, if that officer was allowed leave out of India prior to retirement from the 17th May, 1939, to the 23rd November, 1940, when he finally retired from the cadre and was re-employed in May 1941; and

(b) the rule under which the Government of India is entitled to compute the period from the 23rd November, 1940, to the 30th April, 1941, into leave without allowances, when his name was removed from the Rolls of the Establishment on the 23rd November, 1940?

The Honourable Sir Jeremy Raisman: (a) Such an officer would be entitled to the revised scale of pay.

(b) There is no such rule.

CONDITIONS OF SERVICE OF RAILWAY SERVANTS EMPLOYED IN TRANSPORTATION UNITS OF THE INDIAN ARMY.

240. *Mr. Muhammad Azhar Ali: (a) Will the War Secretary please state the terms and conditions of service under which Railway servants are employed in the Transportation Units of the Indian Army?

(b) Are Railway servants employed in those units and governed by the Payment of Wages Act, IV of 1936, liable to be punished with fine under the Indian Army Act? If so, to what extent?

(c) How many Railway servants of those units were punished with fine (extent, amount together with the nature of the offence to be stated in each case) by the Officer Commanding, Training Depot, Jullundur, during the preceding two years?

Mr. C. M. Trivedi: (a) The terms and conditions are contained in Army Instruction (India) No. 56 of 1943, a copy of which is in the library of the House.

(b) Yes, Sir. Railway personnel employed in Transportation (Railway) Units are liable to a fine of half a month's pay or Rs. 100, whichever is less, provided that in the case of Havildars and Naiks (or equivalent rank) their total monthly emoluments exceed Rs. 50 and in the case of Lance Naiks and Sepoys (or equivalent rank) their total monthly emoluments exceed Rs. 35.

(c) The information required is not readily available. It has been called for and will be laid on the table in due course.

Sardar Sant Singh: Does the Payment of Wages Act apply on their recruitment in the army?

Mr. C. M. Trivedi: The position I have stated is not affected by the applicability or otherwise of the Payment of Wages Act.

Sardar Sant Singh: Were they governed by that Act when they were in railway employment?

Mr. C. M. Trivedi: I think so.

Sardar Sant Singh: Why has this privilege been taken away now?

Mr. C. M. Trivedi: The liability to a fine is one of the conditions of their employment in the Units.

CIVIC GUARDS IN THE DELHI PROVINCE.

241. *Mr. Muhammad Azhar Ali: Will the Honourable Member for Civil Defence please state:

(a) the date on which the Civic Guards were recruited in the Delhi Province;

(b) the strength of such Guards on the 30th June, 1942, and on the 30th June, 1943;

(c) the number of rank and file permitted to resign with reasons therefor; and

(d) the present strength?

The Honourable Sir Reginald Maxwell: (a) The Civic Guards in the Delhi Province were formed in July 1940.

(b) The strength of the Civic Guards on the 30th June, 1942, was 9 Unit Commanders, 18 Unit Officers and 107 other members.

The strength on 30th June, 1943, was one Commander, 8 Unit Commanders, 7 Unit Officers and 157 other members.

(c) 10 officers and 133 other members tendered their resignations for the following reasons:

(1) 3 officers and 33 other members joined the Army.

(2) One officer joined the Police.

(3) One officer and 2 other members joined the Air Raid Precautions Organisation.

(4) One officer and 50 other members resigned owing to the pressure of other public or private work.

(5) 4 officers and 33 other members resigned on their leaving Delhi.

(6) 15 members resigned on account of ill health.

(d) The present strength is one Commander, 8 Unit Commanders, 7 Unit Officers and 157 Civic Guards.

Sir Cowasjee Jehangir: May I know why the Honourable the Home Member is answering a question on behalf of the Civil Defence Department?

The Honourable Sir Reginald Maxwell: The question was wrongly addressed to the Civil Defence Department as the Home Department is in administrative charge of Civic Guards in Delhi Province.

UNSTARRED QUESTION AND ANSWER.

THEFT CASES REGISTERED BY SHAHDARA POLICE STATION.

52. Mr. Muhammad Azhar Ali: Will the Honourable the Home Member please state:

(a) the number of cases of theft registered by the Shahdara Police Station during the preceding five years, year by year; and

(b) the number of cases of theft registered but remained untraced during that period?

The Honourable Sir Reginald Maxwell: (a) and (b). The number of thefts registered and of those that remained untraced at the Shahdara Police Station during the last five years is:

Year.	Registered.	Untraced.	Year.	Registered.	Untraced.
1938 . . .	18	13	1941 . . .	21	6
1939 . . .	22	13	1942 . . .	18	10
1940 . . .	15	6			

MOTION FOR ADJOURNMENT.

DEATHS DUE TO STARVATION IN BENGAL.

Mr. President (The Honourable Sir Abdur Rahim): I have received notice from Mr. K. C. Neogy of a motion of adjournment for discussing a definite matter of urgent public importance, namely, the failure of the Government of India to make urgent inquiries into reports that deaths are taking place in Calcutta and in the interior of the province of Bengal due to starvation.

Why does the Honourable Member say that they have failed to make any inquiry?

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): Sir, I shall explain the point. The reports to which I allude have been appearing in the press from about the beginning of the second week of July. Early in the third week of July, there was a debate in the Bengal Legislative Assembly in which specific allegations of this character were made by responsible members, and

those reports were published in the press and must have been seen by the Government of India. In this House, I asked a question on the 2nd August last, drawing the attention of the Honourable Member in charge to some of these reports; and in reply he stated that he had seen those reports. In reply to my query as to whether the Government of India proposed to hold inquiries, the Honourable Member stated that the Government of Bengal had instituted inquiries, and then in reply to supplementary questions the Honourable Member, to my mind, showed his disinclination to take any initiative for the purpose of making inquiries on behalf of the Government of India into these very serious allegations.

Mr. President (The Honourable Sir Abdur Rahim): What is there in the answers to lead to that conclusion?

Mr. K. C. Neogy: In one question I asked:

"Is the Honourable Member in possession of all the reports regarding deaths from starvation in Bengal, Orissa and other provinces? Is he expected to be kept regularly informed by the provincial authorities in this particular matter?"

In reply to that the Honourable Member said:

"I cannot say that the Government of India is in possession of all the reports on the subject because so many appear in so many places that it is very difficult for us. Whenever there is a question we make inquiries from the Provincial Governments and are informed of the situation. Otherwise the general situation is fairly well known."

Then I put a suggestion in the next question:

"Is the matter not of sufficient importance to merit a sort of general instruction being issued from the Government of India that all reports regarding deaths from starvation which may happen in any part of the country should be reported promptly to the Government of India?"

In reply to that the Honourable Member stated as follows:

"I will consider the suggestion. No doubt I feel that if the matter is really of such a character as it should be communicated to the Government of India, then the Provincial Governments will no doubt do so."

Which means that the Government of India were not very anxious to send down any definite instructions to that effect, and would rather depend upon the judgment of the Provincial Governments in this matter.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member said that he would consider the suggestion made.

Mr. K. C. Neogy: There were several other questions and answers to that effect, but the immediate reason why I gave notice of this motion was that yesterday, when my Honourable friend Mr. Deshmukh asked a similar question drawing his attention to the fact that a very large number of people were reported to be dying every day in the streets of Calcutta, the Honourable Member in charge stated: "I have seen a press report to that effect."

Which shows that although the seriousness of the situation is definitely known to Government, they have failed to rise to the height of the occasion and make inquiries into these very serious allegations. The point is whether the Government of India have any responsibility in such matters. That is the issue which I should like to raise. There is a Food Department in the Government of India of which the Honourable Member Sir Azizul Huque is in charge. If there is any justification for the creation of the Food Department and the creation of a Member in charge of that department, I should like to know whether the Government of India have any responsibility in any circumstances and at any stage, and whether those circumstances have not yet arisen and whether that stage has not yet been reached, so far as Bengal is concerned.

The Honourable Sir M. Azizul Huque (Food Member): Sir, I entirely contradict the inferences which have been drawn by the Honourable Member. I merely stated that my attention has been drawn to it. But there was neither a question nor an answer,—and I could not give an answer in view of the debate coming up on Monday,—as to what steps have been taken. We have taken immediate steps wherever we considered matters so serious as to get information.

Mr. President (The Honourable Sir Abdur Rahim): Then the Government of India have made inquiries?

The Honourable Sir M. Azizul Huque: Yes, Sir, and it is still in the process of inquiry. We are not satisfied with the inquiry and we have telegraphed and we are still in the process of getting information.

Mr. President (The Honourable Sir Abdur Rahim): In view of the statement made by the Honourable Member I do not think any case has been made out for the motion of adjournment and I disallow it.

Mr. K. C. Neogy: Sir, is the statement made by the Honourable Member that Government have made inquiries, a sufficient answer? Is not that a justification for discussion of the whole question?

Mr. President (The Honourable Sir Abdur Rahim): The whole question can be discussed on Monday. I understand the position in Bengal is serious and a number of Members take a great deal of interest in the matter, and I am sure the question will be fully discussed.

DECLARATION OF EXEMPTION UNDER THE REGISTRATION OF FOREIGNERS ACT.

The Honourable Sir Reginald Maxwell (Home Member): Sir, I lay on the table a copy of the Declaration of Exemption No. 1/16/43-Political (E), dated the 28th July 1943 issued under the Registration of Foreigners Act, 1939.

No. 1/16/43-Political (E).

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

Simla, the 28th July, 1943.

DECLARATION OF EXEMPTION.

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. Charles Pope, an employee of the United States Office of War Information at Bombay, so long as he continues to be so employed.

B. R. PANDEY,

Under Secretary to the Government of India.

THE DELHI UNIVERSITY (AMENDMENT) BILL—contd.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume discussion of the Delhi University Bill. Item No. 11 on the printed list was under discussion.

Nawabzada Muhammad Liaquat Ali Khan (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, when the House adjourned yesterday we were discussing the amendment that was moved by my Honourable friend, Mr. Nairang. The amendment lays down that the powers of granting recognition or withdrawal of recognition to any of the colleges that are being given under this Bill to the Executive Council will be subject to confirmation by the Court. There were two objections that were raised by the Government against this amendment: One was that the Court meets only once a year; the other was that the question of granting recognition or withdrawal of recognition required knowledge of day to day administration of the University. I am afraid neither of these arguments can convince us that the amendment which is sought to be made is not necessary.

The question of granting recognition or withdrawal of recognition to any college is not such that it arises every day. I would like to know if there have been many cases where recognition has been withdrawn or recognition has been granted during the last twenty years. Sir, so far this power rested with the Court of the University. Now, it has been decided that the power will rest with the Executive Council. This power to the Executive Council does not exist,

[Nawabzada Muhammad Liaquat Ali Khan.]

as far as I am aware, in any of the Universities of India. In other Universities where the power has been given to the Executive Council it is subject to confirmation by the Court. I do not see that any harm will be done to the administration of the University if this power was made subject to confirmation by the Court. It is bound to create, whenever any such action is taken, a feeling of suspicion amongst the people concerned, and what we should avoid is that people should doubt the *bona fides* of the Executive Council. In the Court there are so many other interests that are represented, there are so many other responsible people who are there and I think that if the Executive Council have a strong case for the withdrawal of recognition of any college then the Court will not stand in their way. On the contrary, if such action is taken by the Executive Council and it is supported by the Court, it is likely to carry greater weight with the people concerned. Sir, I really do not see why the Government should oppose this amendment. It does not interfere with the knowledge that the Executive Council might acquire on account of the day-to-day administration of the University. The power is given to the Executive Council to withdraw recognition or grant recognition. All that is intended under this amendment is that that action of the Executive Council will be subject to confirmation by the Court. I have not yet heard any valid argument that has been advanced by the Government on this question. To my mind it is a very essential amendment, and I do hope that the Government will re-consider their position as I submit that it will not interfere in the slightest degree with the efficient administration of the University. Sir, I support the amendment that has been moved.

Dr. Sir Zia Uddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, the question of disaffiliation or withdrawal of recognition is exceedingly important and may I just read the provisions made in the Act of 1904 about the question of disaffiliation and see what they provided at that time. Section 24 of the Universities Act, 1904 runs thus:

"(1) A member of the Syndicate who intends to move that the rights conferred on any College by affiliation be withdrawn, in whole or in part, shall give notice of his motion, and shall state in writing the grounds on which the motion is made.

"(2) Before taking the said motion into consideration, the Syndicate shall send a copy of the notice and written statement mentioned in sub-section (1) to the Head of the College concerned, together with an intimation that any representation in writing submitted within a period specified in such intimation on behalf of the College will be considered by the Syndicate:

Provided that the period so specified may, if necessary, be extended by the Syndicate.

"(3) On receipt of the representation or on expiration of the period referred to in sub-section (2), the Syndicate, after considering the notice of motion, statement and representation and after such inspection by any competent person authorized by the Syndicate in this behalf, and such further inquiry as may appear to them to be necessary, shall make a report to the Senate (which really corresponds to the Court).

"(4) On receipt of the report under sub-section (3), the Senate shall, after such further inquiry (if any) as may appear to them to be necessary, record their opinion on the matter.

"(5) The Registrar shall submit the proposal and all proceedings of the Syndicate and Senate relating thereto to the Government, who, after such further inquiry (if any) as may appear to them to be necessary, shall make such order as the circumstances may, in their opinion, require.

"(6) Where by an order made under sub-section (5) the rights conferred by affiliation are withdrawn, in whole or in part, the grounds for such withdrawal shall be stated in the order."

So really we have got such elaborate provisions for disaffiliation or withdrawal of recognition—a report by the Syndicate, an enquiry by the Syndicate, report then to the Senate, an enquiry by the Senate, report then to the Government, an enquiry by the Government, and afterwards mention of these facts to the college concerned. But now the Government are playing with this question of withdrawal of recognition. It is a very serious matter. What you are providing is that the members of the Executive Council should sit together and come to a decision which should be final. It is not heard of in any University in India, or outside India. I am not concerned so much with recognition as I am with the withdrawal of recognition. The question of birth does not matter but the question of killing is very serious. You have just heard the procedure

which was provided for in the Act of 1904. It is a very elaborate machinery for deciding the question of disaffiliation or withdrawal of recognition. It is not done very easily and I think it is unfair to the colleges that the majority of the members in the Executive Council may take their decision and that that decision should be final. It is unheard of and I think that it is desirable that the Government should consider this question in the interest of giving security to the colleges. We are quite prepared to give security of tenure to the teachers. You should also give security of tenure to the colleges.

With these words, I support the motion.

Mr. J. D. Tyson (Secretary, Department of Education, Health and Lands): The procedure which it is sought to lay down for the withdrawal of recognition, which will be found in Clause 33 of Statute 3, is that the Executive Council may after due enquiry and after consultation with the Academic Council by a majority of the then members of the Executive Council withdraw recognition; and as was indicated by my friend, the Educational Adviser, there is a chance for appeal, if recognition is withdrawn, to the Central Government from the decision of the Executive Council. I must confess, I am at a loss to understand why there is this suspicion of the Executive Council as though it were a kind of instrument either of the Vice-Chancellor or of Government. Now assuming—I do not for a moment admit it—that the Vice-Chancellor and the Government acting together can command the votes of the University officials and the Government officials who are on the Executive Council, the Vice-Chancellor would command in that capacity, including his own vote, nine votes in the Executive Council as is envisaged under this Bill. As against that there would be 18 persons who are definitely elected in one way or another. I include in that 18 the six Principals of colleges, because it cannot for a moment be stated that they are the Vice-Chancellor's nominees or the Government's nominees. Then there are the Deans of the Faculties. It may be said that they are under the influence of the Vice-Chancellor, but the Deans of the Faculties are elected by the Faculties and not nominated by the Vice-Chancellor. Then we propose two Professors elected by the Professors and five members elected by the Court, two of whom are elected by the registered graduates. Then there are two others elected by the Academic Council. In other words, counting the Principals, there are 18 people who are not Government servants, unless the Professors happen to be Government servants as well—honorary professors—as against 9 who are tarred, shall I say, with the brush of being Government servants or servants of the University. I therefore fail to understand why there should be this suspicion of the Executive Council.

Nawabzada Muhammad Liaquat Ali Khan: Why do you suspect the Court?

Mr. J. D. Tyson: We suspect the Court because for a good long time past now it has been common knowledge that some of the colleges are not being properly run. One has been mentioned on the floor of this House by the Leader of a Party and yet that college is still going on: it is fairly safe to assume that that is so because if the matter were brought to the University under the Act as at present it could not be regarded as certain that the Court would do the right thing.

As the matter has been raised, Sir, and as it has been specifically stated that there is no precedent in any other university, I wish to quote two. I would say at once that comparisons with other universities are apt to be a bit tricky because the composition of the Executive Council or corresponding body is not the same in every university and I give this subject to that caution. But we have a precedent in Nagpur where Government takes recognition away on the recommendation of the Executive Council and in Agra where the Executive Council takes away recognition.

For these reasons, some of which had already been given on the amendment that was defeated yesterday, Government cannot accept the amendment.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): My friend, Mr Tyson, has been telling the House that why should there be or not be any suspicion. It is not a case of suspicion at all, but one of

[Mr. Muhammad Azhar Ali.]

following the right or the wrong procedure. When a procedure was once fixed, unless one can show that the procedure in the Act of 1904 was utterly useless, wrong, and could not be worked properly, it cannot be argued that that procedure should be set aside. Therefore, I submit, that unless my friend is prepared to argue that the procedure in the Act of 1904 is faulty, this reply of his is not enough to convince any reasonable man in the House. It is only fair that whenever there is to be an amendment about a procedure, be it civil or criminal or any other, Government and everyone else concerned with it, should explain, and explain very elaborately, why that procedure should not be followed. It is not sufficient to say that because a verdict has been given by the Executive Council therefore the House must endorse that decision. This is no argument but it is only meant to put off the House from the right track. I submit, Sir, that my friend on the other side should explain more fully to the House why the present procedure should not be followed.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Sir, it is provided in clause 33 of Statute 3 that the Executive Council may, after due enquiry and after consultation with the Academic Council, by a majority of all the then members of the Executive Council withdraw the recognition. Everything is in the hands of the Executive Council. The mere consultation of the Academic Council is no safeguard at all. It does not say that if the Academic Council is of the contrary opinion then recognition will not be withdrawn. Otherwise, it is quite useless to say "after due enquiry and after consultation with the Academic Council" because the ultimate action is going to be taken by the Executive Council independently. The interests of those who have spent a lot of money for the education of their youths are not safeguarded. They have not got their say in the Executive Council; simply one kind of authority or persons have been allowed seats on the Executive Council. So, it is rightly desired by the learned Mover of the amendment that the safeguard should be in the hands of the wider body, say, the Court, and the lovers of democracy should not at all be afraid. It is Nazism and Fascism that always take a narrow scope.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): But who are the lovers of democracy?

Maulvi Muhammad Abdul Ghani: People who are here on the Treasury Benches.

Dr. P. N. Banerjee: Are they lovers of democracy?

Maulvi Muhammad Abdul Ghani: They are out to proclaim by beat of drum that they are democracy lovers.

Dr. P. N. Banerjee: Proclamation is one thing and practice another.

Maulvi Muhammad Abdul Ghani: However, we should go by what they say. So, it is a very dangerous thing to leave such matters as the withdrawal of recognition in the hands of the Executive Council. Perhaps certain professors, certain principals may be dissatisfied with the authority which runs a college. They may be in league with the Vice-Chancellor and the withdrawal can be easily had. Therefore, we should be very careful to provide adequate safeguard against the withdrawal of recognition, and it is a very modest demand made in the amendment. I hope Government will reconsider their position and accept the amendment.

An Honourable Member: Let the question be now put.

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

"That the question be now put."

The motion was adopted.

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

"That in clause 7 of the Bill, to the proposed clause (ff) the words 'and subject to confirmation by the Court' be added at the end."

The Assembly divided:

AYES—25.

Abdul Ghani, Maulvi Muhammad
Abdullah, Mr. H. M.
Azhar Ali, Mr. Muhammad.
Banerjee, Dr. P. N.
Bhutto, Mr. Nabi Baksh Illahi Baksh.
Chattopadhyaya, Mr. Amarendra Nath.
Choudhury, Mr. Muhammad Hussain.
Essak Sait, Mr. H. A. Sathar H.
Ismail Khan, Hajee Chowdhury Muham-
mad.
Jehangir, Sir Cowasjee.
Lalchand Navalrai, Mr.
Liaquat Ali Khan, Nawabzada Muham-
mad.

Maitra, Pandit Lakshmi Kanta.
Mehta, Mr. Jamnadas M.
Murtuza Sahib Bahadur, Maulvi Syed.
Nairang, Syed Ghulam Bhik.
Nauman, Mr. Muhammad.
Neogy, Mr. K. C.
Parma Nand, Bhai.
Sant Singh, Sardar.
Siddique Ali Khan, Nawab.
Yamin Khan, Sir Muhammad.
Yusuf Abdoola Haroon, Seth.
Zafar Ali Khan, Maulana.
Zia Uddin Ahmad, Dr. Sir.

NOES—40.

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.
Chapman-Mortimer, Mr. T.
Chatterji, Mr. S. C.
Daga, Seth Sunder Lall.
Dalal, Dr. Sir Ratanji Dinshaw.
Dalpat Singh, Sardar Bahadur Captain.
Ghiasuddin, Mr. M.
Gray, Mr. B. L.
Haidar, Khan Bahadur Shamsuddin.
Imam, Mr. Saiyid Haidar.
Ismail Alikhan, Kunwer Hajee.
James, Sir F. E.
Jawahar Singh, Sardar Bahadur Sardar
Sir.
Joshi, Mr. D. S.
Kamaluddin Ahmad, Shams-ul-Ulema.
Khare, The Honourable Dr. N. B.

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.
Piare Lall Kureel, Mr.
Raisman, The Honourable Sir Jeremy.
Ray, Mrs. Renuka.
Richardson, Sir Henry.
Roy, The Honourable Sir Asoka Kumar.
Sargent, Mr. J. P.
Shahban, Khan Bahadur Mian Ghulam
Kadir Muhammad.
Siva Raj, Rao Bahadur N.
Spear, Dr. T. G. P.
Spence, Sir George.
Sultan Ahmed, The Honourable Sir.
Thakur Singh, Major.
Trivedi, Mr. C. M.
Tyson, Mr. J. D.

The motions was negatived.

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

"That clause 7 stand part of the Bill."

The motion was adopted.

Clause 7 was added to the Bill.

Clause 8 was added to the Bill.

Clause 9 was added to the Bill.

Syed Ghulam Bhik Nairang (East Punjab: Muhammadan): Sir, I move:

"That clause 10 of the Bill be omitted and the subsequent clauses be renumbered accordingly."

Clause 10 of the Bill seeks to amend section 34 of the Act of 1922. It says:

"In section 34 of the said Act, for sub-section (1) the following sub-section shall be substituted, namely:

"(1) 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, but shall include all Colleges recognised at the commencement of the said Act as Colleges of the University so long as such recognition continues."

Sub-section (1) of section 34 which is sought to be replaced, says: "The colleges shall be such as may be named in the statutes" and we find that in the schedule containing the statutes appended to this Bill the colleges are actually named. I invite attention to Statute 19 of the Schedule:

"Recognition of Colleges [Section 34 (1)]: The following colleges, namely, St. Stephen's College, Hindu College, Ramjas College, Anglo-Arabic College, Commercial College and Indraprastha Girls' College shall be recognised as Colleges of the University, teaching in such subjects as the Executive Council, on the recommendation of the Academic Council, may, from time to time, authorise them to teach.

So long as a direction made by the Central Government under the proviso to sub-section (2) of section 36 is in force, the Ramjas Intermediate College shall be recognised as a College of the University in respect of its Intermediate Classes and shall provide instruction up to the Intermediate Standard, and so on."

[Syed Ghulam Bhik Nairang.]

Now, Sir, as required by section 34, sub-section (1) of the present Act, the colleges have been actually mentioned in the statutes appended to the present Bill. What else remains to be done for which that sub-section should be replaced by the proposed sub-clause (1)? Unless the matter is clearly and lucidly explained by Government in a manner satisfactory to us, I think the replacement of the present sub-section by the proposed sub-section is not called for and therefore I move this amendment.

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

"That clause 10 of the Bill be omitted and the subsequent clauses be renumbered accordingly."

Mr. J. D. Tyson: We regard clause 10 of the Bill as consequential. It safeguards the existing colleges. It provides for the new procedure whereby recognition and also withdrawal shall be by the Executive Council. The colleges are safeguarded specifically by clause 10 and, as I say, we regard it as necessary and consequential.

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

"That clause 10 of the Bill be omitted and the subsequent clauses be renumbered accordingly."

The motion was negatived.

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

"That clause 10 stand part of the Bill."

The motion was adopted.

Clause 10 was added to the Bill.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I move:

"That clause 11 of the Bill be omitted and the subsequent clauses be re-numbered accordingly."

Sir, this relates to the method by which the three years degree course is being introduced into the Delhi University. I think on the subject I have said not only once but several times in this House that I do not agree with this three years course without making proper provision for the migration of students to be taken by the other Universities. This clause relates to section 36 of the Delhi University Act. What is provided in section 36 is already sufficient for even having this three years degree course. They can have the three years degree-course even if they retain the Intermediate examination. They are giving the so-called Intermediate class of theirs to the High Schools and with that object they are introducing a secondary class after one passes the Matriculation. To me it appears that they can give as much education as the students are now receiving up to the Intermediate class by adding one class there. But I think the great difficulty would be this that if they call the secondary class as equivalent to the Intermediate examination, I do not think the other Universities will accept it. Therefore, students who have passed the Intermediate examination from other Universities will have no difficulty in gaining admission in the colleges of the Delhi University, but the students who have passed the secondary class of the Delhi University will not be admitted in the third year class by the other Universities. These difficulties should be considered seriously. What we have understood from the other side, especially from Mr. Sargent, is that the other Universities will adopt the policy of give and take. But where is the guarantee for that? If we take their students in our University, where is the guarantee that they will take our students also when they have not passed the Intermediate Examination. Some correspondence may have taken place between the Government or Mr. Sargent and the other Universities as to the terms under which these mutual relations would be established. But we do not know up to this time what those terms are. What we have been told up to this time are only pious promises or hopes of pious promises from the other Universities as was said the other day. These questions should be settled first and only then an attempt should be made to introduce a matter like this.

I have already said that if they retain section 36, they can carry on with the three years course by manipulating it here and there and adjusting it

according to their needs. In that case the Intermediate examination will remain and there will not be much difficulty for the migration of students from other Universities to this University.

I need not take any more time of the House on this matter. It has already been threshed out fully in this House not only now but even when the matter was going to the Select Committee. What we have heard so far are only the hopes that the Delhi University will be able to adjust matters in such a way that there will be no difficulty. I think the difficulty has even now begun and many students are leaving this University. These complications will reduce the number of the students in the Delhi University. Those who will remain in the Delhi University will be those who are aspiring to some jobs after finishing their educational course either in the Delhi University itself or in some other offices in Delhi. I should think that the Government should not be adamant on this point and they should delete the new clause and keep the old one.

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

"That clause 11 of the Bill be omitted and the subsequent clauses be re-numbered accordingly."

Mr. J. P. Sargent (Government of India: Nominated Official): Sir, the House has been kind enough to listen to me patiently on two occasions explaining why, in our opinion, the introduction of the three years degree course in the University is a desirable thing and I do not propose to trespass further on their indulgence. I endeavoured when I spoke the other day to explain why I hoped that the University of Delhi would have no difficulty in obtaining the co-operation of other universities in reciprocal arrangements for facilitating the transfer of students both from Delhi to other Universities and from other Universities to Delhi. The reason, if I may remind the House, why I am perhaps optimistic—my friend Mr. Lalchand Navalrai would no doubt regard me as unduly optimistic—is that the idea of the three years course having been endorsed by all the Universities of the country, I think we have a right to appeal to them for their assistance in helping us to carry out an experiment which, at any rate, has met with their considerable approval.

Sir Cowasjee Jehangir (Bombay City: Non-Muhammadan Urban): Had any negotiations taken place?

Mr. J. P. Sargent: I was about to explain that point. Granted that the three years course is to be introduced, the amendments contained in this clause are necessary in order to regularise the position of the Delhi University. I think, as a matter of business, this is really the fundamental clause in the Bill concerning the three years course. I think the University felt, and felt rightly, that before they approached other Universities with regard to the question of reciprocal arrangements, they must first make the necessary alterations in their own Act and statutes which would regularise the introduction of three years course.

Mr. Lalchand Navalrai: Will that not be putting the cart before the horse?

Mr. J. P. Sargent: No, Sir. My own view is that it would be exactly the other way about. That is my opinion. Honourable Members will realise that all these things are necessary to regularise the new Higher Secondary Examination of Delhi. This examination is now a means of entry to the University degree course. At the present moment, the Intermediate Examination, which no longer exists in the Delhi University, is prescribed as a necessary condition of admission. The introduction of the words both in sub-section (2) of section 36 of the Act and in the proviso, first of all provides for the new Higher Secondary School Examination as a condition of admission and also covers the examination at the end of the preparatory course. The preparatory course which is at present in existence to facilitate the transition stage. Accordingly, if the three years course is accepted. I think the other things are necessary and logical consequences of its introduction.

Nawabzada Muhammad Liaquat Ali Khan: Will the Honourable Member please tell the House what has been done by the Board of Secondary Education and the University in this respect so far, and if any correspondence has passed between either the Government of India or the University on the one hand and the other Universities on the other hand, because that will, I think, facilitate discussion on this matter. The object of our giving notice of this motion was to find out all the facts and get full information regarding this question and if a full and frank statement is given it might remove that fear which is prevailing in the minds of the students who are seeking admission in this University.

Mr. J. P. Sargent: I hope I had made it clear that the University having altered this section in order to regularise the three years course so far as they themselves are concerned, will then be in a position to approach other Universities, to refer to this amended clause and to ask for their co-operation. The University felt, and I think quite correctly, that until they had put their own regulations in order, they would not be in a position to approach other Universities. But whether informal consultations have taken place or not, I cannot say. There has been no official correspondence.

Mr. Lalchand Navalrai: We live in hopes.

Nawabzada Muhammad Liaquat Ali Khan: I had put another question also regarding this Secondary Education Board. Have they done anything in this respect? Is that a statutory body?

Mr. J. P. Sargent: It is a body set up with the consent of the Government, but whether that makes it a statutory body or not, I do not know.

Dr. Sir Zia Uddin Ahmad: If I start a society with the consent of the Government, will it be a statutory body?

Sir Cowasjee Jehangir: May I ask whether the University authorities have considered the possibility of even one or two Universities refusing their request? What will then be the result to the students who want to join the Delhi University and who are merely here because their parents happen to be stationed in Delhi for one or two years and may have to go to another station afterwards. That is a question, I might say, that is being asked all over Delhi today by all people interested in education, and I do think that it is up to the Government to give a satisfactory answer to the public in this connection. Up to now, beyond merely stating that Government have indications from other Universities that they are likely to enter into reciprocal arrangements, they have said nothing. But when asked whether they have actually entered into negotiations already and whether these hopes are based on any discussions that have taken place, their reply was that no discussions have taken place. Will it not be that there is some risk to the Delhi University and to the large number of students who hope to join the University.

Mr. J. P. Sargent: In reply to that, I can only say what I have said before and that is that the Universities all over India have on two occasions approved this change without any reservation, excepting, as I said the other day, that the High School system would have to be reorganised. We are reorganising the High School system in Delhi. I therefore see no reason to look forward with pessimism to the reactions of other Universities to the proposal that they should fall in with the arrangements. If they do not, then the Delhi University will have to consider the situation which will then be created. According to all the facts that are available, I think it would be wrong to assume difficulties that are going to arise.

Sir Cowasjee Jehangir: Will that require new legislation?

Mr. J. P. Sargent: No, Sir. I do not think so.

Sir Cowasjee Jehangir: Is there anything in the Act whereby if you fail in your negotiations, you need not have fresh legislation?

Mr. J. P. Sargent: I could not answer that off-hand. The University will have to consider the situation and advise us.

Nawabzada Muhammad Liaquat Ali Khan: Sir, the reply that my Honourable friend the Educational Adviser has given to the questions which were put to him has proved conclusively that the demand that we, on this side of the

House, have been making for circulation of this Bill for eliciting public opinion was fully justified. It appears today that the University of Delhi or the Government of India who are rushing through this measure have not even as much as corresponded with any of the Universities in the country. My Honourable friend is relying on the decisions of some conference of some Universities that was held sometime ago whereby they are reported to have supported the idea of a three year course. May I tell him that it is not safe to depend on that kind of decision of any deliberative body. Before Government embarked on this venture they should have made sure that they would get the co-operation and support of all the other Universities in India. The object of this motion, I entirely agree with him, that if we accept the proposition of having a three years degree course, then this amendment in the Act is necessary, was to find out from the Government what concrete steps have either the University or the Government themselves taken in this direction. I cannot blame those students or those parents who are feeling nervous about this matter. Sir, as my Honourable friend Mr. Sargent pointed out on another occasion, it is indeed a question of building the house from the roof. It is not only a question of building the house from the roof to the foundation, but they have not even collected any material to fill up the foundation later on. Therefore I do submit that trying experiments like these without making preparations, without securing the goodwill of other Universities is a very risky venture. I suggest to the Government that if they have not so far taken any action in this matter, they might at least move now and do something and get the co-operation and goodwill of these other Universities. Sometimes they are too fast in their movements, at other times, they sit tight in their seats. Sir, this is really a matter which concerns the student community of Delhi very vitally and I am surprised that the University of Delhi or the Government should have embarked on a venture without making preparations for it. I submit, Sir, that it is we, who belong to this country and who have to live here, who will have to face the music. My Honourable friend who starts building the House from the roof may not be here to see it tumble down, but we will have to clear the debris and I refuse to be a party to clear the rubbish that may be left behind after trying these experiments.

Dr. Sir Zia Uddin Ahmad: Sir, I had some doubts as to the working of the three years' course, specially about the migration of students but the speech of the Educational Adviser at the consideration stage removed my doubts. But he has not yet told us as to the method he would propose in order to give effect to the proposal he laid before us on the last occasion. I thought he would like to have it enacted in the ordinances, but there is no indication. The second point is that the Higher Secondary Education Board not being a statutory body, it is very doubtful if the universities would recognise it because they only recognise an institution which is created by enactment or by statute; and therefore later on they might feel doubtful about recognising the examinations of this Board. Therefore this Board must have some statutory assent, otherwise it will not be recognised by all universities. Therefore I should like to have some assurance with regard to migration on the lines already mentioned by the Educational Adviser and also with regard to making the Secondary Education Board a statutory body.

Mr. J. D. Tyson: Sir, I will reply very briefly. We will certainly from the Government side do all that we can to help the university to make reciprocal arrangements. They will have to be made by the university but Government will certainly help them in any way they can. As to the second point about giving statutory basis to the Higher Secondary Education Board, we will examine the necessity of that.

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

"That clause 11 of the Bill be omitted and the subsequent clauses be re-numbered accordingly."

The motion was negatived.

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

"That clause 11 stand part of the Bill."

The motion was adopted.

Clause 11 was added to the Bill.

Dr. Sir Zia Uddin Ahmad: Sir, I move:

"That in clause 12 of the Bill, after the word 'Act' the brackets and letter '(a)' be inserted and the following be added at the end of the clause, namely:

'(b) in sub-section (4) after the words "Executive Council" the words "through the Academic Council" shall be inserted'."

This is important because the Vice-Chancellor awards degrees with the formula, "By the authority vested in me" etc. Now it is only the Academic Council which can vest the Vice-Chancellor with this authority by passing a Resolution to that effect. And if the Academic Council do not know the results of the examinations they are not in a position to make the proposal. Therefore the authority who tabulated and prepared the results should communicate them to the Executive Council through the Academic Council. It will not delay the publication of the results because that will be done as soon as the authority has prepared the results; it will be done as a matter of course after one or two months. But it is necessary for the results to be sent to the Academic Council so that they may by a Resolution authorise the Vice-Chancellor to award degrees. Sir, I move.

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

"That in clause 12 of the Bill, after the word 'Act' the brackets and letter '(a)' be inserted and the following be added at the end of the clause, namely:

'(b) in sub-section (4) after the words "Executive Council" the words "through the Academic Council" shall be inserted'."

Mr. J. D. Tyson: Sir, I am prepared to accept this amendment. The Mover has made it quite clear that he does not wish in any way to delay the publication of the results for which naturally the students and their teachers are very anxious. And this is a technical point on which I fully agree with him that the Academic Council should be associated with the communication of the results. As I said, we accept the amendment.

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

"That in clause 12 of the Bill, after the word 'Act' the brackets and letter '(a)' be inserted and the following be added at the end of the clause, namely:

'(b) in sub-section (4) after the words "Executive Council" the words "through the Academic Council" shall be inserted'."

The motion was adopted.

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

"That clause 12, as amended, stand part of the Bill."

The motion was adopted.

Clause 12, as amended, was added to the Bill.

Clauses 13, 14 and 15 were added to the Bill.

Syed Ghulam Bhik Nairang: Sir, I move:

"That in clause 16 of the Bill, after sub-clause (vi) of clause (1) of Statute 2 in the proposed Schedule, the following sub-clause be inserted and subsequent sub-clauses be re-lettered accordingly:

'(vii) the Chairman of the Muslim Chamber of Commerce, Delhi'."

I think nothing in the nature of a long speech is needed to show the necessity of making a provision like this. We have got in the enumeration of persons who shall be members of the Court: the Chief Commissioner of Delhi; the Director General, Indian Medical Services; the Educational Adviser to the Government of India; the Director of Public Instruction, Punjab; the Superintendent of Education, Delhi; the Chairman of the Punjab Chamber of Commerce.

And we say that the Chairman of a body of the same nature existing in Delhi—the Muslim Chamber of Commerce—should also be a member of the Court. That is all that is demanded by this amendment, and I hope Government will not be reluctant to concede to the Muslim Chamber of Commerce the right to be represented on the Court.

Yesterday when I moved an amendment relating to the committee of selection to be constituted in connection with the selection of the Vice-Chancellor, I said something about what I expected was coming. We Muslims, fortunately or unfortunately, are not in the habit of mincing matters. We do not say like what an Honourable speaker in this House said yesterday in a most hesitating and halting manner that he saw what he considered a dream which he saw in day time while he was not asleep, and all that. He described as a dream what was an actual reality. We are not in the habit of mincing matters like that; we are realists. We do not like that speaker take realities for dreams and dreams for realities. We are given to calling a spade a spade, and therefore I stood on no ceremony and made no apology in discussing that motion in saying that I expected to be charged with what is conveniently called by certain people 'communalism', and after anticipating certain objections I tried to answer them. Today again I have to revert to a certain extent to the same topic in connection with this amendment. Sir, I do think that the addition of one member to the Court to represent the commercial interests of a vast community of India, a community which is entitled to call itself a nation and has for a long time declared itself to be a nation is necessary. The commercial interests of such a nation on the Court of the Delhi University will be only reasonable and there should be no objection to such a member being placed on the Court of the Delhi University of which, under the altered circumstances under the new law, it will be more or less an honorary distinction to be a member, because all the powers one by one are being snatched away from that body and vested in a smaller body, namely, the Executive Council. Therefore, if you can satisfy a nation by giving it one representative in the shape of the Chairman of the Muslim Chamber of Commerce on an ornamental body I think it should not displease any of my Honourable friends in this House much less the Government which is the guardian of the interests of all the nations inhabiting this sub-continent. I do not propose to dilate any further on this topic. Sir, I move.

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

"That in clause 16 of the Bill, after sub-clause (vi) of clause (1) of Statute 2 in the proposed Schedule, the following sub-clause be inserted and subsequent sub-clauses be re-lettered accordingly:

'(vii) the Chairman of the Muslim Chamber of Commerce, Delhi'."

Dr. P. N. Banerjee: Sir, before speaking on this amendment, I should like to know whether this body—the Muslim Chamber of Commerce—is a purely commercial body, or not.

Nawabzada Muhammad Liaquat Ali Khan: It is purely commercial.

Dr. P. N. Banerjee: Will the Government give me an assurance that it is a purely commercial body?

Mr. J. D. Tyson: I do not know what is meant.

Dr. P. N. Banerjee: If it is a purely commercial body, I shall be very glad to support this amendment.

Mr. J. D. Tyson: This clause has come in company which makes it impossible for me to accept it, I am afraid. It is not a "Delhi" Chamber of Commerce in which case my attitude would probably have been very different, but as my friend the Mover has made quite clear that it is, to quote his own words, the National Muslim Chamber of Commerce, i.e., the Chamber of Commerce of the Muslim Nation, and I am bound to say that coming, as it does, along with all the other amendments of the same kind I must regard it as coming within the communal arena and, therefore, I am afraid, I cannot accept it.

Dr. P. N. Banerjee: If it is a commercial body I would support it.

Syed Ghulam Bhik Nairang: The words are clear—"the Chairman of the Muslim Chamber of Commerce, Delhi."

Mr. Jamnadas M. Mehta (Bombay Central Division: Non-Muhammadan Rural): I would like to understand what is the meaning of the Chamber being a purely commercial body. The Chamber of Commerce is a Chamber of Commerce and there can be no objection to it. The objection is to the fact

[Mr. Jamnadas M. Mehta.]

that it is closed to non-Muslims, not that it is a Chamber of Commerce or Chamber of Politics.

Dr. P. N. Banerjee: Still it is a commercial body.

Mr. Jamnadas M. Mehta: Only confined to one community. It is very likely that even if Mr. Nairang had not moved this amendment the learned Doctor might have moved it. But there is no doubt about its meaning that it is confined only to one community, and that is the vital objection to its acceptance.

Nawabzada Muhammad Liaquat Ali Khan: I greatly regret the speech that has been made by the Honourable Secretary for Education opposing the motion which has been placed before this Honourable House. Before I deal with this question, let me say that I cannot congratulate him on the aspersion which he has cast on the members of the Court of the Delhi University. In his enthusiasm to get dictatorial powers for the Executive Council he forgot himself to the extent that he said that he looked upon the members of the Court of the Delhi University with suspicion. Sir, as is mentioned here, who are the members of the Court of the Delhi University? The Chief Commissioner of Delhi—does he suspect him? The Director General, I.M.S.—does he suspect him? The Educational Adviser to the Government of India—does he suspect him? The Superintendent of Education, Delhi, and Ajmer-Merwara, the Chairman of the Punjab Chamber of Commerce, the Chairman of Delhi Municipality, the Chairman of the Delhi District Board, the Senior officer serving in the P.W.D. under the Chief Commissioner of Delhi, the Senior Medical Officer, Delhi, the Principals of the Intermediate Colleges in Delhi which prepare candidates for admission to the University, the Warden, the number of graduates to be elected as members of the Court by the registered Graduates from among their own body shall be 25. Probably his suspicion is on these people because they happen to be non-official Indians and they do not belong to that class to which my Honourable friend does.

Then, Sir, there is the number of teachers to be elected as members of the Court by the teachers other than Professors and Readers.

Then there is the number of persons to be elected as members of the Court by associations or other bodies approved in this behalf by the Chancellor. Probably he suspects that the Chancellor might recognise such associations which would be undesirable to send representatives to this august body.

Then there is the number of persons to be elected by the elected Members of the Council of State and the Legislative Assembly from among their own number. I do not know what to say. I would expect that my Honourable friend, as he is a Member of this Assembly, would have no suspicion against the Members of this House.

Then there is the number of persons to be appointed by the Chancellor.

Now, Sir, surely a Court which is constituted of such persons does not deserve that contempt which my honourable friend has shown for this body.

Mr. J. D. Tyson: I do not know whether I used the word suspicion.

Nawabzada Muhammad Liaquat Ali Khan: Yes, you did. I am surprised at the distinction which my Honourable friend is trying to make between these two words. Suspect is a verb and suspicion is the noun.

Mr. J. D. Tyson: I do not recall using either word.

Nawabzada Muhammad Liaquat Ali Khan: And then my Honourable friend said that because there is one particular college which has been behaving in a manner which is repugnant to the Honourable Member and as the Court has not taken any action against it, therefore he suspects that Court. May I know if the matter of taking any action against this college was ever placed before the Court? I stand to correction here. Then, I think that the Honourable Member was not justified in casting a serious aspersion on the members of the Court and the University of Delhi and treating the Court as if it were a body that consisted of irresponsible people who did not have the interest of the University at heart.

Now I come to the proposition which is before this Honourable House. I am most grateful to my Honourable friend, Mr. Chatterji, for his fairmindedness when he said yesterday that the case which we had put from this side of the House for adequate representation of Muslims in the various bodies of the University was a fair and just one. He only opposed it because he said that it would not look nice in the interest of the country that we should have such a thing in our legislation. Sir, what is the use of trying to conceal facts. Facts are what they are. Everybody knows that India is not a nation. It is a land of nationalities. What is the use of your not including it in the Act? It does not make the slightest difference as far as that goes. I cannot agree with him that we should bury our heads in the sand like an ostrich and declare that there is no storm. The storm is there. The facts are there.

Sir, my Honourable friend, Mr. Kailash Bihari Lall, who is not here, gave a long speech to the effect that he was waiting for that day (when it will dawn I do not know!) when questions such as this would not be considered necessary. My Honourable friend can afford to wait for that day because he happens to have all that he wants today. But I cannot afford to wait for that day. My Honourable friend suggested that he did not like a provision like this to be included in the Act but he was not opposed to it if it was devised in some other manner like the Instrument of Instructions. I do not know to whom he would send the Instrument of Instruction. Unfortunately, we get so much carried away by various phrases that we hear now and again that without understanding the significance and the meaning of that particular phrase, we begin to repeat it.

Sir, as was shown yesterday, the University of Delhi has been in existence for the last 20 years. The Mussalmans of Delhi have waited for 20 years to see that justice was done to them. I had given certain figures regarding the composition of the Executive Council, of the Court and of the Academic Council. Now, Sir, with your permission, as this is a matter which really affects the whole administration of the University, I would like to quote certain other figures and satisfy the Honourable Members of this House, who have got a fair and open mind, that what we are putting before this House is nothing but what is our due and is nothing but what justice demands:

	Muslims.	Non-Muslims.
Members of the Faculty of Arts	4	21
Members of the Faculty of Science	3	21
Members of the Faculty of Law	2	12
Members of the Committees of Courses and Studies in the Faculty of Arts	9	53

I am giving these figures to this House because all these Committees are formed either by the Court or the Executive Council, or the Academic Council and unless we can have adequate representation on these bodies, it is not possible for the Muslims to find representation on any of these Committees:

	Muslims.	Non-Muslims.
Members of the Committees of Courses and Studies in the Faculty of Science	1	14
Members of the Committees of Courses and Studies for the Faculty of Law	1	7
Board of Co-ordination	Nil	5
Residence, Health and Discipline Board	1	4
Finance Committee	1	6
Committee of Selection	2	14
Library Committee	1	14
Admission Committee	1	10

This, Sir, is the state of affairs in the University of Delhi, and I am really surprised that the Government should come forward and oppose a motion of this nature. It should have been the duty of this Government to have come forward when they were bringing this Bill to improve the position of Mussalmans in the University of Delhi. They do not only not do that but now

[Nawabzada Muhammad Liaquat Ali Khan.]
 they are coming forward and trying to defeat what is our due with their official votes which they have at their disposal. Sir, it is not only the University of Delhi where the representation of Mussalmans is so inadequate. It is practically in every University. And I tell the Government that if they oppose this motion they will for ever be preventing the Mussalmans from getting any representation in any of the other universities. The Government of India are considered to be a Government which is not communal, and, Sir, whenever we would go before any of the Provincial Legislatures wanting better representation of the Mussalmans in the universities of those provinces this will be flung in our faces that the Government of India which is non-communal did not see that there was any justice in our claim. So, in other words, by adopting this attitude they are depriving the Mussalmans of India of an opportunity of getting their due share in the higher education of this country. This to my mind is a very serious question and the Government should consider very carefully before they adopt this attitude of coming in the way of securing justice for a particular community. I have got the figures of other universities also, and if I am challenged by any one I shall be compelled to take the time of the House by quoting them, but I do not want to do that. Every one knows that the position of the Mussalmans in practically every university is deplorable and I am surprised that the Honourable Member who is representing the Government as far as this Bill is concerned should come forward and oppose a motion of this nature. They should have come forward if they had any sense of justice, if they had any sense of decency—they should have come forward and supported us in this demand. But to come forward and say that they cannot accept it even when my Honourable friend, Dr. Banerjea, has accepted it,—I do not know what expression I should use to condemn this action of the Government. Mr. President, let me tell this Government that if you are cowardly, if you have not got the courage to see that justice is done to a particular community, then for God's sake do not stand in the way and do not take the responsibility of perpetration of that injustice to the Mussalmans of India. If you want to show that you are impartial in this matter, if you want to show that this is a matter for the Hindus and the Mussalmans to decide, then I would say, do not let your official votes be used on this occasion. Let this matter be decided by the non-official Members of this House. Let them take the responsibility of this action, but why do you want to soil your hands in this matter? I do not know whether my appeal would have any effect because it seems to me that the Government have lost all sense of justice and decency, but I would warn them again that by this stubborn, this unreasonable, this unjust attitude of theirs, they will be creating a bitterness among the Mussalmans. You should be there to help the Mussalmans and others who are weak to get their due share; you should not be there to stand in their way of achieving what is legitimately theirs.

Mr. Lalchand Navarai: I may assure the House that I had no intention to intervene in this debate. (Interruption.) I will say why I have risen to speak. I was reminded of the attitude of the Honourable Member who is piloting this Bill, towards the Court of the University and I thought I should not sit silent over it. It is an indignity to a body which is the first body of the University. To use any words like suspicion or suspected or say anything which is not graceful towards the University is a matter for great condemnation, and I am sure that Mr. Tyson who is known to be very courteous and who is doing things so very well, will come forward and offer an apology or express his sorrow at having used those words towards the Court of the University. On some motion before, I had said that I was a member of that Court, and I have seen there that officers of the University, I mean, those at the top, do not treat the members of the Court with that courtesy and that consideration which they should show. They treated the Court very lightly, and if Government here also joins them, it will give them an impetus to treat the Court even more

lightly. I need not say anything more on that. When the question of three years degree course had come before the university for consideration and was before the Executive Council, it was I who said that the Court, being the first authority, should be consulted first and not that the matter should be cooked up, as I would call it, in the Executive Council and then brought up before the Court for only nominal consideration. I put in a resolution and it was accepted by ballot, and yet it was not given any consideration. The proposal never came before the Court and the Court was slighted. Matters like this should be taken seriously by the Government and they should not say anything to belittle the powers or the authority or the privileges of the Court of the University.

Bhai Parma Nand (West Punjab Non-Muhammadan): How are the privileges of the Court relevant to the amendment under consideration?

Mr. Lalchand Navarai: I am coming to the amendment. I will give my own independent view on it. So far as the amendment is concerned, I have seen that the Leader of our Party has given his own opinion. Rightly or wrongly whatever it be, he has given his own opinion. So I want to restrain myself from speaking on that amendment at all. I do not want to say anything which would injure either this Party or that Party. When the question of voting comes, my position would be known.

Sir Cowasjee Jehangir: It is always difficult to speak on a question which takes a communal turn in this Honourable House. But it is no use trying to close our eyes to the fact that to-day in India we have to face this problem. This amendment seeks to get a representative of the Muslim Chamber of Commerce on the Court of the Delhi University. This Court is constituted by the representatives of several bodies, as has been explained by the Deputy Leader of the Muslim League Party.

Bhai Parma Nand: But they are not communal.

Sir Cowasjee Jehangir: The objection that has been taken to the Chairman of the Muslim Chamber of Commerce being a member of the Court by statutory provision is that the Muslim Chamber of Commerce is a communal body. That is the objection taken by Government. I am sure Government are aware that the principle has long been established that communal institutions are recognised by Government and recognised in India. That is an established fact. Take this principle a little further, that no communal institution should be recognised or should be allowed to send a representative to a body which is non-communal. Take this main principle to its logical conclusion. That would mean that the Parsi Gymkhana, the Muslim Gymkhana, the Hindu Gymkhana and the European Gymkhana which are all communal institutions should have no representatives on an association which is non-communal but which deals with sport. Do you want to carry it as far as that? Then, surely, the Marwari Chamber of Commerce is recognised by Government. Their opinions are sought for as a chamber of commerce. It is a communal body. Do you mean to say that Government do not take or ask for the opinion of the Marwari Chamber of Commerce, because it is communal? Do you mean to say that the Marwari Chamber of Commerce has no representation on non-communal bodies? This is carrying a principle much too far. As long as communal bodies are recognised such as chambers of commerce, so long will you have to allow them to send representatives to industrial associations, sporting associations and academic associations of a non-communal character to represent their interests. That is done every day. Because this debate has taken a communal turn, you want to turn down a proposal which is eminently reasonable. You must separate this proposal from other amendments that may follow. If you turn down this amendment, you will negative a policy which Government has adopted for years past in this country. You may oppose the amendment on the ground that the Muslim Chamber of Commerce in Delhi is not representative. I can understand that opposition. Such an argument can be applied to any association but you cannot apply it on the ground of its being a communal association.

[Sir Cowasjee Jehangir.]

My point of view is this that the population of Delhi which this university serves is not purely Hindu nor is it purely Muslim but it has a larger proportion of Muslims than most parts of India. I understand that the population of Delhi is half Muslim and half Hindu and therefore any institution which has to serve the area of Delhi requires special consideration so far as the Muslims are concerned and on that ground alone, not on communal grounds, the Muslims should, I think, have their effective voice in an institution which has been built up, is being built up at the cost of the country. It is an institution which is to play a most important part in the lives of the future generations of this country. Therefore I would urge that in this particular case the House has reason to look with favour on any proposals which are brought forward for an adequate representation of a community which is playing an important part in the life of this part of India. It might have been that the Hindus were only 30 or 25 per cent. of the population of Delhi. They would still have a right to be represented on an educational institution as much as anybody else and if they had to put forward their claim for adequate representation, they should have had the support of the House. On these grounds alone I would ask this Honourable House to consider favourably proposals of this character, especially this amendment which is quite an ordinary proposition of having a communal institution send its representative to an institution which is non-communal in order to safeguard its own interests.

Commerce is very much interested in the education of this province. Commerce surely ought to have a voice in education. It is the commercial people who built up education. Who built up the University of Bombay if not the commercial people. Who helped the University of Calcutta if not the commercial people of that City. Surely a commercial body has a right to be represented on this Court, especially a body which represents about 50 per cent. of the whole population, and under those circumstances I would definitely separate this amendment from those that are to follow and support my friend Dr. Banerjea in the very wise and sane view he has taken that this amendment should be supported.

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

"That in clause 16 of the Bill, after sub-clause (vi) of clause (1) of Statute 2 in the proposed Schedule, the following sub-clause be inserted and subsequent sub-clauses be re-lettered accordingly:

"(vii) the Chairman of the Muslim Chamber of Commerce, Delhi."

I think the Ayes have it.

(One or two Honourable Members cried 'Noes have it'.)

Mr. President (The Honourable Sir Abdur Rahim): Will those who are for 'Noes' rise in their places?

(No Honourable Member rose, but after a pause Mr. Jamnadas M. Mehta rose.)

Mr. Jamnadas M. Mehta: I am saying "No", Sir.

Mr. President (The Honourable Sir Abdur Rahim): Those who are for Ayes will now rise in their places.

(Many Honourable Members rose in their places.)

The motion was adopted.

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

The Assembly re-assembled after Lunch at Three of the Clock, Mr. K. C. Neogy (one of the Panel of Chairmen) in the Chair.

Mr. H. A. Sathar H. Essak Sait (West Coast and Nilgiris: Muhammadan): Sir, I move:

"That in clause 16 of the Bill, after sub-clause (x) of clause (1) of Statute 2 in the proposed Schedule, the following sub-clause be inserted and subsequent sub-clauses be re-lettered accordingly:

"(xi) the Sadars of the Majalise Aukaf constituted under Act XIII of 1943."

Sir, as the House is aware, this Statute is dealing with the constitution of the Court. To the sub-clauses dealing with those who will be the members of this

Court, I want to add two Sadars, the Presidents of the two Majalise Aukaf which have been constituted under the Bill that was introduced by my Honourable friend Maulvi Muhammad Abdul Ghani which was passed into law by this House. I need not dilate on this. These two Presidents will have great interest in the matter of education because some of the Aukaf which are dealt with in that Act do control certain classes of educational institutions. I therefore propose that the responsible heads of the Aukaf, that is the two Presidents, should be members of this Court. Sir, I move.

Mr. Chairman (Mr. K. C. Neogy): Amendment moved:

"That in clause 16 of the Bill, after sub-clause (x) of clause (1) of Statute 2 in the proposed Schedule, the following sub-clause be inserted and subsequent sub-clauses be re-lettered accordingly:

"(xi) the Sadars of the Majalise Aukaf constituted under Act XIII of 1943."

Dr. P. N. Banerjea: Sir, I rise to support this amendment, not on the ground of communal representation but on the ground of educational advancement. I am told that the funds of these two bodies, Majalise Aukaf, are applied mostly to educational purposes, and as such I think the two Presidents should have *ex-officio* seats on the Court of the Delhi University.

Mr. J. D. Tyson: Sir, on the basis on which this amendment has been moved and supported, I am willing to accept it.

Nawabzada Muhammad Liaquat Ali Khan: Sir, I greatly appreciate the support which my Honourable friend Dr. Banerjea has given to this amendment. I welcome the change in the attitude of the Government regarding amendments of this nature. I wish to assure my Honourable friend Dr. Banerjea that there is not a single amendment which has been suggested which is not directly connected with educational uplift. As has been pointed out, a good sum of money from the income of these Aukaf is spent for educational purposes and their presence on the Court will be for the advancement of University education in the Province of Delhi. I would, Sir, make one request to the Government that before they oppose any amendment, they should see whether the amendment suggested is reasonable or not. Here, I would like to point out that we have kept in view the academic character of the University and we have not suggested any amendment which would give representation to an interest on either the Court or the Executive Council which is not directly connected with the education of the Province of Delhi. I support the amendment which has been moved.

Mr. Chairman (Mr. K. C. Neogy): The question is:

"That in clause 16 of the Bill, after sub-clause (x) of clause (1) of Statute 2 in the proposed Schedule, the following sub-clause be inserted and subsequent sub-clauses be re-lettered accordingly:

"(xi) the Sadars of the Majalise Aukaf constituted under Act XIII of 1943."

The motion was adopted.

Syed Ghulam Bhik Nairang: Sir, I move:

"That in clause 16 of the Bill, sub-clause (xi) of clause (1) of Statute 2 in the proposed Schedule be omitted."

Sir, if you refer to sub-clause (xi) which I seek to amend, this is the first time we find that in the constitution of the Court "the Principals of the Intermediate Colleges in Delhi which prepare candidates for admission to the University" are contemplated to be Members of the Court. As a matter of fact, we find that there is no Intermediate College in the Province of Delhi. There was only one, the Ramjas College, which has so far been functioning as an Intermediate College. My information is that on the inauguration of this new scheme, it has got itself affiliated to the Allahabad University so that at present there is no Intermediate College and apparently none is in contemplation because the intermediate stage of education is to be done away with. We are going to have only the High School Examination and the three years degree course in the University. There is no Intermediate College provided for in the amending

[Syed Ghulam Bhik Nairang.]

law. Therefore, I think it is clear that the insertion of this sub-clause (zi) in the Statute was based on some misconception and it should be removed. Sir, I move.

Mr. Chairman (Mr. K. C. Neogy): Amendment moved:

"That in clause 16 of the Bill, sub-clause (zi) of clause (1) of Statute 2 in the proposed Schedule be omitted."

Mr. J. D. Tyson: Sir, I understand that the facts are as stated by my Honourable friend and that this Intermediate College is the only one to which this statute could have had any application and that it no longer exists in the University: I therefore accept the amendment.

Dr. Sir Zia Uddin Ahmad: Sir, the retention of this sub-clause is opposed to the principle of the Bill and if it is there people will begin to doubt whether we have introduced a three-year course or not. Therefore I think the amendment is desirable.

Mr. Chairman (Mr. K. C. Neogy): The question is:

"That in clause 16 of the Bill, sub-clause (zi) of clause (1) of Statute 2 in the proposed Schedule be omitted."

The motion was adopted

Syed Ghulam Bhik Nairang: Sir, I move:

"That in clause 16 of the Bill, to clause (2) of Statute 2 in the proposed Schedule, the following be added at the end:

"at least eight of whom shall be Muslims."

According to the sub-clause as it stands the number of graduates to be elected to the Court by registered graduates from among their own number shall be 25 and I want by this amendment that eight of them should be Muslims. The reason is that we desire larger representation on the Court and if in the elections to that body by the registered graduates eight seats are reserved for Muslims it will be only fair and reasonable. The details as to the composition of the Court have been given in connection with the debates on this Bill so often that I need not repeat them. At present Muslim representation on the Court is very meagre indeed, and out of a total membership of 123, as was pointed out, there are only 24 Muslims at present; and it may be very fairly contended that in a province like Delhi where the Muslim population is 50 per cent. of the total a larger representation is surely called for, not only on the population basis but also in view of advancing the cause of higher education among the Muslims. A larger number of Muslims should be given an opportunity to enter the Court of the University and thereby advance the cause of higher education among Muslims. I do not think I need dilate on the point any further. Sir, I move.

Mr. Chairman (Mr. K. C. Neogy): Amendment moved:

"That in clause 16 of the Bill, to clause (2) of Statute 2 in the proposed Schedule, the following be added at the end:

"at least eight of whom shall be Muslims."

Dr. P. N. Banerjee: Sir, I rise to make the position of my Party clear on the question of communal representation. As I said in my speech the other day, our Party is not prepared to accept the question of communal representation on an educational institution like the Delhi University, and that will be our attitude towards all the amendments. Sir, I oppose this amendment.

Mr. J. D. Tyson: Sir, this amendment is quite specifically within the ambit of what I said yesterday when the very first amendment which seemed to have an aspect of communal representation was moved. I made the attitude of Government then plain. I do not for a moment suggest that the Muslims have not got some legitimate grievance against the university or

against some of the electing bodies in the university on account of the paucity of Muslims who have been returned by the elective bodies. I do not think they can have any complaint as regards the nominated element. But certainly the university has from that point of view made a poor show on the elected side. But I am not prepared to introduce this element into the present legislation. The House is very divided on the subject and I made clear yesterday that I could not accept amendments of that kind. Sir, I cannot accept this amendment.

Nawabzada Muhammad Liaquat Ali Khan: Sir, the Honourable Member has accepted the position that the representation of the Mussalmans is very meagre. As far as this particular constituency is concerned, there are 25 members who are elected by the registered graduates. I have got a calendar of the university with me here; there is only one Muslim who has been elected out of 25. It is all very well to say that they do not want the introduction of communalism in this Act; but may I ask Government what do they propose to do to secure effective and just representation of the Mussalmans in the various bodies of the university? If my Honourable friend had come forward with some other suggestion which would have secured to them their due share and an effective voice I could have understood his opposition to this proposal. It is recognised that the university or the elective bodies of the university have not treated the Mussalmans fairly in the past. What is it that Government are going to do to see that in future the Muslims are treated better? Nothing. That is not really a happy position for Government to adopt. We are not introducing any element in these bodies which is not directly connected with education. All that we demand is that out of the 25 that are to be elected by the registered graduates,—not by any body from outside,—seats should be reserved for the Mussalmans. And let me tell you that instead of creating any ill-feeling between the students of these two communities it would create greater harmony. At present there is a feeling among Muslim students and Muslim graduates that they are not given their due share; and if you accept this proposition it will bring about a better understanding between the students of the two communities. It may be communal in a certain sense; although I do not see any objection to there being communal representation. As has been suggested before, there is communal representation in every institution connected with every sphere of life in this country. Why are the Government so shy in recognising the claims of the Mussalmans? What is it that they propose to do to redress the injustices done to them? This is not enough for my Honourable friend to say that we recognize that the Mussalmans had not had their due share, but what is it that you are doing to secure them their due share? Nothing. Therefore, Sir, I submit that no valid argument has been advanced by the Government in opposition to this amendment.

As I stated earlier, Sir, this is a matter that really does not affect in principle the administration of the University. It cannot be contended that the Mussalmans who will go there will be unfit to take their proper part in the deliberations of these bodies. The only thing is that by reserving certain seats for them you provide against any combination which would purposely keep the Mussalmans out. Therefore, Sir, I submit that if the Government are not prepared to take the responsibility of securing adequate representation, they should at least leave it to the non-official Members of the House to decide and let them take the responsibility either one way or the other. If the Government had said, "No, your claims are not just" I could have understood their attitude in this respect. They recognize, they admit that our demand is just, that our grievance is justified, and yet they are proposing to oppose an amendment which would improve the position of Mussalmans in the various bodies of the University. Sir, I support this amendment which has been moved by my Honourable friend.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): "To the very lucid remarks made by my Honourable friend, Nawabzada Liaquat Ali

[Maulana Zafar Ali Khan.]

Khan, I would only add that in order to safeguard our effective representation in the governing bodies of the Delhi University, we do not want to introduce the element of separate electorates. Let there be joint electorates, but a number of seats should be reserved for the Mussalmans and this will not affect injuriously the interests of others.

We have seen that for the past 22 years that the Delhi University has existed, our position was precarious. The statistics placed before the House ought to have convinced you that nowhere in the University we have had any representation worth the name, much less effective. So, after these 22 years, when the question has come up of reforming this so-called 'model University' or 'All-India University', the Mussalmans, who in this province of Delhi claim a percentage of at least 45, have some claims, and you cannot ignore those claims. How are you to meet with their wishes and claim to be just, of which you are so proud? We have heard of British sense of justice and British sense of fair play, but the way in which our Honourable friend, Mr. Tyson, has shown his sense of justice has opened our eyes. And it was against his wish that Nawabzada Liaquat Ali Khan was so frank and outspoken, and I think he struck a right note at the right moment. Let the Government know that we Mussalmans are a very proud people and we have made up our mind to secure our rights. Whoever comes in the way will have to reckon with the Mussalmans. The very word 'Mussalman' is like the proverbial fly in the ointment so far as my Honourable friend Mr. Jamnadas Mehta is concerned. He should know that his name is Jamnadas and as such he is known to India and as such he is known to Delhi. Jamnadas means the slave of Jamna. Whereas we are the servants of Zam Zam, he is the slave of Jamna. That brings about a fundamental separation. He must admit that. Yesterday, while speaking on this very subject, I was telling him, his henchmen and those who are of his way of thinking that you Hindus, who talk so glibly of justice and fair play, have treated the Harijans for the past many thousand years like goods and chattels and you have not allowed them the right of entering a temple—the temple of learning as you call it. So we have made up our mind not only to protect our own interests but to protect the interests of other minorities like Harijans, Scheduled Classes and so on and when the time comes

Mr. Chairman (Mr. K. C. Neogy): Order, order. That has nothing to do with this amendment. Perhaps the Honourable Member will confine his observations to the amendment before this House.

Maulana Zafar Ali Khan: All right, Sir. I lend my strong support to the amendment.

Mr. Chairman (Mr. K. C. Neogy): The question is:

"That in clause 16 of the Bill, to clause (2) of Statute 2 in the proposed Schedule, the following be added at the end:

'at least eight of whom shall be Muslims'."

The Assembly divided:

AYES—21

Abdul Ghani, Maulvi Muhammad.
Abdullah, Mr. H. M.
Azhar Ali, Mr. Muhammad.
Bhutto, Mr. Nabi Baksh Illahi Baksh.
Choudhury, Mr. Abdur Rasheed.
Choudhury, Mr. Muhammad Hussain.
Essak Sait, Mr. H. A. Sathar H.
Ghiasuddin, Mr. M.
Lalljee, Mr. Hooseinbhoi. A.
Liaquat Ali Khan, Nawabzada Muham-
mad.

Murtuza Sahib Bahadur, Maulvi Syed.
Nairang, Syed Ghulam Bhik.
Nauman, Mr. Muhammad.
Piare Lal Kureel, Mr.
Raza Ali, Sir Syed.
Siddique Ali Khan, Nawab.
Siva Raj, Rao Bahadur N.
Yamin Khan, Sir Muhammad.
Yusuf Abdoola Haroon, Seth.
Zafar Ali Khan, Maulana.
Zia Uddin Ahmad, Dr. Sir.

NOES—39.

Ahmad Nawaz Khan, Major Nawab Sir.
Aiyar, Mr. T. S. Sankara.
Ambedkar, The Honourable Dr. B. R.
Banerjee, Dr. P. N.
Bentham, The Honourable Sir Edward.
Bewoor, Sir Gurunath.
Chapman-Mortimer, Mr. T.
Chatterji, Mr. S. C.
Daga, Seth Sunder Lal.
Dalal, Dr. Sir Ratanji Dinshaw.
Dalpat Singh, Sardar Bahadur Captain.
Haidar, Khan Bahadur Shamsuddin.
Imam, Mr. Saiyid Haidar.
James, Sir F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Joshi, Mr. D. S.
Kailash Bihari Lal, Mr.
Khare, The Honourable Dr. N. B.
Lalchand Navalrai, Mr.
Lawson, Mr. C. P.

Mackeown, Mr. J. A.
Maitra, Pandit Lakshmi Kanta.
Maxwell, The Honourable Sir Reginald.
Mehta, Mr. Jamnadas M.
Miller, Mr. C. C.
Noon, The Honourable Malik Sir Feroz Khan.
Pai, Mr. A. V.
Raisman, The Honourable Sir Jeremy.
Ray, Mrs. Renuka.
Richardson, Sir Henry.
Roy, The Honourable Sir Asoka Kumar.
Sant Singh, Sardar.
Sargent, Mr. J. P.
Spear, Dr. T. G. P.
Spence, Sir George.
Sultan Ahmed, The Honourable Sir.
Thakur Singh, Major.
Trivedi, Mr. C. M.
Tyson, Mr. J. D.

The motion was negatived.

Syed Ghulam Bhik Nairang: Mr. Chairman, I move:

"That in clause 16 of the Bill, to clause (2) of Statute 2 in the proposed Schedule, the following be added at the end:

'at least four of whom shall be Muslims'."

You see, Sir, clause (8) to which the amendment relates, reads as follows:

"Section 18 (2). The number of teachers to be elected as members of the Court by the teachers other than Professors and Readers shall be ten."

It is out of these ten, Sir, that we want four at least to be Muslims. Now, Sir, I do not know if there will be any practical benefit flowing from making a long speech over an amendment of this kind because on most points that we have been urging during the course of the debate on this University Bill, we have found that we could have more usefully addressed ourselves to stones and walls. Arguments can have no effect. Facts and figures which speak for themselves are of no use. An appeal to the sense of fairness of the responsible Government Benches is futile, so much so that even the very worthy gentleman, our Honourable friend, Mr. Tyson, who is piloting the Bill in this House, does not, unless I am very much mistaken, appear to be a free agent. I have heard his speeches in connection with other Bills in this House. I have known his attitude in connection with other matters and on more than one occasion I have considered it my duty to say publicly on the floor of this House how fair and how alive to his duties he has proved himself. But I do not know what has happened to him. He is cutting the figure in connection with these debates of one, who convinced against his will, is of the same opinion still. I am glad he has not quoted his bible during the course of the debate today. Yesterday he gave me the impression that the Report of the Select Committee was his bible. When any question arose he quoted chapter and verse from his bible and silenced all arguments, or rather he silenced his own reason, because he had to submit to the inevitable—the recommendations of the Select Committee. All matters which had been adjudicated upon by the Select Committee were now *res judicata* as far as this House was concerned and as far as any other legislative authority was concerned. Under the circumstances I say that it is nothing but the voice of one crying in the wilderness to move any amendment like the one which I feel bound to move and have moved . . .

Nawabzada Muhammad Liaquat Ali Khan: . . . and shall go on moving.

Syed Ghulam Bhik Nairang: . . . and shall go on moving as long as the list is not exhausted. Is it again necessary to point out that it is a disgrace to an institution like the Delhi University to be the virtual monopoly of a particular community? Has not that been sufficiently brought out in the speeches which have preceded in the course of this debate, and if it has not been, then I can only say that it is wilful neglect of the duty which the Government

[Syed Ghulam Bhik Nairang.]

at any rate owes to the various elements in the population of the country over which this Government is somehow ruling—it is wilfully ignoring patent facts, and that alone can account for such obstinacy and such wrong-headedness as we find Government showing in the matter of this Bill. In the last amendment which has been negatived we wanted eight out of 25, that is to say, less than one third. In this we want four out of ten. Of course we could not propose a fraction in connection with 25, we could not say, give us $8\frac{1}{3}$, we said 8. We did not like to say 9 because that would have been more than one-third. We thought one-third would be quite enough, and we could in connection with some other amendment want a little more than one-third. I have said before and I repeat again that the population basis or the educational interests concerned or any other criterion can be easily applied, and those whose eyes are not blinded by prejudice can easily see that the Mussalmans have a perfectly just and fair case when they say that they must have more representation on that great body, the Court of the Delhi University. Out of the representatives to be elected by teachers to whom you are assigning 10 seats, four seats must be reserved for Muslims. Of course, we are not in this connection saying that those four shall be elected by the Muslim electors. That point we have not raised at all. The entire constituency will return ten persons of whom four shall be Muslims. That is the whole prayer. Sir, I move.

Mr. Chairman (Mr. K. C. Neogy): Amendment moved:

"That in clause 16 of the Bill, to clause (3) of Statute 2 in the proposed Schedule, the following be added at the end:
"at least four of whom shall be Muslims."

Maulvi Muhammad Abdul Ghani: I fail to understand the point that communalism should not be introduced in an educational institution. What is this? Is this not communalism—to give seats for graduates and teachers separately when the professors are there, why teachers are given separate seats? Are the latter not graduates? Is it proper to give seats to various kinds of bodies, Chambers of Commerce; Municipal Board and District Boards? Are not these things communal things? Are not these things separate one from the other? The point is this. When it suits a particular group of persons, then it is all right. But when it pinches, it is given a communal colour. We do not say that non-graduates should be had, non-teachers should be had. We only say, Muslims having the same qualification, having been registered there and recognised teachers should have representation. We do not say people outside say in the streets of Delhi should be given seats. I am simply surprised to hear all these pleas, all these efforts to deprive the Muslims from being represented in the Delhi University. I may point out that about 50 per cent. Muslims reside in that area in which the University is located say within a radius of ten miles from the university seat. You are thus going to sacrifice the interests of about 50 per cent. of the population, so that they may not have any voice, under some plea or pretext. I do not think that is proper. In another amendment which is coming later on, we have this. There is no question of any educational qualification there.

Mr. Chairman (Mr. K. C. Neogy): The Honourable Member should not anticipate an amendment which is not before the House.

Maulvi Muhammad Abdul Ghani: It is not before the House, but it is in the amending Bill and such provision has been made in the amendment which is going to be passed by this House. Therefore, with your permission, I may refer to such sort of thing. When representation has been provided in this amending Bill to persons irrespective of educational qualifications, I fail to understand why objection should be put in the way of educationists, simply because they happen to be Muslims and nothing else. It has been said that it is a temple of learning. I do not think so. It is a temple of certain vested interests. So, all these things should not be allowed to go on for a long time. The House should consider twice before coming to any contrary decision and I

hope that they will accept the very modest amendment proposed. My Honourable friend is afraid of asking representation on the population basis, that is 50 per cent., we have asked for 30 per cent. and even less than that. The representation which has been so far given does not come to even 2 per cent. for Mussalmans on the whole on different bodies of the University. With these few words I support the amendment.

Mr. Kailash Bihari Lall (Bhagulpur, Purnea and the Sonthal Parganas: Non-Muhammadan): I would not have stood up but for the fact that I want to help my Honourable friend, Maulvi Abdul Ghani. The very argument that he has placed before the House that it is only to keep out the educationists that such sort of amendments are being opposed by those who are opposing such amendments.

Maulvi Muhammad Abdul Ghani: I never said that.

Mr. Kailash Bihari Lall: In the same breath he says in the part of the country where this University is located the population is 50 per cent. So, if he has got the interest of 50 per cent. of the population, he should not have supported an amendment which seeks only a proportion of 4 to 10 which comes to about 30 per cent. but he should have sought 50 per cent. representation. (An Honourable Member: "He is generous.") I am afraid it is not the generosity of my friend but only a sort of attachment to something communal which gives him the pleasure. Had it been for the purpose of doing justice to the population, he should have asked for 50 per cent. (Interruption.) I am not here to distribute favours and patronage. It is by election that people will come there and if the population is 50 per cent., most of the educationists will also come from that population and as I told you about my dream yesterday it may come about that you will get more than 50 per cent., it may be 60 per cent. or even 70 per cent. Why should you stick only to 30 per cent. I stand to correct you. You should not stick to 30 per cent. only by means of a statutory provision. Let the door be open and my dream in that way may come true and you come in 70 per cent. or even cent. per cent. I don't mind that. In the interest of justice of the very community whose cause you are fighting, I hope you will correct yourself, withdraw your support to this amendment and I would appeal to my friend the Mover to withdraw this amendment.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): It is really very amusing and very interesting to see that on every amendment which is proposed here we find new arguments and new theories advanced. Lectures are given that we were wrong in asking for less than we deserve. My friend Mr. Kailash Bihari Lall ought to have known that when we tabled this little demand we had taken him into consideration also. We knew that there will be lot of haggling. There will be people who will not be willing even to give one-third, when we can expect half. My friend's whole argument is that he is not supporting us because we have not asked for 5 out of 10 and we have confined our demand to only 4. If my friend reads the amendment he will see that we say that at least 4 should be Muslims and if people are so magnanimous as to give our community two more we shall not refuse it. But we had known that people will not be willing even to give us at least 4. That is why we left a margin of 2. Although on the population basis we are entitled to 5, we took into consideration the Christian population, the Sikh population and the Depressed Classes. We took into consideration other persons who come to this great city of ours. They have got a right of representation. We did not take into consideration only the big Hindu community. We took into consideration the other different interests that should not be left without representation. My friend Sardar Sant Singh will get up and ask for one seat. We were prepared to give him at least one out of the remainder. Therefore this little modest demand is not strictly according to our percentage. We have shown that we can be trusted to accommodate others. Although our legitimate demand ought to be 5; we are content with 4. My friend Mr. Kailash Bihari Lall says it might be 60 per cent. of the population. Of course there may come a time which we

[Sir Muhammad Yamin Khan.]

have not visualised yet when we will be allowed to get more than our share. That may come about after three or four centuries. There may come a time when we may find ourselves in that position but for the present we do not want more than 4.

As regards the sanctity of the temple of learning, I knew that there were many temples of learning which were closed to some person for a long time. At least one temple which for a long time fought against the entry of those who were not allowed was my own Lincoln's Inn. Even the House of Commons had no representation of women until the Suffragettes came to break the windows of the shops in England. It was considered that no woman had any right to get into the Parliament. I saw myself one day in London Suffragettes coming to the National Picture Gallery with hatchet in hand and breaking into pieces the beautiful picture of Venus.

Mr. Chairman (Mr. K. C. Neogy): The Honourable Member's personal reminiscences are very interesting but having regard to the slow progress that the House has made in regard to the consideration of the Bill, I appeal to Honourable Members not to repeat arguments of a general character either for the purpose of supporting, or opposing, any amendment.

Nawabzada Muhammad Liaquat Ali Khan: May I point out that the slow progress is due to the attitude of Government entirely?

Sir Muhammad Yamin Khan: We have so often listened to this temple of learning argument during the last two days that I was giving an example of places which have been opened after long exertions. When I saw the beautiful picture of Venus broken, I felt very sorry, because I was very fond of good pictures.

Mr. M. Ghiasuddin (Punjab: Landholders): Did you not do anything to protect your Venus?

Sir Muhammad Yamin Khan: The Honourable Member knows that against the fair sex we cannot do anything, and the British nation had to yield before that force when it came as a public opinion.

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

Sir, 30 or 40 years ago it was considered that the members of the fair sex should not find their place in the Houses of Parliament but now it is considered to be an honour to have lady members. Even in this House when a lady member was brought here, we thought that it was a great honour to the House. The times have changed and will go on changing. We know that we may not win by mere votes because they are not free votes. All the votes are being commanded by one man and as the Government is constituted today, they command 40 votes. On our side, the decision is taken by the majority of votes, whereas on the other side it is the *Hukam* of one man, which everybody has to follow. I am sure that if free votes had been allowed by the Government, half of their Members would have voted with us today and the Government would not have found themselves in the majority. We have known, Sir, that temple after temple of learning has been opened to the people who were not admitted before. For instance, the Inns of Court allowed the lady members to come in and the *Harijans* were allowed to go into the temples in Madras. This bar which is being put against us will not remain for long and the sooner it is removed the better. We will persistently fight for our rights because we are perfectly convinced that we are not demanding anything which is wrong. We are not asking for a thing which we believe to be wrong. We think that we are fighting for the education of a big proportion of the population which is at present being neglected and which deserves a great impetus. We think that proper impetus can be given only by the representation of the people of that community on various bodies. That is why we have come here. The Government says that it represents all the interests therefore it is wrong for them to

come in the way of our achieving our rights which we think should be given to us. The Muslim education is very backward and the backwardness is visible by the fact that out of so many colleges in Delhi there is only one Muhammadan college. Its backwardness is also evident by the fact that out of so many registered graduates there are only a few graduates who belong to the Muslim nation. Therefore, we think that a greater impetus is required for the Muslim education and that can be done only when you show by your behaviour that you are not averse to their progress but that you want to help them in the prosecution of their education. Without this co-operation on the part of the Government we cannot achieve our object. We are convinced that our demand is right and we think that these people will become a great asset to the University. Their presence in the University will restore confidence in the minds of many people who, instead of sending their boys elsewhere, will send them to this University. They will remain here. It is for these reasons that I say that Government should either accept this amendment or at least show that they are not for stopping the aspirations of the Muslim community and remain neutral.

Mr. N. M. Joshi (Nominated Non-Official): Sir, I move:

"That the question be now put."

Nawabzada Muhammad Liaquat Ali Khan: Have not the Government got to say something on this?

Mr. President (The Honourable Sir Abdur Rahim): I will put the closure motion subject to Mr. Tyson stating the Government's attitude.

The question is:

"That the question be now put."

The Assembly divided:

AYES—39.

Ahmad Nawaz Khan, Major Nawab Sir.
Aiyar, Mr. T. S. Sankara.
Ambedkar, The Honourable Dr. B. R.
Benthall, The Honourable Sir Edward.
Bewoor, Sir Gurnath.
Chapman-Mortimer, Mr. T.
Chatterji, Mr. S. C.
Daga, Seth Sunder Lall.
Dalal, Dr. Sir Ratanji Dinshaw.
Dalpat Singh, Sardar Bahadur Captain.
Haidar, Khan Bahadur Shamsuddin.
Imam, Mr. Saiyid Haider.
Ismael Alikhan, Kunwer Hajee.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Joshi, Mr. D. S.
Joshi, Mr. N. M.
Kamaluddin Ahmad, Shams-ul-Ulema.
Khare, The Honourable Dr. N. B.
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.
Mudaliar, The Honourable Dewan Baha-
dur Sir A. Ramaswami.
Neon, The Honourable Malik Sir Feroz
Khan.
Pai, Mr. A. V.
Raisman, The Honourable Sir Jeremy.
Ray, Mrs. Renuka.
Richardson, Sir Henry.
Roy, The Honourable Sir Asoka Kumar.
Sant Singh, Sardar.
Sargent, Mr. J. P.
Spear, Dr. T. G. P.
Spence, Sir George.
Sultan Ahmed, The Honourable Sir.
Thakur Singh, Major.
Trivedi, Mr. C. M.
Tyson, Mr. J. D.

NOES—18.

Abdul Ghani, Maulvi Muhammad.
Abdullah, Mr. H. M.
Azhar Ali, Mr. Muhammad.
Bhutto, Mr. Nabi Baksh Illahi Baksh.
Choudhury, Mr. Abdur Rasheed.
Choudhury, Mr. Muhammad Hussain.
Essak Sait, Mr. H. A. Sathar H.
Ghiasuddin, Mr. M.
Liaquat Ali Khan, Nawabzada Muham-
mad.

Murtuza Sahib Bahadur, Maulvi Syed.
Nairang, Syed Ghulam Bhik.
Nauman, Mr. Muhammad.
Raza Ali, Sir Syed.
Siddique Ali Khan, Nawab.
Yamin Khan, Sir Muhammad.
Yusuf Abdoola Haroon, Seth.
Zafar Ali Khan, Maulana.
Zia Uddin Ahmad, Dr. Sir.

The motion was adopted.

Syed Ghulam Bhik Nairang: Sir, I rise to a point of order. The Honourable Member Mr. Tyson has not spoken in the course of the debate. Now, that the closure has been accepted, he cannot speak now.

Mr. President (The Honourable Sir Abdur Rahim): I have said that accepted closure subject to Mr. Tyson stating the Government case.

Mr. Jamnadas M. Mehta: Yes.

Maulana Zafar Ali Khan: That the League-wala is the factotum of British Government. But look how the Government treats us. They do not recognize their friends. They do recognize their enemies and can make up with them. But the friends they would spurn.

Syed Ghulam Bhik Nairang: They can neither recognize friends nor enemies.

Maulana Zafar Ali Khan: So they have lost all sense of recognition. This was left for you to remind me.

Therefore, Sir, I ask you in the name of justice, in the name of fair play . . .

Sardar Sant Singh: These qualities are in heaven, not in this world.

Maulana Zafar Ali Khan: . . . to give us representation as Mussalmans in the governance of the Delhi University to the extent of a few seats. Those few seats do not carry loaves and fishes. Those of course will go to Sir Maurice Gwyer who will get Rs. 2,000, or some other gentleman who will be appointed as the Vice Chancellor.

An Honourable Member: Do not mention names.

Maulana Zafar Ali Khan: Well, there will be somebody, not any of these four or five members of this body whom we want as against 10. Sir, my heart is overflung with indignation and the rankling sense of injustice, and therefore all I have to say is that I lend my strongest support to the amendment.

Rao Bahadur N. Siva Raj (Nominated Non-Official): Sir, I am in general agreement, as indeed I must be as representing the Scheduled Classes, with the feeling and the desire of our Muslim friends to increase the strength of their representation in the Court. But my difficulty, particularly with regard to this amendment, is as to how my friend the mover of the amendment, Mr. Nairang, seeks to secure that representation in this particular clause. So far as I can see, the bodies and the associations that are recognized under this clause are the Municipal Committee Delhi; the Bar Association, Delhi; Delhi Medical Association, Delhi; Delhi Hindustani Association, Board of Secondary Education, Delhi; and the Jamia Milia, Delhi. In the first place, the motion moved by my Honourable friend would seek to bind the hands of the Chancellor. He will not know as to which body or association he should allot these two members. In the second place, it also seeks to bind the Associations themselves much against their will so as to send Mussalmans from Associations where there may be only a few Muslims. In the third place, there may be Associations where there are no Muslims at all. Therefore, unless the amendment clears the position I personally feel it would be unworkable. I would like to know, therefore, what he suggests to remove this difficulty. Otherwise I am in general agreement.

Nawabzada Muhammad Liaquat Ali Khan: Sir, a very pertinent question has been asked by my Honourable friend, Rao Bahadur Siva Raj. As has been laid down here, there are to be 8 representatives of the Association that are to be recognized by the Chancellor. It is not laid down here in the Bill as to what those Associations will be, and when we put down this number three we had in mind the associations that should have been recognized if the interests of the Mussalmans had not been ignored completely in the past. They are the associations—I will give their names in a minute—that are engaged purely in the advancement of education in Delhi. One of them is recognized and that is Jamia Milia. There are two others that have no representation on this University, and I submit that some of the associations that have been recognized really do not deserve to be represented on the Court of the University. The two other associations that we have in mind are Anjuman Tarraqi-i-Urdu and the Anglo-Arabic College and Schools Society.

Now, let me tell you, as far as Anjuman-i-Tarraqi-i-Urdu is concerned, it is an All-India Association. It has got its headquarters at Delhi and it is a body that consists of Hindus and Mussalmans. The third association is an association which has been running, and is running, one degree college, four high schools,—one girls school and three boys schools. Now this association

has no representation on the Court of the University. So when we made the suggestion that three should be Mussalmans, we had in mind the recognition of these Associations which will represent the Mussalmans in the Court of the University.

Dr. P. N. Banerjee: And which of the two institutions would you remove from the list?

Nawabzada Muhammad Liaquat Ali Khan: There is the Mercantile association and there is the Municipal Board. It is already represented by the Chairman of the Municipal Board. Really, Sir, all kinds of interests are represented in this University who have no right to be represented on it, and the Mussalmans have been completely ignored in spite of the fact that there are associations in existence which have been doing nothing but advancing the cause of education in Delhi. I hope I have cleared the point raised by my Honourable friend, Mr. Siva Raj.

Let me assure him that wherever we have suggested an amendment it has been done purely with the idea of giving representation to those interests which are directly connected with education in the province of Delhi.

Sir Cowasjee Jehangir: Who appoints these Associations?

Nawabzada Muhammad Liaquat Ali Khan: It is the Chancellor who recognizes them.

Babu Kailash Behari Lall: I do not rise to speak for or against the arguments advanced by my Honourable friends Rao Bahadur Siva Raj or Nawabzada Liaquat Ali Khan. They can be taken care of by the experts on the Government Benches. To me it seems that these arguments are devices to support the main pillar of the amendment. I think it is only for the love of communalism which is innate in these amendments that they have been put forward. My main purpose of standing up is to condone my friend Maulana Zafar Ali Khan, or rather to console him. He has been weeping over the whole situation. He has said having made a nation of us and given us communal recognition and the communal award, how does it lie on you, my sweetheart, that you now kick us in this way and leave us in the lurch. But I would ask my friend, Maulana Zafar Ali, to take a lesson from the Government side. He has said that they are all communal representatives there—Sir R. Mudaliar for the Hindus, Dr. Ambedkar for the Scheduled Castes and Sir Sultan Ahmad for the Muslims. But has it occurred to him that when they vote they are neither Hindus nor Muslims. They vote as the Government of India. Cannot you therefore take a lesson and see that you become the real people of India, the real nation of India and that what you represent is the real thing. I do not say that they will not err. If they do, I will be with you and tell them that you are not really representing the interests of the Indian nation and you do not deserve to be our sweetheart. That is the lesson you should learn from the sweetheart.

Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan Urban): Sir, in supporting this amendment I would invite the attention of the elected Members of this House, and I have particularly in my mind my Hindu friends, to a very important aspect of the question. It was on the 1st October 1906 that a very representative deputation of the Muslim community waited on Lord Minto at Simla and presented an address in which the grievances of the Muslim community with reference to representation were set forth. Shortly after that, the question was: What is the actual demand of the Mussalmans? The Mussalmans no doubt wanted the representation of their own community. The important question was whether that representation which was to be conceded to the Muslims should be by reservation of seats or by setting up separate Muslim electorates. I do not want to go through the history of the whole question, but the two important aspects are: You could give representation to the Muslims by reserving seats for them, or you could set up Muslim electorates which would elect Muslim representatives.

I have been a careful student of what has been going on in our country. I believe today the position is this. So far as our Hindu friends are concerned, they have no objection to reservation of seats, but they have a strong objection

Syed Ghulam Bhik Nairang: Why did he not speak before the closure. If he speaks now, it would be disadvantageous to us. If we had known his position, we could have replied suitably.

Mr. President (The Honourable Sir Abdur Rahim): I understand there has been a sufficient debate.

Mr. J. D. Tyson: Sir, I have really got nothing to say. On the same lines as the previous amendment, I content myself by opposing this.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That in clause 16 of the Bill, to clause (3) of Statute 2 in the proposed Schedule, the following be added at the end: 'at least four of whom shall be Muslims'." The Assembly divided:

AYES—21.

Abdul Ghani, Maulvi. Muhammad.
Abdullah, Mr. H. M.
Azhar Ali, Mr. Muhammad.
Bhutto, Mr. Nabi Baksh Illahi Baksh.
Choudhury, Mr. Abdur Rasheed.
Choudhury, Mr. Muhammad Hussain.
Essak Sait, Mr. H. A. Sathar H.
Ghiasuddin, Mr. M.
Liaquat Ali Khan, Nawabzada Muhammad.
Murtuza Sahib Bahadur, Maulvi Syed.
Nairang, Syed Ghulam Bhik.

Nauman, Mr. Muhammad.
Piare Lall, Kureel, Mr.
Raza Ali, Sir Syed.
Shafban, Khan Bahadur Mian Ghulam Kadir Muhammad.
Siddique Ali Khan, Nawab.
Siva Raj, Rao Bahadur N.
Yamin Khan, Sir Muhammad.
Yusuf Abdoola Haroon, Seth.
Zafar Ali Khan, Maulana.
Zia Uddin Ahmad, Dr. Sir.

NOES—38.

Ahmad Nawaz Khan, Major Nawab Sir.
Aiyar, Mr. T. S. Sankara.
Ambedkar, The Honourable Dr. B. R.
Banerjee, Dr. P. N.
Bentham, The Honourable Sir Edward.
Bewoor, Sir Gurunath.
Chapman-Mortimer, Mr. T.
Chatterji, Mr. S. C.
Daga, Seth Sunder Lall.
Dalal, Dr. Sir Ratanji Dinshaw.
Dalpat Singh, Sardar Bahadur Captain.
Haider, Khan Bahadur Shamsuddin.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Joshi, Mr. D. S.
Kailash Bihari Lall, Mr.
Kamaluddin Ahmad, Shams-ul-Ulema.
Khare, The Honourable Dr. N. B.
Lawson, Mr. C. P.
Mackeown, Mr. J. A.
Maitra, Pandit Lakshmi Kanta.

Maxwell, The Honourable Sir Reginald.
Mehta, Mr. Jamnadas M.
Miller, Mr. C. C.
Mudaliar, The Honourable Dewan Bahadur Sir A. Ramaswami.
Noon, The Honourable Malik Sir Feroz Khan.
Pai, Mr. A. V.
Raisman, The Honourable Sir Jeremy.
Ray, Mrs. Renuka.
Richardson, Sir Henry.
Roy, The Honourable Sir Asoka Kumar.
Sant Singh, Sardar.
Sargent, Mr. J. P.
Spear, Dr. T. G. P.
Spence, Sir George.
Sultan Ahmed, The Honourable Sir.
Thakur Singh, Major.
Trivedi, Mr. C. M.
Tyson, Mr. J. D.

The motion was negatived.

Syed Ghulam Bhik Nairang: Sir, I move:

"That in clause 16 of the Bill, to clause (4) of Statute 2 in the proposed Schedule, the following be added at the end: 'at least three of whom shall be Muslims'."

Clause (4) says that the number of persons to be elected as members of the Court by Associations or other bodies approved in this behalf by the Chancellor shall not exceed eight, and it is out of this eight that we want at least three. Now, I do not know what arguments or facts and figures or appeals will move the stony hearts of the gentlemen who occupy the Official Benches. I am reminded of a well-known couplet of the great poet Amir Khusru:

"Bā kudūmī sīhrū afsān nīrbūn sāzam turā
Unchī mīkhūahad dī-e-man unchūnān sāzam turā"

The poet expresses himself to be at a loss to find some charm or magic by which to induce his beloved to be kind to him and to make him what his heart wants him to be. We have really tried all devices of fair argument and methods

of appeal. Perhaps one method remains for us now and that is to go down on our knees and beseech these tin-gods to be good to us and to accede to our demands. Possibly driven to such extremes one might be impelled to resort even to that method, but of course obvious reasons stand in our way. First, we are Muslims and do not worship any but the one true God, and secondly, leaving alone the religious point of view, we have also to conform to certain principles of self-respect. Therefore we are at our wit's end. The position is perfectly clear and no lengthy argument on my part will either improve or impair it. The meaning of my amendment is clear. Sir, I move.

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

"That in clause 16 of the Bill, to clause (4) of Statute 2 in the proposed Schedule, the following be added at the end: 'at least three of whom shall be Muslims'."

Maulana Zafar Ali Khan: Sir, we have seen that however strong our arguments, however cogent our reasoning, it has no effect upon Mr. Tyson. And this reminds me of a couplet, to follow the example of my Honourable friend Syed Ghulam Bhik Nairang. The poet says:

"Yā Bab'nah woh samjhe hain nah samjhenge meri bāt,
Dey aur dīl unko jo nah dey mujh ko zabān aur."

"Oh Lord! My sweetheart has made up her mind not to be convinced; Vouchsafe her then another heart to comprehend me if Thou dost not grant me another tongue to give expression to my sentiments."

So my sweetheart has made up her mind not to be convinced, although I want to convince her in this great temple of learning and under this dome where we stand as the representatives of Mussalmans of India under the constitutional experiment of Communal Award made by the British Government. Sir Ramaswami Mudaliar is the representative of Hindus . . .

Mr. Jamnadas M. Mehta: He is an Indian.

Maulana Zafar Ali Khan: Dr. Ambedkar is the representative of Harijans; Dr. Khare is the representative of Maharashtra Hindus. Similarly, each one is the representative of a particular section. And all these sections are gathered here and they are living together in a spirit of goodwill and amity. So this is the great temple of learning; this is the great temple of justice; this is the great temple of fair play; this is the great temple of British sense of justice. But where has the sense gone? Has it gone to the poles, gone to Europe, gone to North Africa? Why doesn't it come to Delhi? Why doesn't it enter the soul of the Delhi University?

What do we want? I have told you that here in this Hall in this great temple of learning we stand as the representatives of the Mussalmans of India and the Mussalmans of India are ten crores in number just as Dr. Ambedkar and our friend, Rao Bahadur Siva Raj, are representatives of 8 crores of Harijans. That means 18 crores. And if we add thirty lakhs of Sikhs that will bring the number of 18 crores and thirty lakhs. And between us we can rule this country with justice and fair play, which has been denied by the Britishers . . .

Sardar Sant Singh (West Punjab: Sikh): Let us combine.

Maulana Zafar Ali Khan: Don't get worried. You will get a seat; we will get it for you. We are out to fight the battle of the righteous; we are out to fight the battle of the weak. We give protection to the weak; we give shelter to those who have no roof over their head.

So, Sir, when the Government has on the one hand given us communal award and wants us to go to the Councils in the name of the people—the Mussalmans vote for the Mussalmans and Hindus vote for the Hindus—how is it that this principle is denied here? How can you deny it? Do you want to take away with one hand that which you have given with the other? People twit us outside—those who have gone to the Jails as also other sections of so-called nationalists—with being the handmaids of British Imperialism, toadies of the Britishers. My Honourable friend, Mr. Jamnadas Mehta, would also tell me the same thing.

[Sir Syed Raza Ali.]

to the Muslims securing representation through Muslim electorates, which is known as separate representation through separate electorates. But in most of these amendments, of which notice has been given by my party be it noted by the Government Benches and my Hindu friends that generally, we have contented ourselves with securing Muslim representation through reservation of seats. That has been the outlying principle of the amendments tabled.

I for one should have thought that the line that we have taken up was one which would commend itself wholeheartedly to those patriotic Hindu friends who take objection to Muslim electorates because it leads to friction between community and community or nation and nation. This is one of those amendments which seeks to do no more than secure Muslim representation. May I ask what possible objection my elected Hindu Members can possibly have to that course? In this connection I listened carefully to the speech of my Honourable friend, Mr. Kailash Bihari Lall who spoke also on the last amendment. Well, the line generally taken up by a very small fraction of the Hindu community is this: Why content yourself with a number of seats? My answer is simply this. We are guided by history. What has been the history of elections in the various provinces? With the exception of the late Honourable Nawab Saiyid Muhammad who was returned to the late Imperial Legislative Council by a joint electorate in Madras—and it must be remembered he was an ex-President of the Indian National Congress—there is not a single Muslim who was returned from any of the provinces to the late Imperial Legislative Council during a period of 25 years. May I ask Mr. Kailash Bihari Lall how many Muslims have actually been elected by the registered graduates and returned to the Patna University Court?

An Honourable Member: Never more than one.

Mr. Kailash Bihari Lall: In the Patna University there is no spirit of communalism.

Some Members on the Muslim League Benches: Ah!

Sir Syed Raza Ali: If there is a reply I wait for a reply. But if there is no reply

Mr. Kailash Bihari Lall: I have given a reply.

Mr. Jamnadas M. Mehta: What is the question?

Sir Syed Raza Ali: May I put the question to those Honourable Members who come from various other provinces, without repeating the same? This is the position. This is an amendment that should commend itself to every patriotic Indian, whether he is a Hindu or whether he is a Muslim. You have no objection to reservation. That is your offer to the Muslim League. You strongly object to the two-nation theory. You strongly object to Pakistan and you say that we should be content with reservation of seats. Here we are asking for reservation of seats and yet you deny that to us. Is that justice? I do not think I need address any word of appeal to the Government Benches because I am afraid their minds have been made up.

Mr. J. D. Tyson: I should be sorry if in the eyes of my Honourable friend, Syed Ghulam Bhik Nairang, whose good opinion I greatly value, I have fallen from grace. (Interruption.) I understand that I have only just fallen from grace.

An Honourable Member: Only temporarily.

Mr. J. D. Tyson: A large part of his last speech and the greater part of his previous one were devoted to me personally. If it were not that I do not wish to run the risk of putting Honourable Members opposite on their mettle, I should be tempted to refer to an old saying which points to the inference to be drawn when the lawyer on one side attacks, albeit very courteously, the spokesman of the opposite party. This amendment is exactly in line with the previous ones and I very much regret that neither to the courteous attack of Syed Ghulam Bhik Nairang nor to the blandishments of Maulana Zafar Ali Khan can I yield.

THE DELHI UNIVERSITY (AMENDMENT) BILL.

MR. PRESIDENT (The Honourable Sir Abdur Rahim): The question is:

"That in clause 16 of the Bill, to clause (4) of Statute 2 in the proposed Schedule, the following be added at the end:

'at least three of whom shall be Muslims'."

The Assembly divided:

AYES—21.

Abdul Ghani, Maulvi Muhammad.
Abdullah, Mr. H. M.
Azhar Ali, Mr. Muhammad.
Bhutto, Mr. Nabi Baksh Illahi Baksh.
Choudhury, Mr. Abdur Rasheed.
Choudhury, Mr. Muhammad Hussain.
Essak Sait, Mr. H. A. Sathar H.
Ghiasuddin, Mr. M.
Kamaluddin Ahmad, Shams-ul-Ulema.
Lalljee, Mr. Hooseinbhoy A.
Liaquat Ali Khan, Nawabzada Muham-
mad.

Murtuza Sahib Bahadur, Maulvi Syed.
Nairang, Syed Ghulam Bhik.
Nauman, Mr. Muhammad.
Raza Ali, Sir Syed.
Shahban, Khan Bahadur Mian Ghulam
Kadir Muhammad.
Siddique Ali Khan, Nawab.
Umar Ali Shah, Mr.
Yamin Khan, Sir Muhammad.
Zafar Ali Khan, Maulana.
Zia Uddin Ahmad, Dr. Sir.

NOES—38.

Ahmad Nawaz Khan, Major Nawab Sir.
Aiyar, Mr. T. S. Sankara.
Ambedkar, The Honourable Dr. B. R.
Banerjee, Dr. P. N.
Bentham, The Honourable Sir Edward.
Bewoor, Sir Gurunath.
Chapman-Mortimer, Mr. T.
Chatterji, Mr. S. C.
Daga, Seth Sunder Lall.
Dalal, Dr. Sir Ratanji Dinshaw.
Dalpat Singh, Sardar Bahadur Captain.
Haider Khan Bahadur Shamsuddin.
Imam, Mr. Saiyid Haider.
James, Sir F. E.
Jawahar Singh, Sardar Bahadur Sardar
Sir.
Joshi, Mr. D. S.
Kailash Bihari Lall, Mr.
Khare, The Honourable Dr. N. B.
Lawson, Mr. C. P.
Mackeown, Mr. J. A.

Maitra, Pandit Lakshmi Kanta.
Maxwell, The Honourable Sir Reginald.
Mehta, Mr. Jamnadas M.
Miller, Mr. C. C.
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dur Sir A. Ramaswami.
Noon, The Honourable Malik Sir Feroz
Khan.
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Raisman, The Honourable Sir Jeremy.
Richardson, Sir Henry.
Roy, The Honourable Sir Asoka Kumar.
Sant Singh, Sardar.
Sargent, Mr. J. P.
Spear, Dr. T. G. P.
Spence, Sir George.
Sultan Ahmed, The Honourable Sir.
Thakur Singh, Major.
Trivedi, Mr. C. M.
Tyson, Mr. J. D.

The motion was negatived.

Sir Henry Richardson (Nominated Non-Official): Before you rise, I have a request to make. As I understand the position, any business left over from today is to be taken on Monday. We understood that Monday and Tuesday were the days which would be devoted to the food debate. Therefore, the food debate will have to suffer if the time is occupied by the rest of the business left over from today. We in this Group say that the food debate has become not only urgent but immediate and nothing less than two days should be devoted to it. Unless, therefore, the Leader of the House can give us some statement of assurance now that the food debate will take place on Monday and Tuesday and that two full days will be devoted to it, we request you to ask the House to sit tomorrow, which we are prepared to do and we are prepared also for a night sitting if necessary.

Mr. Hooseinbhoy A. Lalljee (Bombay Central Division: Muhammadan Rural): I entirely agree with the suggestion made by Sir Henry Richardson as also about the food debate. I wish to say that this special Session was allotted to us after I had moved my motion in that respect, for the purpose of considering the war situation and the food situation and such circumstances as arise out of the war. We asked for it and we got it. Last year we had no Session in July. The legislative business that has been brought in may be considered but I think the war situation and the food situation and such things as arise out of the war should certainly get primary and full consideration and

[Mr. Hooseinbhoy A. Lalljee.]

these must therefore be taken into consideration in this special Session which I repeat has been specially summoned for that object.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): We are of opinion that precedence should be given to the food situation which, as my Honourable friend has said, is not only urgent but immediate and not less than two days should be given to that. As regards the other matters, I am in the hands of the other Parties and the Leader of the House.

Nawabzada Muhammad Liaquat Ali Khan (Rohilkund and Kumaon Divisions: Muhammadan Rural): As regards the question of the food debate, I support the proposal that has been made by my Honourable friend the Leader of the European Group. We are definitely of opinion that the food debate should take place at the earliest moment and that two full days at least should be allotted for this purpose. As regards the suggestion of my friend for sitting tomorrow, I am afraid some of our members have already made commitments and as the Delhi University Bill is a Bill which concerns the Mussalmans vitally, I hope that it will not be insisted that the House should sit tomorrow. As regards having a night session, I am prepared to have a whole night session.

The Honourable Sir Sultan Ahmed (Leader of the House): Sir Henry Richardson wants a day sitting tomorrow and he is also prepared for nocturnal transaction of business but so far as we are concerned, we are entirely in the hands of the House. We are prepared to come tomorrow and day after tomorrow but one thing is certain. We do not want to go beyond Thursday next week. We made it perfectly clear to the House when the Session was extended that two days will be given to the food discussion, provided we can go through the legislative business. I think the position was made perfectly clear to the House and on that assurance I stand. If the legislative business is finished early on Monday, we will have a day and a half. (*An Honourable Member*: "That cannot be.") If that is so, I am afraid we can do nothing at present.

Dr. P. N. Banerjee: The food question is most important.

The Honourable Sir Sultan Ahmed: It is certainly very important. We fully realise it. There is absolutely no doubt about it and it is because of that we extended the Session. It is because of that we wanted to have a full discussion. The Food Member is very anxious to listen to the views of the Members of this House and he is also anxious to give a full story about the food position. The difficulty is this. If the legislative business is not finished, I do not see how we can manage to have two days for the discussion of food. Under these circumstances I would respectfully suggest to the House not to sit tomorrow and see if we cannot come to some arrangement on Monday by which the legislative business may be finished as early as possible. We are as equally anxious as the other Members of the House to have a full discussion on the food question. The whole country is looking forward to the discussion in this House. We cannot, however extend the Session further. We have been here for a long time and we have given four days extra, so that all these questions may be discussed. The legislative business has to be gone through and we cannot agree that the rest of the business should be shelved.

Mr. President (The Honourable Sir Abdur Rahim): I take it that it is not the desire of the House to sit tomorrow.

(*Voices*: "No".)

There is no general desire to sit tomorrow. The present arrangement will stand.

The Assembly then adjourned till Eleven of the Clock on Monday, the 9th August, 1949.

LEGISLATIVE ASSEMBLY

Monday, 9th August, 1949.

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. Walter Henry John Christie, O.B.E., M.L.A. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

GOVERNMENT'S CENTRAL WOOL PURCHASING SCHEME.

242. *Seth Yusuf Abdoola Haroon: Will the Honourable Member representing the Supply Department please state:

(a) whether it is a fact that the Government's Central Wool Purchasing Scheme came into force on the 15th October, 1942;

(b) whether it is a fact that Government fixed on or before the 15th October, 1942, rates for the different qualities of wool in India to be purchased by their buying agents under the Government's Central Wool Purchasing Scheme;

(c) whether it is a fact that the Government's buying agents offered lower rates to the dealers than those fixed for the several qualities even after the introduction of the Central Wool Purchasing Scheme; and

(d) if the answer to (c) is in the affirmative, what steps Government have taken to check such unauthorised dealings of their buying agents, and whether any compensation has been granted subsequently by the buying agents to the dealers from whom they purchased goods at prices lower than the rates fixed by Government?

The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar: (a) Yes.

(b) Yes.

(c) So far as the Government are aware it is not a fact that lower rates have been offered.

(d) Does not arise.

Seth Yusuf Abdoola Haroon: Does the Honourable Member know that a certain firm in Amritsar has been offering an over-rate to these merchants?

The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar: So far as the Government is aware, it is not so.

Dr. Sir Zia Uddin Ahmad: Will Government make an inquiry about it because there is a definite allegation?

The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar: If sufficient particulars are furnished to me, I shall be prepared to go into the question.

Mr. Lalchand Navalrai: Is it not a fact that the Government has already made an inquiry after the notice of the present question was given and then came to the present conclusion?

The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar: No, there is certainly no time to make inquiries after the question is put, but with the information at the disposal of the Government from time to time that is the information of the Government.

Seth Yusuf Abdoola Haroon: I will place before the Honourable Member a statement. Will the Honourable Member kindly look into the question then and make inquiries?

The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar: I shall always be prepared to look into any representation of Honourable Members.

BUYING WOOL IN INDIA ON THEIR OWN ACCOUNT BY GOVERNMENT BUYING AGENTS.

243. *Seth Yusuf Abdoola Haroon: (a) Is the Honourable Member representing the Supply Department aware of the fact that the Government's buying agents have also bought wool in India on their own account?

(b) Is it a fact that the buying agents have, on several occasions, refused to buy wool offered to them on Government account but, on the other hand, bought the same wool offered to be bought on their own account?

(c) Do Government recognise that buying by the Government's buying agents on their own account places the buying agents in a position most detrimental to other dealers?

The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar: (a) Yes.

(b) Not so far as the Government are aware.

(c) No.

Mr. Lalchand Navalrai: In clause (a) it is said that they are purchasing on their own account. Were they allowed to do that?

The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar: They must be allowed to do that and they have been allowed to do that. They are carrying on their business and in addition they are the agents to the Government.

GOVERNMENT ASSISTANCE FOR DISPOSAL OF BLACK AND GREY WOOL.

244. *Seth Yusuf Abdoola Haroon: (a) Will the Honourable Member representing the Supply Department please state if it is a fact that Government have prohibited the export of black and grey wool?

(b) Is it a fact that it is the considered policy of Government to buy all black and grey wool offered to them?

(c) Is it a fact that the Government's buying agents have refused to buy certain types of black and grey wool offered to them, the export of which is prohibited by Government?

(d) If the answer is in the affirmative, what assistance have Government provided for the merchants for the disposal of such wool?

The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar: (a) Yes, but arrangements exist for allowing export of wool which is certified to be unseizable in India and for which a definite overseas demand exists.

(b) Government's policy is to buy all the black and grey wool of requisite quality that can be obtained in India. Actually supplies of such quality wool are much below Government's requirements.

(c) Yes, where the wool offered was below the quality required by Government.

(d) The Honourable Member is referred to my answer under (a) above.

GOVERNMENT BUYING AGENTS' CONTRACT WITH DEALERS IN WOOL.

245. *Seth Yusuf Abdoola Haroon: (a) Is the Honourable Member representing the Supply Department aware of the buying agents' contract with dealers in wool?

(b) Are Government aware that by this contract the buying agents have almost entirely passed on their responsibility in respect of their own contract with the Government to dealers, and that it is for shouldering such responsibility that they are entitled to the Government's commission for the buying agency?

(c) Are Government aware that most of the terms of the buying agents' contract with dealers in respect of the selection of the quality yield tests, payment of freight, arbitration, etc., are hard on the dealers?

(d) Do Government propose to ask the buying agents to revise their contract with dealers so as to make it fair to both the parties concerned?

(e) Are Government aware that there is deep discontent among the Indian wool trade interests in respect of the dealings of the present buying agents with the dealers?

The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar: (a) There is a Central Wool Buying Agency contract between Government and Messrs. Shamji Mal & Co., of Amritsar. Government are not aware of the Buying Agents' contract with dealers in wool.

(b) Does not arise.

(c) Does not arise.

(d) The terms of business between the Buying Agent and the dealers are a matter for mutual negotiation and settlement between the parties concerned primarily.

(e) A deputation of wool merchants from Karachi and Lahore waited on officers of the Supply Department in March this year and complained about unfair methods adopted by the Buying Agent in his transactions with dealers. After investigation, Government were satisfied that the complaints were unfounded.

Seth Yusuf Abdoola Haroon: Is it not a fact that those merchants placed before an officer certain evidence which was in the handwriting of Shamji Mal?

The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar: It is after taking that evidence into consideration that the officers of the Government came to the conclusion that I have referred to.

Dr. Sir Zia Uddin Ahmad: Have the Government made any rule or rules regulating the negotiations between the dealer and the Government? We have received a good deal of complaint about this matter.

The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar: It is not the practice of the Government to go into the question of the contracts between their own agent and the sub-contractors. Of course, I am prepared to look into any such question where there is grave impropriety alleged on account of any monopolistic contract given by the Government.

Dr. Sir Zia Uddin Ahmad: Is it left to the agents themselves to negotiate in any manner they like without any supervision of higher officers as is the case with wheat?

The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar: Normally, that is so.

Seth Yusuf Abdoola Haroon: Does the Honourable Member know that one term of the contract between Shamji Mal and the sellers is that Shamji Mal himself will be the arbitrator in case of dispute?

The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar: I am not aware of any terms of the contract between the buying agent and his own dealers.

Mr. Lalchand Navalrai: Are his agents selling at the same price fixed by the Government or are they selling at different rates?

The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar: The question is very confusing to me.

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

NECESSITY OF REVISING THE BUYING AGENCY POLICY RE WOOL.

246. *Seth Yusuf Abdoola Haroon: (a) Will the Honourable Member representing the Supply Department please state if Government recognise that, in view of the Government having fixed prices of the Indian wool, there is no need for buying agents?

(b) Do Government recognise the principle that buying agents should not purchase raw wool on their own account directly or indirectly?

(c) Should Government consider the existence of the buying agency necessary, do they propose to revise their present buying agency policy so as to appoint buying agents for each province or centre in consultation with the wool trade interests of such province or centre?

The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar: (a) Although prices have been fixed for Indian wool, it is essential to have a buying agent to ensure that wool of requisite and consistent quality at controlled prices is obtained. Prior to the appointment of a buying agent, there was considerable competition among different contractors for wool, and considerable variation in the quality of wool offered and utilized, leading to unsatisfactory manufacturing results.

(b) No. Government do not expect an experienced wool buyer to surrender his own established business entirely on account of the need of central purchase for war-time purposes.

Mr. Lalchand Navalrai: Is it a fact that one or two persons in Karachi Division who have been taken are juniors to those who are already there and they are academically also not so well qualified?

The Honourable Sir Edward Benthall: Obviously I must have notice of that question.

Mr. Muhammad Nauman: What is the number of such recruits on that Railway?

The Honourable Sir Edward Benthall: Four or it may be six.

TEMPORARY TRACERS IN THE OFFICE OF DIVISIONAL SUPERINTENDENT, KARACHI.

250. *Mr. Lalchand Navalrai: (a) Will the Honourable the Railway Member be pleased to state how many temporary tracers are working in the office of the Divisional Superintendent, North Western Railway, Karachi, and since when?

(b) Why have they not been confirmed upto now?

(c) Is it a fact that they are suffering a loss of Provident Fund and other privileges owing to not being made permanent?

(d) What steps do Government propose to take to ameliorate their condition? If none, why?

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.

†251.

PERSONS RECRUITED IN THE INTERMEDIATE GRADES ON BENGAL AND ASSAM RAILWAY.

252. *Mr. Muhammad Nauman: (a) Will the Honourable Member for Railways be pleased to state the number of persons recruited in the Intermediate grades on salaries between Rs. 100 and Rs. 500 on the Bengal and Assam Railway since 1st January 1942 to 30th June 1943?

(b) How many of this number are (i) Hindus, (ii) Muslims, (iii) Anglo-Indians and (iv) Indian Christians?

(c) Were the posts advertised, and if so, in what newspapers?

(d) Were selections made by any duly constituted Board or were they made by individual officers?

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

OFFICERS REQUISITIONED BY BENGAL AND ASSAM RAILWAY FROM OTHER RAILWAYS.

253. *Mr. Muhammad Nauman: (a) Will the Honourable Member for Railways be pleased to state the number of officers requisitioned by the Bengal and Assam Railway from other Railways, between June 1942 and June 1943?

(b) Were there no officers on the Bengal and Assam Railway, competent to be entrusted with those works, which have been entrusted to the new officers imported from Foreign Railways?

The Honourable Sir Edward Benthall: (a) Between June 1942 and June 1943 three officers were transferred to the B. and A. Railway from other State Railways.

(b) The transfers were made as the number of officers on the B. and A. was insufficient for the requirements.

Mr. Muhammad Nauman: May I know whether these officers are considered more fit to cope with the particular situation in that locality than those officers who are already there and who could have been promoted?

The Honourable Sir Edward Benthall: There was no question of comparison. The transfers were made as the number of officers on the B. and A. Railway was insufficient for the requirements.

†This question was withdrawn by the questioner.

PERSONS RECRUITED IN INTERMEDIATE GRADE ON EAST INDIAN RAILWAY.

254. *Mr. Muhammad Nauman: (a) Will the Honourable Member for Railways be pleased to state the number of persons recruited in the Intermediate grade on the East Indian Railway between January 1942 and June 1943?

(b) How many of this number are (i) Muslims, (ii) Hindus and (iii) Anglo-Indians?

(c) What was the method adopted for recruitment of these people?

(d) Is it a fact that they were appointed without any duly constituted Board of Selection?

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

DESIRABILITY OF APPOINTING A JUDICIAL OFFICER UNDER ACT XXV OF 1941.

†255. ***Babu Baijnath Bajoria:** Will the Honourable Member for Railways be pleased to state:

(a) whether any notification in the official Gazette has been issued as provided in sub-section (1) of Section (3) of Act XXV of 1941 (Act for regulating Taxation of Railway Property); if not, why not;

(b) whether any judicial officer has been appointed as provided for in sub-section (2) of section (3) of the said Act; if not, why not; and

(c) if the answer to parts (a) and (b) be in the negative, whether Government will take necessary steps to issue the notification and to appoint the judicial officer at an early date; if not, why not?

The Honourable Sir Edward Benthall: (a) No Notification as provided in Sub-section (1) of Section (3) of Act XXV of 1941 has so far been issued as proposals for such Notifications received from the Provincial Governments are still under examination.

(b) The question of the appointment of judicial officers is still under the consideration of the Central Government in consultation with the Provincial Governments.

(c) Does not arise.

RATES OF FARES FOR PASSENGER TRANSPORT BETWEEN DELHI CITY AND SHAHDARA.

256. *Hajee Chowdhury Muhammad Ismail Khan: Will the Honourable Member for War Transport please state:

(a) the rates of fares prescribed by the authorities for each description of passenger transport plying for hire between Delhi City and Shahdara in Delhi Province; and

(b) the nature of protection provided to the travelling public against the refusal of the Drivers or Conductors of those transports to carry passengers at the prescribed rates?

The Honourable Sir Edward Benthall: Two kinds of road passenger transport viz. tonga and Gwalior and Northern India Transport Buses ply for hire between Delhi City and Shahdara in the Delhi province. The prescribed rates of II-Class tonga fares are:

From Delhi to Shahdara—including return if return is on the same day—Rs. 3.

IV-Class tonga fare is $\frac{1}{2}$ of the above rates.

The Gwalior and Northern India Transport Company, Limited, has been granted the monopoly for motor passenger transport on this route, which is, however, used by other public service vehicles, but these cannot take up or set down passengers between Delhi and Shahdara inclusive. The Gwalior and Northern India Transport bus service on this route has been temporarily suspended by the Company owing to demands made by the Military Authorities, but it is expected that traffic will be resumed from the 9th August, 1943. The revised fares to commence from the 9th August, 1943, is annas 4. between Delhi and Shahdara.

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

(c) No. Government think it desirable to have one central purchaser, as in the past the policy of having a number of buying agents led to undesirable competition between different agents.

Seth Yusuf Abdoola Haroon: Does not the Honourable Member think it advisable to form a Syndicate of these agents?

The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar: The present system, I understand, is a variation due to experience from the systems suggested by my Honourable friend.

Seth Yusuf Abdoola Haroon: Why should we not have a Syndicate on the lines of the Sugar Syndicate?

The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar: That is a suggestion to which I am unable to commit myself in answer to a question.

DEVELOPMENT OF INTERNAL AIR SERVICES IN INDIA BY INDIANS.

247. *Mr. K. C. Neogy: (a) Will the Secretary of the Posts and Air Department be pleased to state if it is the policy of Government that the operation of internal air services in India should only be developed by companies owned, controlled and managed by Indians?

(b) If the answer to (a) be in the negative, what are the reasons therefor?

(c) Is it a fact that the Government of India have always demanded and obtained reciprocal concessions in return for the right to operate air services across India? If so, what reciprocal concessions have Government obtained, and to whom has the right to operate air services across India been conceded?

(d) Is it a fact that the Government of India have also maintained the right of India to participate on the basis of a financial contribution in the operation of any air services designed to deal with Indian traffic? Will non-Indian concerns be permitted to operate air services designed to deal with Indian traffic in the internal services of India? If so, on what terms? What is the basis of financial contribution they have adopted in the maintenance of the right of India to participate in these services?

Sir Gurnath Bewoor: (a) and (b). Subject to the provisions of Part V, Chapter III of the Government of India Act, 1935, it is the general policy of the Government of India that the operation of internal air services in India should be by Indian companies.

(c) The answer to the first part of the question is in the affirmative. The reciprocal right obtained was for the operation of an air service across the territory of the other State by an Indian company either in association with other British air services or independently. The right to operate air services across India has been given to companies nominated by His Majesty's Government in the United Kingdom and by the Governments of Holland, France, China and Germany (the latter has lapsed now).

(d) The reply to the first part of the question is in the affirmative. As regards the second and third parts, I would refer the Honourable Member to the reply I have given to parts (a) and (b) above. As regards the last part, I would invite the attention of the Honourable Member to—

(1) the proceedings of the Standing Finance Committee of the 13th September, 1933.

(2) the statements made by Government in the debate on a Demand for Supplementary Grant in this House on the 20th September, 1933; and

(3) the proceedings of the Standing Finance Committee of the 27th February, 1937.

POST-WAR POSSIBILITY OF AMERICAN AIR LINES OPERATING IN INDIA.

248. *Mr. K. C. Neogy: (a) Has the attention of the Secretary of the Posts and Air Department been drawn to a Press report of a declaration of the post-war policy of the United States of America in the matter of civil aviation made by sixteen major American air lines in the course of which they demand commercial rights in some instances where air-port and other navigational facilities

are being built abroad at the expense of the United States, once these have served the military purpose for which they are constructed?

(b) Has the implication of the above declaration with reference to the future possibility of American air lines operating in India, particularly for running internal services, been examined by the Government?

Sir Gurnath Bewoor: (a) Yes.

(b) The whole question of post-war air transport is under the examination of Government. The particular declaration referred to does not appear however to have any bearing on India's internal air services.

Mr. K. C. Neogy: Is it not a fact that at the present moment many Air Ports exist in India in regard to which the United States Government might put forward a claim on this basis in so far as these Air Ports might have been constructed at the cost of the United States Government?

Sir Gurnath Bewoor: That question should be addressed to the War Department.

Mr. K. C. Neogy: It is a question of their claiming rights. The question is that the United States Government might claim rights in regard to civil aviation in future for the purpose of utilising the Air Ports which may have been built in India at the cost of the United States Government.

Sir Gurnath Bewoor: The point which the Honourable Member really wants to know is whether there are any Air Ports in India constructed at the cost of the United States Government, because his question follows from that. All I can say is that I am not in a position to answer the question whether there are any Air Ports constructed in India at the cost of the United States Government. That question should be addressed to the War Department.

RECRUITMENT OF ASSISTANT ENGINEERS ON NORTH WESTERN RAILWAY.

249. *Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways be pleased to state if it is a fact that ordinarily Assistant Engineers on the North-Western Railway are recruited through the Public Service Commission? What was the urgency which caused a deviation from this method of recruiting through the Public Service Commission this year?

(b) Is it a fact that the last recruitment was not done through the Public Service Commission owing to war exigencies? If so, why were not qualified subordinates promoted to avoid delay and discontent?

(c) Is it a fact that qualified subordinates with better experience than the new direct recruits were available? If so, why were they ignored?

(d) Is it a fact that the new recruits were originally appointed for one year, and that they have now been given another year's extension?

(e) Do Government propose to remove these temporary recruits in order to pacify the discontentment among the qualified subordinates? If not, why not?

The Honourable Sir Edward Benthall: (a) Direct recruitment to the Indian Railway Service of Engineers is made through the Federal Public Service Commission. As regards the second part, temporary addition to the strength of officers was necessary in order to deal with the work in hand.

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

(c) There were subordinates who had the specified academic qualifications, but they were not considered suitable.

(d) The answer to the first part is in the affirmative; as regards the second part, out of four who have completed one year's service, three have been retained for another year and the fourth for six months.

(e) No, because they do not consider that the public interest would be served thereby, nor do they consider that the subordinates have any legitimate grievance.

Mr. Lalchand Navalrai: Will those persons who have been retained for one or two years be made permanent in supersession of those who are senior?

The Honourable Sir Edward Benthall: All appointments made during the war are temporary.

(b) The travelling public are protected by the provisions of Rule 4.38 of the Delhi Motor Vehicles Rules and Rule 21 (B) (7) of the Hackney Carriage Rules framed by the Delhi Municipality. Under the former rule, the police are empowered to institute prosecutions on complaints by the travelling public. Prosecutions for breaches of the Hackney Carriage Rules are instituted by the Municipal prosecutor or counsel on the authority of the Secretary of the Municipal Committee, and disciplinary action against the drivers who refuse to take passengers on the scheduled rate is taken on complaints either personally or in writing.

REDUCING OF TICKET COLLECTORS TO LETTER DELIVERY CLERKS BY THE DIVISIONAL SUPERINTENDENT, MORADABAD.

257. *Hajee Chowdhury Muhammad Ismail Khan: (a) Will the Honourable Member for Railways please state:

(i) the rule or regulation under which a non-gazetted Railway servant in Superior Service can be reduced to Inferior Service for inefficiency or otherwise after an approved confirmed service of over three years;

(ii) if it is a fact that the Divisional Superintendent, East Indian Railway, Moradabad, in a letter No. E/3/35-T.C., dated the 25th March 1935, reduced the Ticket Collectors on failure to pass the 'Ticket Collectors' Examination to the post of the Letter Delivery Clerks on Rs. 40 per mensem in grade 26—2—40 (Superior Service);

(iii) if it is a fact that the said Divisional Superintendent in a letter No. E/3/35-T.C., dated the 19th July 1935, reduced the same Ticket Collectors for the same failure to the post of the Letter Delivery Clerks on Rs. 27 in grade 18—1—27 (Inferior Service); and

(iv) if it is a fact that the posts of Ticket Collectors are included in the Superior Services?

(b) Do Government propose to mend the wrongs of the staff concerned? If not, why not?

The Honourable Sir Edward Benthall: (a) (i). Presumably, the Honourable Member refers to subordinate service when he speaks of superior service. The rule which prescribes reduction to a lower post or time scale or to a lower stage in a time scale is para. 1702-(5) of the State Railway Establishment Code, Volume I; it does not prohibit action of the kind referred to by the Honourable Member.

(a) (ii) and (iii). I have called for information and a further reply will be laid on the table of the House in due course.

(a) (iv). Ticket Collectors are classified as subordinates.

(b) Government cannot decide till they have secured and examined the information they have called for. The second part does not arise.

Dr. Sir Zia Uddin Ahmad: While making enquiries, may I ask the Honourable Member also to enquire if it is a fact that those persons were incompetent or simply they failed in the Examination? A person may be quite competent and yet fail.

The Honourable Sir Edward Benthall: I will keep this in mind. But I have no reason to suppose that justice was not done.

ALLOTMENT OF WAGONS TO THE STATION MASTER, MUZAFFARNAGAR.

258. *Hajee Chowdhury Muhammad Ismail Khan: Will the Honourable Member for Railways please state:

(a) the conditions and terms on which the allotment of wagons to the Station Master, Muzaffarnagar, United Provinces, on the North Western Railway, is made by the Control Office, New Delhi;

(b) the conditions and terms on which the Station Master distributes them to the customers;

(c) the daily average number of wagons allotted to that station during the preceding one year, as compared with the daily average number of wagons allotted to Meerut, Hapur, Saharanpur, Ghaziabad, Deoband, Begumabad,

Rohana Kalan, etc., on the said Section of the Control Office during the said period;

(d) the number of complaints received against the Station Master, Muzaffarnagar, for corruption; and

(e) if the Traffic Inspector of the section was also implicated in those complaints and what the duration (total) of his stay in that section out of the total period of his service as an Inspector is?

The Honourable Sir Edward Benthall: With your permission, Sir, I propose to reply to both questions 258 and 259 together.

(a) and (b) of question 258. I lay on the table a copy of letter in which is reproduced a summary of the method adopted on the North Western Railway for the distribution of wagons.

I regret that the information asked for in the remainder of this question and in question 259 is not readily available.

I have called for a report from the Railways concerned and on its receipt will consider the action to be taken.

Copy of a letter No. 3062-T. T., dated the 25th February, 1943, from Government of India, Railway Department (Railway Board), to Class I, II and III Railways.

Supply of wagons at stations to traders.

The Board are of the opinion that there is a wide-spread belief that the control of empty wagons supply is entirely in the hands of Station Masters. It is considered, therefore, that it would be very valuable if propaganda was disseminated outlining the procedure adopted in the control and distribution of empty wagons to merchants and traders requiring transport. With this object in view a draft notification which the North Western Railway have drawn up, outlining the procedure adopted on their line, is enclosed with this letter and it is requested that you will please draw up a similar notification, suitably amended in accordance with the procedure existing on your Railway, for publication in the principal English and vernacular newspapers.

2. Prominent exhibition of advertisements, substantially on the same lines but perhaps with greater detail, could be undertaken with advantage at railway stations so that the actual traders doing business with the railway may know the exact procedure followed.

3. These steps it is believed would materially help to lessen, and possibly remove, much of the criticism now being levelled against the station staff especially in regard to demands for illegal gratification before wagons are made available.

Copy of North Western Railway's Notification.

Supply of wagons at stations to traders, how it is controlled and by whom?

The N. W. R. notify for the information of the trading public details of the system of control and allotment of empty wagons, other than coal wagons, to merchants and traders, the distribution of coal wagons being regulated by an organization under the Controller of Coal Distribution, Calcutta.

2. *Initial procedure at stations.*—At each goods-booking station a Wagon Priority Register is maintained, which is open for inspection by the public during the normal hours of business. When a trader brings his consignment to the station and presents a forwarding note covering the consignment his wagon requirement is entered in this Register in order of application showing his name, name of commodity, destination, etc. This entry is signed by the trader. An acknowledgement slip, signed by the Station Master or his representative, showing the position of the trader in the list of applications, is handed over to him at the time of the entry, e.g., the 7th registered applicant on page 5, will receive an acknowledgment bearing page 5, No. 7.

3. *Action by Divisional Officers.*—Once daily, all Station Masters report the details of wagons that are required on the following day, for loading at their station giving the number of wagons that are on hand empty and the number that is expected to be unloaded, and available for re-loading. On receipt of this information in the Divisional Superintendent's Office, the total requirement of the Division is consolidated and reported to the Head Office. In the meantime, the Divisional Office orders the supply of empty wagons, after considering the demand for, and availability of wagons at each station, with due regard to:

(a) Traffic covered by priority certificates.

(b) Traffic covered by special priority orders issued by the Head Office.

(c) Position of traffic offering in the list showing grading of commodities used during periods of restriction.

(d) The direction of booking.

4. *Control by the Head Office.*—The Head Office is kept constantly advised of the general wagon position on each Division and appropriate action is taken to maintain a balance as between Divisions consistent with the demand obtaining on each Division.

5. *Allotment of quotas for restricted traffic.*—There are also instances in which other railways limit the number of wagons to be made over to them at junctions. In such cases the Head Office assigns a quota for each Division proportionate to the traffic offering. Quotas may sometimes have to be imposed also for local loading for certain junctions or certain stations, etc. Each Division, on receipt of its assignment, proceeds in a similar way to allot wagons for each station, bearing in mind each station's physical capacity for loading and unloading.

6. *Allotment at stations.*—In paragraph 3 above it has been shown how the allotment of wagons is made to stations by the Divisional Office. On receipt of the allotment the Station Master after meeting requirements of wagons for traffic covered by priority certificates issued by the Defence and Supply Departments, and priority orders by the Head Office, distributes the remaining wagons to those traders whose traffic falls within the non-restricted commodity groups in accordance with the priority assigned to them in the Wagon Priority Register referred to in paragraph 2 above. Should, however, restrictions be imposed either on certain routes or on certain commodities, then it is not possible to allot a wagon against such restrictions and so the wagon is allotted to the consignee of the next non-restricted traffic in the order of registration. The consignee, so barred, however, retains his position in the register and his claim to allotment when circumstances permit, take precedence over all subsequent applications except those covered by a priority certificate or priority orders.

7. It will be seen that the constant and continuous control by higher authorities on the supply of wagons leaves no discretion to the Station Master in this respect.

REFUSAL OF COVERED WAGONS FOR MILITARY SUPPLY OF TIMBER AND BAMBOOS BY STATION MASTER, NAJIBABAD.

†259. *Hajee Chowdhury Muhammad Ismail Khan: (a) Will the Honourable Member for Railways please state if it is a fact that covered wagons No. 5170, 8450, 20015, 35816, 10674, 37911, 6247, 5116, 20300, 18164, 8650; were loaded with bamboos during the 2nd to 5th April 1943, and despatched from Kotdwara (East Indian Railway) to stations Gojra, Amritsar, Hardwargunj, Shakurpur Basti and Garhmukhtesar where no military works were being undertaken?

(b) Is it a fact that covered wagons during that period were refused for the military supply of timber and bamboos by the Station Master, Najibabad? If so, why?

CONTRACTS FOR DISTRIBUTION OF GRAINS TO EAST INDIAN RAILWAY SERVANTS.

260. *Hajee Chowdhury Muhammad Ismail Khan: Will the Honourable Member for Railways please state the terms and conditions on which the contract for the distribution of grains to Railway servants has been given to Messrs. Ballabhdas Eshwardas and to other contractors on the East Indian 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.

STEPS FOR UTILIZATION OF INDIAN WOOL FOR WAR PURPOSES.

†261. *Seth Yusuf Abdoola Haroon: (a) Will the Honourable Member representing the Supply Department be pleased to state what steps Government have taken to utilise Indian wool for war purposes, and thus to help to relieve the situation?

(b) What are the exact figures of consumption of Indian wool by mills engaged on war work? Have Government carried out the necessary research work for the utilisation of the increased quantities of Indian wool by Indian mills for war and other purposes?

(c) Is it a fact that the foreign wool valued at about rupees three crores has been imported annually into India for manufacturing woollen clothes for military requirements during the last few years since the commencement of the war?

(d) Is it a fact that mills in India engaged on war work have been provided by the Military Department with specifications which principally require the use of the foreign wool?

†For answer to this question, see answer to question No. 258.

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

(e) Are certain qualities of Indian wool, such as best Bikaner, Kashmir and Jodiya wools and other qualities being utilised for making woollen clothes?

(f) Do Government propose to recommend to the Military Department to give preference to Indian wool for manufacturing clothes for military purposes?

The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar: (a) The question of utilisation of Indian wool has been considered by Government, but apart from its use in the making of Barrack Blankets Indian wool is unsuitable for other woollen materials required by the Army. Clothes made from Indian wool, hand-spun and hand-woven, have, however, from time to time been accepted for use as substitute clothing for the Army.

(b) The estimated consumption of Indian wool by Mills engaged on war work is 20 million pounds per year. As regards the question of research work expert committees were formed to examine the existing specifications and relax them if possible with a view to making the best use of Indian wool.

(c) Yes.

(d) Certain specifications of the military require the use of foreign wool.

(e) Yes.

(f) This has already been done.

UNSTARRED QUESTIONS AND ANSWERS

CONTRACT RATE TO MESSRS. BALLABHDAS ESHWARDAS FOR DISTRIBUTION OF GRAINS TO EAST INDIAN RAILWAY SERVANTS.

53. Hajee Chowdhury Muhammad Ismail Khan: (a) Will the Honourable Member for Railways please state if it is a fact that the contract for the distribution of grains to Railway servants on the East Indian Railway has been given to Messrs. Ballabhdas Eshwardas, at the rate of annas ten per maund, with effect from the 1st April, 1943?

(b) Is it a fact that the contract for the distribution of grains to Railway Servants has been given to all other contractors at the rate of annas eight per maund from 1st April, 1943?

(c) If the replies to parts (a) and (b) be in the affirmative, what are the reasons for the differential treatment and for not reducing the rates allowed to Messrs. Ballabhdas Eshwardas to the level of the rates allowed to all other contractors?

(d) If the replies to parts (a) and (b) be in the negative, what are the correct rates?

The Honourable Sir Edward Benthall: (a) Yes, except that the rate of annas ten per maund applies from 1st June, 1943.

(b) Yes.

(c) The reason is that the original contract with Messrs. Ballabhdas Eshwardas, who were the very first contractors employed, permitted the contractors to keep the bags; the administration now requires them to return the bags and so compensate them for this, an additional payment of annas two per maund has been agreed upon.

(d) Does not arise.

NON-RETURN OF GUNNY BAGS REQUIRED FOR DISTRIBUTION OF GRAINS BY MESSRS. BALLABHDAS ESHWARDAS TO THE SUPPLY OFFICER.

54. Hajee Chowdhury Muhammad Ismail Khan: Will the Honourable Member for Railways please state:

(a) if it is a fact that the Gunny Bags required for the distribution of grains to Railway Servants are returned by the contractors to the Supply Officer for refills; and

(b) if it is a fact that Messrs. Ballabhdas Eshwardas on the East Indian Railway are exempted from the said procedure; and if so, why?

The Honourable Sir Edward Benthall: (a) Yes.

(b) No, since Messrs. Ballabhdas Eshwardas are also returning the bags. The second part does not arise.

RUNNING OF CERTAIN TRAINS BETWEEN DELHI AND DELHI SHAHDARA.

55. **Hajee Chowdhury Muhammad Ismail Khan:** Will the Honourable Member for Railways please state:

(a) when the trains No. 68 Down, A Up and D Down, are scheduled to arrive at Delhi-Shahdara Railway Station on the North Western Railway;

(b) the average number of hours per day that the trains No. 68 Down and A Up are arriving late at Delhi-Shahdara;

(c) whether another train was provided for the small children attending schools at Delhi from Delhi-Shahdara in the early morning when train No. 68 never arrived at Shahdara at the scheduled time during the preceding four months;

(d) the result of the census of passengers by the A Up train taken at Delhi Junction to justify its continuous running to its present scheduled time during the preceding four months; and

(e) what objection the Government has to running the A Up train from Delhi Junction at 22-30 hours daily?

The Honourable Sir Edward Benthall: (a) 06-59, 09-15 and 18-02.

(b) 68 Down arrived, on an average, approximately five hours late during the months of June and July, 1943, and A Up approximately 30 minutes late on an average. 68 Down is a train carrying heavy parcels traffic and consequently subject to inevitable delays.

(c) No.

(d) No census of passengers by A Up train has been taken, but it is estimated that approximately 600 passengers travel daily from Delhi and the running of this train to its present schedule is justified.

(e) The N. W. Railway consider that the running of A Up train from Delhi Junction at 22-30 hours would be inconvenient for the bulk of the passengers who travel by this train.

RUNNING OF A UP TRAIN BETWEEN NEW DELHI AND GHAZIABAD.

56. **Hajee Chowdhury Muhammad Ismail Khan:** Will the Honourable Member for Railways please state:

(a) if it is a fact that the A Up train is run daily between New Delhi and Ghaziabad on the North Western Railway; if so, to what timings;

(b) the number of passengers who used to travel by it between New Delhi and Delhi;

(c) if the number of passengers justifies its running between New Delhi and Delhi; and

(d) the reasons for its late start from New Delhi during the preceding four months?

The Honourable Sir Edward Benthall: (a) Yes.

New Delhi	dep. 17-30 hours
Delhi	arr. 17-42 "
	dep. 17-52 "
Delhi-Shahdara	arr. 18-02 "
	dep. 18-04 "
Sahibabad	arr. 18-12 "
	dep. 18-14 "
Ghaziabad	arr. 18-23 "

(b) and (c). The exact number of passengers is not known as no census has been taken. It is estimated, however, that approximately 600 passengers travel daily from New Delhi station and Government consider this justifies the running of this train.

(d) Due to the late running of other trains, for a variety of reasons, platform accommodation at Delhi Junction is not always immediately available, for this train.

NON-GAZETTED STAFF ON EAST INDIAN RAILWAY GIVEN EXTENSIONS OF SERVICE.

57. **Hajee Chowdhury Muhammad Ismail Khan:** Will the Honourable Member for Railways please state:

(a) the number of non-gazetted staff on the East Indian Railway given extensions of service after the age of 55; and

(b) the reasons for not employing the man after the age of 55 on the Revised 1934 Scales of Pay as a temporary new entrant?

The Honourable Sir Edward Benthall: (a) 105, up to the middle of March 1943.

(b) Government employ both methods; extension or re-employment being adopted according to the circumstances and merits of each case.

MESSAGE FROM THE COUNCIL OF STATE.

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

"I am directed to inform you that the Council of State at its meeting held on the 6th August, agreed without any amendment to the following Bills which were passed by the Legislative Assembly at its meeting held on Thursday, the 29th July, 1943, namely:

1. A Bill further to amend the Indian Boilers Act, 1923.
2. A Bill to amend the Mines Maternity Benefit Act, 1941.
3. A Bill to amend the Motor Vehicles (Drivers) Ordinance, 1942.
4. A Bill further to amend the Agricultural Produce (Grading and Marking) Act, 1937; and
5. A Bill further to amend the Indian Army Act, 1911, and the Indian Air Force Act, 1932."

STATEMENT OF BUSINESS.

The Honourable Sir Sultan Ahmed (Leader of the House): Sir, Honourable Members are aware that it had been our intention to put down the outstanding items of legislative business on the list of business for today and tomorrow in advance of the food debate. It will have been observed from the agenda that in response to a very general demand we have decided to leave the whole of today and tomorrow free for the food debate. We still, however, consider it necessary to complete the outstanding legislative business before the Session terminates, and I would therefore request you, Sir, to direct the House to sit on Friday and Saturday for the transaction of official business. I hope and trust that every effort will be made to complete the outstanding business on Friday and I would suggest, Sir, that the House might, if necessary, sit till a later hour than usual on that day provided it can finish its business on that day.

Nawabzada Muhammad Liaquat Ali Khan (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, may I make a submission before you decide about it? If you will remember, Sir, the Honourable Member stated last time that they were definitely finishing the Session on Thursday, but now the Government seem to have changed their mind. I wish Government would know what exactly they intend to do. As regards the meetings on Friday and Saturday I would submit that if the business is likely to be finished on Saturday we should sit on Saturday, but if the business cannot be finished on Saturday we should not sit on Saturday but on Monday and the following days. It appears that the intention of the Government is not to finish this Session till the legislative business is completed. Is that correct?

The Honourable Sir Sultan Ahmed: Yes, that is right.

Nawabzada Muhammad Liaquat Ali Khan: I would therefore suggest that for the present you will be pleased to fix a meeting on Friday, and if it is found that the business is likely to be finished on Saturday we might sit on Saturday; otherwise not.

The Honourable Sir Sultan Ahmed: All that I can say is that I hope and I do appeal to the House that they will be able to finish the legislative business on Friday because we have given over three days to the University Bill, and I hope that we may be able to finish that before lunch, and then

[Sir Sultan Ahmed:] there will be only another small Bill which will not take a long time. If, however, we are not in a position to finish the business till 5 O'clock on Friday, then I would respectfully suggest to the House that they might continue to sit a little longer so that the business may be finished that evening. If that is not done I would suggest that we might sit on Saturday because after all business people have come here and they want to go back as quickly as possible. It is not our fault that the business cannot be finished on Thursday next; the debate has taken a turn which necessitated that the food debate should be taken up first and the legislative business taken up afterwards. I was merely responding to the general desire of the House to have the food debate first; otherwise my own inclination was to finish the legislative business first before we go on to the food debate. But the demand was insistent and very great and we could not possibly refuse that demand.

Mr. President (The Honourable Sir Abdur Rahim): As regards the request made by the Leader of the House all the Members are apparently agreed that there should be a sitting on Friday; as for Saturday there seems to be some difference of opinion, and the House generally does not like to sit on a Saturday. I think for the present it will be best to fix a meeting next Friday for the official business and then, as suggested by Nawabzada Liaquat Ali Khan, if it is found necessary to sit next Saturday and there is a chance of the business being completed on that day, I shall direct the House to sit on Saturday. At present it will be sufficient to fix a meeting for next Friday.

INTERIM REPORT OF THE RAILWAY CONVENTION COMMITTEE.

The Honourable Sir Edward Benthall (Member for Railways and War Transport): Sir, I lay on the table a copy of the Interim Report by the Railway Convention Committee appointed by the Legislative Assembly.

Interim report by the Railway Convention Committee appointed by the Assembly Resolution of 23rd March, 1943.

This Committee was elected in pursuance of the resolution passed by the Legislative Assembly on the 23rd March, 1943, to consider matters arising out of clause (iv) of the Assembly's Resolution of the 2nd March, 1943, amending the Separation Convention adopted by the Assembly on the 20th September, 1924, and to report the result in the course of the session preceding the Budget Session of 1944. Clause (iv) of the resolution of the 2nd March, 1943, mentioned above runs as follows:—

"(iv) for subsequent years (i.e., years subsequent to 1943-44) and until a new convention is adopted by the Assembly, the allocation of the surplus on commercial lines between the railway reserve and general revenues shall be decided each year on consideration of the needs of the railways and general revenues, the loss, if any, on strategic lines being recovered from general revenues."

2. The Committee met 7 times at New Delhi between the 10th April and 24th July 1943. They were supplied with copies of all the papers and documents placed in 1923 before the Committee which was then appointed, though infructuously, to review the Separation Convention, and also with five more memoranda of which four related to the depreciation fund and renewal expenditure. After careful consideration, the Committee have come to the conclusion that it is impossible to foresee the conditions which may prevail after the war and that, therefore, the present is not a suitable time for undertaking a comprehensive enquiry into, or a permanent revision of, the Railway Separation Convention, such as the Convention Resolution itself provides for. The Committee have, in accordance with their terms of reference, confined their attention to the devising of an interim arrangement for the division of the railway surplus between railways and general revenues till a new convention is adopted and recommend that a committee be set up as soon as circumstances will permit to examine the whole question of the convention. Such an interim arrangement involves the question of the quantum of the surplus falling due for division which, in turn, depends upon the rate of the annual appropriation to the depreciation fund. The Committee, therefore, examined this question at some length.

3. The Committee are in favour of the depreciation fund being built up on the scientific basis of the lives of the assets, except Dr. Sir Zia Uddin Ahmad who is not in favour of maintaining the depreciation fund in the form in which it now exists. All members except Mr. Jamnadas Mehta, whose view is stated below, are of the opinion that the annual contribution to the depreciation fund should not be less than 1/60th of the capital at charge. Some members felt that this rate of contribution was inadequate and that in past years

railways had not been contributing sufficiently to the fund. There was, however, unanimity on one point namely, that on account of the war, the railway assets were being subjected to heavier wear and tear than in normal times, though it was recognised that the additional depreciation on account of the excessive wear and tear could not be precisely calculated, and that these assets will have to be renewed after the war at a cost very much higher than the original cost on which the contributions to the depreciation fund are based.

The Committee recommend that, until the convention is revised, the present rate of contribution to the depreciation fund should not be reduced. Mr. Jamnadas Mehta considers this rate excessive but, in view of the abnormal wear and tear during the war, is agreeable to its continuing till a new convention is adopted.

The Committee also recommend that there should be an immediate enquiry as to what additional appropriation, if any, should be made to the depreciation fund during the war as an emergency provision, and that the result of the enquiry should be laid before this Committee for consideration and report.

They further recommend that a comprehensive enquiry should be made, as early as possible, into the lives of the assets, including obsolescence, and the consequent normal rate of contribution to the depreciation fund and any other matters, such as the level of prices, affecting the fund. Such an enquiry is essential to any further consideration of the adequacy, or otherwise, of the fund.

Sardar Sant Singh considers that the two enquiries are, in fact, interdependent and should take place immediately.

4. The Committee agree that the present prosperity of railways should be utilized to strengthen railway finances. They note the observations of the Public Accounts Committee in their report on the accounts of 1940-41, to the effect that arrears of maintenance are accumulating owing to the non-availability of materials, that this would result in heavier maintenance expenditure against revenue in future years when receipts might be reduced and that the only source from which it will be possible to finance this expenditure (to which the Committee would add any necessary writing down of stores balances), will be the Railway Reserve Fund.

There was considerable support for the view that, in order to place railways on a sound financial footing having regard to post-war contingencies and the uncertainty of the future both of railways and their personnel, their general reserve should, until a new convention is adopted, be built up by an annual appropriation of a minimum of 1 per cent. on the capital at charge from the surplus. Sir Frederick James, while admitting the abnormalities of war-time finance, also holds the view that the railways will not be on "a sound financial footing" until their General Reserve has reached the level of 10 per cent. of the capital at charge on the understanding that the depreciation fund is treated as such and not, as in the past, a depreciation-cum-reserve fund, from which payments due to general revenues can be made. The Committee, however, do not consider that it is possible to prescribe such a minimum appropriation irrespective of the surplus of the year and for an indefinite period. They, therefore, recommend that in allocating the surplus on commercial lines between the Railway Reserve and General Revenues, as provided in clause (iv) of the Resolution of March the 2nd 1943, until a new convention is adopted by the Assembly, the appropriation to the Railway Reserve should be the maximum consistent with a fair allocation to General Revenues as determined from year to year by the general budgetary situation arising out of the present emergency.

To this Mr. Jamnadas Mehta and Sardar Sant Singh would add the rider that the accumulations in the Railway Reserve should not be allowed to exceed two years' contribution to General Revenues, and that any excess over this should be spent in reducing rates and fares and in giving additional amenities to passengers and railway staff.

5. The Committee also took up for consideration a number of other questions such as provision for amortisation of capital, betterment fund, the question of a fixed contribution to general revenues, the correct method of calculating interest on the capital at charge and the allocation of the replacement cost of an asset. They decided, however, that, as these questions were closely bound up with the permanent revision of the convention, they should be left to be examined by the committee recommended above.

E. C. BENTHALL.
A. J. RAISMAN.
T. S. SANKARA AIYAR.
F. E. JAMES.
JAMNADAS MEHTA.
SANT SINGH.
K. C. NEOGY.
COWASJI JEHangIR.
S. MURTAZA.
ZIA-UDDIN AHMAD.*
G. K. MD. SHAHBAN.
MOHD. YAMIN KHAN.

*Subject to a note.

I. S. PURI,
Secretary.

The 2nd August 1943.

Note by Dr. Sir Zia-uddin Ahmad.

The Indian Railways have attained a position peculiar to this country. They are partially business concern, partially revenue yielding concern and partially service of public utility and we have not been able to find a position of equilibrium between these three ideals.

2. The major portion of the income at present is derived from Government traffic, the burden of increased rates and fares during the war falls primarily on the Government revenues. The Railways are now collecting from General Revenues by increase in their rates and fares much more than they give us in the form of contribution.

3. In my opinion the Administration of the Indian Railways should be based on sound finance, but we should be honest in our financial policy. We should not follow the examples of dishonest companies which cheat the income-tax officer and the shareholders by various devices. We should be fair to general revenues, the travelling public and to our own employees. We should help the Government as much as we can afford at the time of their greatest necessity. We should not neglect in boom time the needs of the travelling public and provide better comforts in travelling, and we should not neglect our own staff in the time of economic strain whose labour has contributed to the increase of our income, and we should not also forget that this is the time when we can build up our reserve. We have to frame our financial policy with due regard to all these factors.

4. Contribution to the General Revenues, Depreciation Fund, Reserve Fund and the question of rates and fares cannot be discussed as isolated problems. They are correlated subjects. The framing of policy on these issues will require very elaborate investigation. Even if we undertake the investigation now at war time, the conclusion that we arrive at will not apply to peace time. Knowledge of conditions of Railways in other countries will be necessary for correct appreciation of our problems and we will have to import from outside a person of qualifications of late Mr. Acworth to assist us in our investigations. It is impossible during the war time to secure the services of a first class expert in Railway Finance from England or America. I am therefore inclined to think that all these three questions should be left alone for the present, and we continue to follow the existing practice as laid down in the Resolution of 1924.

(a) We continue debiting 1/60th of the Capital at charge under Depreciation Reserve Fund.

(b) The contribution of 1 per cent. to the General Revenue as determined by the Convention of 1924 may not be altered.

(c) The balance may be divided between the General Revenues and the Railway Reserve Fund. The proportion should be determined each year by a special resolution of the Assembly.

5. As majority of the Members of the Committee are of opinion that the Depreciation Reserve Fund in its present form should not only be retained but the contribution of 1/60th of the capital, being insufficient, may be raised and they have recommended immediate enquiry about the lives of the assets, I beg leave to give my opinion on this issue. I am strongly of opinion that Depreciation Reserve Fund as it now exists is as unnecessary to maintain as it is difficult to work out. The present system of debiting the cost of renewal, and maintenance of track, rolling stock and buildings partly under Revenue income, partly under Depreciation Fund, and partly under capital is unsatisfactory. It is difficult to decide with accuracy under which head a particular expenditure should be allocated. No two persons will agree as to the classification of any expenditure under proper heads and the same person will have different opinion at different times. I ask under what heads will a Railway Financier debit the cost of abandoned projects and purchase of branch line shares. I will get different answers. (Vide Administration Report, Page 175.)

I suggest that we follow a simple method, a method which is being followed by nearly all the Railways in the world that all expenditure which does not yield any income should be debited to the Revenue and all expenditure which yields revenue should be debited to Capital account. This will simplify the accountancy which has been made unnecessarily complicated.

6. The Railway Administration in India is being fallen into error in regarding Indian Railways only as a business concern. It neglects its responsibility as service of public utility and its duties to travelling public, and to general Revenues. I am quite willing to accept the view that Railways may be regarded as business concern. But I would then press that they should pay like other business concerns the custom duties, income-tax and excess profit tax. When demand for taxes is made, the Administration pleads exemption from these taxes on the ground that it is a service of public utility and is maintained for the benefit of the State. They cannot have both ways.

7. The practice of taking a fixed amount from revenues of Railways each year for renewal, replacement, and maintenance of track and rolling stock under the name of Depreciation is peculiar to this country. They are unnecessarily attempting to solve difficult problem of determining what this fixed amount should be. The present practice is that this fixed amount should be 1/60th of the capital at charge. The figure 60 is very arbitrary. Why not 1/59th or 1/61st? The only argument in favour of 60 is its popularity among the Greeks and the Arabs who always used sexagesimal scale. The Financial Commissioner for

Railways is now admitting that this method of calculation of the fixed amount (known as Depreciation) is unscientific and should be given up. The alternative they fall back upon is the determination of the lives of the assets. I challenge that the lives of the assets cannot accurately be determined. It will be as arbitrary as the selection of the number of 60. The life depends on the intensity of the use of the stock, the manner in which it is used and the supervision of maintenance. In calculating the life of rolling stock, the movements in ton-miles must come into consideration. These ton-miles are very great during the war and small during the period of depression. Can anyone calculate the life of a motor car? Neither the mileage nor the time will determine the life of a car. It depends on so many factors which cannot be accurately determined. Countries which are more business-minded than we are have given up this calculation and have adopted the simple method that all expenditure on renewal, replacement and maintenance should be paid directly by the revenue. The expenditure will be great during the busy time and less during slack time, but our income will also be greater in busy time. Depreciation thus depends not only on the capital, but also on our income.

We should therefore give up the practice of setting aside a fixed amount whether based on the percentage of capital or the basis of the assets irrespective of traffic each year, but we should pay from revenue each year as much as we require for replacements and renewals. In case the entire amount could not be spent, the balance should not be allowed to lapse, but it should be carried forward in suspense account, which is different from Depreciation Reserve Fund.

8. The practice of our Indian Railways of setting aside a fixed portion under Depreciation is very embarrassing to the students of the Railway Economics. When they look into the figures of various Railways (vide Statistiques Internationales des chemins de fer table 3-4 which I have summarised in my book on page 266) they will find that the percentage of expenditure under Miscellaneous is abnormally great; for Indian Railways it is 25.2 and it is 0.5 in National Canadian Railway and 3.1 in London North Eastern Railway; but the percentage under the head of rolling stock is minimum for Indian Railways. It is 9.8 against 24.6 for National Canadian Railway. The marked discrepancies arise out of the fact that persons who prepared these statistics could not comprehend the purpose of our Depreciation Reserve and they put it not under maintenance of track and of rolling stock, but under miscellaneous.

The operating ratio of our Indian Railways also assumes illusory figure. I have calculated the true operating ratio from illusory operating ratio for various years from 1931. The fictitious operative ratio is about 28 per cent. higher than the real operating ratio.

9. There is one more danger to which I would like to draw the attention. During the period of 18 years we have credited the Depreciation Fund with an amount of 225 crores and spent about 150 crores, leaving a balance of over 75 crores. This Reserve has been further increased during the last two years by about nine crores, raising the reserve to about 84 crores. This reserve of 84 crores could have been usefully spent in providing amenities for passengers, in increasing the pay of employees or reducing rates and fares or building up our own general reserve. Special name has been devised to the money so locked up and it is now called Depreciation Reserve for which no visible expenditure could be devised. It was argued that the entire Reserve would be used up during the next thirty years. It cannot be done unless the connotation of the word Depreciation is widened and it is spent in wasteful undertakings such as Kangra Valley Railway or Kalyan Power House. The peaks in the graph of Capital expenditure depend on political factors, but it would not lead to depletion of our depreciation reserve.

10. I am strongly in favour of building up a Railway Reserve Fund which may be utilised for objects mentioned in clause (4) of the Railway Convention of 1924. I would like to add the words 'to provide amenities to passengers' to this sub-clause in order to make this object more explicit. The upper limit of the Reserve in my opinion may be fixed. Wedgewood Committee recommended fifty crores. In view of the objects for which the fund is established which includes expenditure on Depreciation, also seventy-five crores as suggested by Sir Frederick James is not excessive. The limit of seventy-five crores is fixed on the supposition that the second Reserve called Depreciation Reserve should be abolished. It is unnecessary as general reserve can be utilised for arrears in renewals and replacements as mentioned in clause (4) of the Convention.

Conclusion.

11. The position according to Convention of 1924 is that from the Revenue of Railways we first pay working expenses, interest charges, one per cent. of the capital at charge to general revenues, and contribution to Depreciation Reserve Fund, and the balance is divided between general revenues and Reserve Fund. It is now contemplated that we first pay (1) working expenses, (2) interest charges, (3) Depreciation Reserve Fund and possibly enhance its amount and the balance may be divided between general revenues and the Reserve Fund. From the share of general revenues, the losses on strategic lines should further be deducted.

I regret that I am unable to subscribe to this opinion. I do not object to the administration of Railways as a business concern, but like other business concerns they should pay all the taxes including income-tax and excess profits tax.

ZIA UDDIN AHMAD.

MOTION RE THE FOOD SITUATION.

Mr. President (The Honourable Sir Abdur Rahim): Before I call upon the Honourable the Food Member to move his motion I think I ought to ask Honourable Members whether they desire that there should be a time limit for speeches as on the last occasion. (Several Honourable Members: "Yes.") On the last occasion Leaders of Parties were allowed 30 minutes and other Members were allowed 20 minutes, and the Government Member was given one hour or more. I suggest the same time limits should be fixed on this occasion also.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, the President should have some discretion.

Mr. President (The Honourable Sir Abdur Rahim): So far as I am concerned, you may give me discretion but as the Members are aware I do not like to disturb the time limits once fixed.

The Honourable Sir M. Azizul Huque (Food Member): Sir, I beg to move:

"That the food situation in India be taken into consideration."

India today is in the midst of a most difficult food problem. War on the modern scale represents a great economic upheaval entailing an inevitable shortage of available food supply in every country, and there is no country in the world today, not even the United States of America or Great Britain, which has not to suffer from the consequences of food shortage. But whereas this economic upheaval and shortage began much earlier in other countries, we have been faced with this problem which has some special features of its own for just about a year.

The year 1943 opened with a good prospect for wheat crop and the all-India wheat production was estimated to be at least a million ton surplus. Maize and millets were also estimated to be a surplus production. But the last rice crop was affected by weather conditions, cyclone and flood. And rice constitutes by far the biggest acreage in the country. The estimated all-India rice shortage was about 2 million tons. But while the deficits and surpluses of other areas almost cancelled each other, the province of Bengal representing about one-third of the total acreage of rice in India was deficit by about 1½ million tons against the normal average, but surplus by about a million ton compared with the crop of 1940. On the other hand the rice crop of the year 1941 was a surplus crop in Bengal by about 1½ million tons over the normal average, thus providing a fair carry-over for the following year. Taken all together—rice, wheat, maize and millets—the all-India food position at the beginning of the year was nothing exceptional. In no less than five out of the previous ten years the production of foodgrains was worse than the estimated food production of this year and no grave shortage was expected by even the worst pessimist. Only Bombay, Travancore and Cochin were then badly affected and prompt arrangements were made to meet the requirements of these areas.

Within a few months the food position took a turn almost unparalleled in the history of India. Travancore and Cochin are faced with grave distress and people are living there on a meagre supply of foodgrains supplemented by roots and vegetables. This region has always been deficit in respect of food grains and had normally to draw its supplies from other provinces and from Burma. With the fall of Burma this area was suddenly confronted with a shortage of foodgrains. Today the rationed quantity per head of all grains—rice, wheat or other dry grains—is only 4½ lbs. per week. The City of Bombay is being rationed for the last few months and the ration there, including all grains—rice, wheat and bajra—is 6½ lbs. per week per head. Some of the districts of Bombay are also in a most difficult food position and almost similar is the case in some parts of Madras. There is unprecedented distress in Bengal and the situation there is fully known to you all. There are other parts of India which have been more or less affected either owing to the pressure of high prices or due to local shortage. The general food situation is a matter of considerable

anxiety to all and for the time being we have to face day to day problems of the most complexity and often at a moment's notice. We are doing our best and all that is possible to meet the exigencies of the situation.

Let me go back at this point, for a moment, to explain to the House the steps taken from time to time by the Government of India from the beginning of the war. From the very first, the Government of India realized that sooner or later they might be confronted with some of the inevitable consequences of war conditions. But for the time being the problem was to evolve a common price policy and to co-ordinate the necessary measures that might be taken by the provincial authorities to meet the exigencies of the war situation. India is a vast continent with 390 million inhabitants. Even in normal times with fast train services it took about three days to go from Karachi to Calcutta. From Delhi to Travancore it was even a longer journey. We have to work under a constitution under which the provinces function as autonomous units with responsibilities of their own, within their own sphere and this is true as much of the ministerial provinces as of the section 93 provinces. And we have no right to interfere in matters within the scope of provincial responsibility. Agriculture, agricultural development, production of foodgrains and irrigation are primarily the responsibilities of the provinces and while the Government of India have from time to time given a lead in many measures of reconstruction and rehabilitation of agriculture, the provinces have direct responsibilities in shaping their own policies and programme. The Indian States are generally autonomous in their economic policies and they function in conditions of their own. On the other hand, the Government of India have no administrative agency of their own and must necessarily depend on the provinces and their established administrative machinery to carry out any common planning or programme in the food problem of India. They can only enforce all common measures through understanding and agreement with the Provinces and States. The Government of India therefore in the existing scheme of things depended upon the Provinces and States as the basis of future economic policy and have throughout tried to take the provinces and States with them in accepting a common policy for the country as a whole. No other method would have been feasible and no other method was even suggested.

Within a few days after the declaration of the war, the Government of India therefore issued a notification under Rule 81 (2) (3) of the Defence of India Rules empowering the Provincial Governments and the Chief Commissioners to control the prices of certain essential commodities, such as foodstuffs, salt, kerosene, medical supplies, etc. The representatives of the provinces and the States were thereafter invited to a Conference convened on the 18th and 19th of October, 1939. The Ministries were then functioning in all the provinces. This Conference recommended against any control of the price of agricultural commodities, and was in favour of the provinces being the proper authority to exercise control over the commodity prices if and when necessary.

It soon became apparent that the measures till then taken were not adequate, and the second Price Control Conference was convened on the 24th and 25th of June, 1940. This Conference recommended that while the Central Government might control the primary wholesale market prices when necessary, the Provinces and States should control the retail market prices; and that in fixing wholesale prices, when and if necessary, the Central Government should first consult the primary producing provinces concerned. On a full consideration of the general price level, this Conference came to the conclusion that the price of agricultural commodities was not high enough to warrant the imposition of any measure to check the rise. Meanwhile the trend of agricultural prices was downward and the problem of price control receded for the time being into the background.

Late in the summer of 1941, market conditions began to deteriorate along with adverse war news. The price level began to rise and the third Price Control Conference was called on the 16th and 17th of October, 1941. Some

[Sir M. Azizul Huque.] of the representatives at this Conference strongly criticised any attempt to keep agricultural prices down as being only in the interests of export. The rise in prices was considered to be due to local and temporary factors and the Conference was not in favour of any control of prices by the Centre. Some of the representatives were not only against any control of prices, but were in favour of a further rise in prices of rice and opposed to any import of rice from Burma. Punjab was emphatically against any control of wheat prices and was not in favour, in any circumstance, of any control during harvest.

Shortly after the Conference met, the wheat situation began to deteriorate with considerable speculative activities. With the impending danger of hostilities breaking out in the East, the Government of India decided to confer further powers on the provinces to deal with emergencies. On the 29th of October 1941, provinces were given further powers, *inter alia*, to control movement of commodities in local markets, fix prices and secure the availability of foodstuffs. These powers were given only with a view to quick action being taken in an emergency. It was specially emphasized that these powers should not be exercised by the provinces without previous consultation with the Government of India. In the event of any such consultation being not possible owing to breakdown of communication or in any emergent situation demanding quick action, the Government of India desired that reference should be made immediately afterwards to the Central Government.

The wheat situation continued to deteriorate and on the 5th of December, 1941, the Central Government, in accordance with the recommendations of the Second Price Control Conference, issued a notification fixing the maximum price of wheat at Rs. 4/6 per maund in the primary wholesale markets at Hapur and Lyallpur, the prices of wheat in other markets being left to the provinces to be fixed on a derivative basis. The Provincial Governments were simultaneously requested to take action to fix maximum prices of wheat in other markets within their respective areas at an appropriate level and related to the maximum price fixed at Hapur and Lyallpur.

Soon after the declaration of war by Japan, followed by the rapidity of the Japanese advance, one of the Provincial Governments enquired from the Central Government as to whether a provincial reserve should not be built up in anticipation. Sir, the Government of India gave the most careful consideration to the matter but came to the conclusion that it would not be in the best interests of the country as a whole to take any such measure. The Provincial Governments were informed of the inevitable consequences that would follow if every province began to build up a provincial reserve. One province would be followed by another and this would inevitably choke up the flow of grains and would thereby create an artificial shortage throughout India. Sir, the Government of India specially emphasized that in conditions of shortage this would lead to an economic disaster and any such measure should therefore be avoided. In the meantime, some of the Provinces had already restricted the movement of certain food-grains to destinations outside their boundaries.

The Fourth Price Control Conference met on the 6th and 7th February and as I read the speech of my distinguished friend, the Honourable Sir Ramaswami Mudaliar, whom I am glad to welcome here, I find that he warned all Provinces not to dam in any manner the free flow of food commodities, and especially emphasized that a ban on inter-provincial exports would do much more harm than good, and should be avoided to the utmost extent. In order to ensure an equitable distribution between surplus and deficit provinces, this Conference recommended that the Central Government should create an appropriate organisation. The Conference further recommended that inter-provincial exports should not be prohibited, and that stock-buildings by provinces should be deprecated, especially on the part of deficit provinces. The Conference re-affirmed its views that price control administration should be left to the provinces and

recommended further that the price of rice should not be controlled; should the time come when it became necessary to do so, it should be done after consultation with the provinces.

With a view to enable the Government of India to be ready for any future emergency or contingency, the producing provinces, in accordance with the recommendations of the Conference, were requested to give the names of the common varieties of paddy in the locality and to recommend the price that should be fixed. Honourable Members are aware that, unlike wheat, there is no organized wholesale market for rice in India. With hundreds of common varieties of paddy, it was difficult to consider any control measures without careful collection of data. The Government of India were not able to get the necessary data.

In the meantime, a conference of the representatives of the Governments of Bihar, Bengal, Orissa, the C. P. and Assam—the main rice-producing provinces—met together to discuss a common rice policy, but no agreement was arrived at.

Dr. Sir Zia Uddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): When?

The Honourable Sir M. Azizul Huque: February-March 1942.

In April 1942 the Central Government introduced control over the price and movement of sugar produced in India, but could not introduce any central price over other food-grains excepting wheat in view of the general attitude of the Provinces. On the 28th March, 1942 the Government of India fixed the price of wheat at Rs. 5 in Lyallpur and Hapur and Rs. 5/4 in Sind.

In the meantime various local authorities had passed multiple and sometimes confusing orders with the resultant dislocation of trade. Some of the Provinces had also begun to build up their reserves. The next Price Control Conference was therefore called on the 7th and 8th April, 1942 and came to the following conclusions:

that stock-building was inadvisable especially when a Province was a deficit one, and if unavoidably necessary, should be done only to the extent of a reasonable provision;

that a control price of wheat was unnecessary;

that wholesale dealers should be licensed and that retail licenses should be issued at the option of the Provinces;

that in any price control scheme, or in taking further price measures, the established trade should not be disturbed and existing trade channels and agencies should be utilised as far as possible;

that wheat wholesale price should not be revised.

Throughout May this year unfounded rumours spread all over the country about the general wheat position. The price of wheat, in spite of the maximum prices fixed, rose up abnormally high in Hapur and the Wheat Commissioner had to stop the issue of further wheat permits in the U. P. on the 16th December, 1942. The situation was aggravated by wild rumours to the gain of persons interested in speculation. British India was then short of wheat in some places. With a view to relieve this wheat shortage in some parts of British India, the Political Department requested the Indian States if they could release any wheat from their stock. Interested parties spread a rumour that the Government proposed to export a million ton of wheat and that godowns had already been hired in Bombay. So strong was the rumour that the Federation of Indian Chambers of Commerce and some other commercial bodies sent representations to the Government of India. Sir, the Government of India immediately contradicted this entirely unfounded rumour, but somehow or other the representation made by some of the trade organizations was published in the press before the reply could be sent. Speculators made gains, prices rose and wheat went underground. The Wheat Control Order was therefore promulgated, in the month of May, prohibiting inter-provincial movement of wheat unless covered by a permit issued by the Wheat Commissioner in India.

[Sir M. Azizul Huque.]

The general food situation at the time demanded further measures and the Food-grains Control Order was promulgated on the 21st May, 1942 providing for the licensing of wholesale dealers in food-grains and requiring them to submit periodical reports of stocks held by them and all relevant information regarding the disposal of such stocks.

Once again in July 1942, the Government of India deemed it necessary to reiterate their views that stock-building of food-stuffs should in the then existing conditions of things be regarded as inadvisable as a rule; that acquisitions of stocks by industrial concerns in excess of their normal requirements should be discouraged as far as possible. Provinces and States were informed that the Government of India was not in favour of any stock-building except to safeguard supplies in particular areas and that only to a reasonable limit and only after a previous reference to the Government of India.

Sir, the situation continued to deteriorate and it was soon apparent that the statutory maximum prices were not being observed and that clandestine transactions were taking place on a widespread scale at rates much in excess of the legal maximum. The Sixth Price Control Conference was therefore called in September 1942 as further and more comprehensive steps were considered necessary to prevent the development of the black-market and to check further rise in prices. This Conference recommended that a single agency should be employed for all civilian and defence purchases, that the export of wheat on private account from the surplus provinces should be prohibited, that the Central Government should arrange to make purchases from the surplus provinces and distribute them to the deficit areas, and that the governing principle in all measures under conditions of shortage should be equality of sacrifice on the part of all. The Conference was also of the opinion that there should be the least interference with the normal channels of distribution.

In the closing months of 1942 the Government of India decided to set up a special department to deal with the food problem. The Department of Food was thereupon created on the 2nd December, 1942, and soon after, the first Food Conference was convened on the 14th and 15th December, 1942. It may be noted that provinces and States were asked some time in August of this year to give a forecast of their productions, surpluses, and deficiencies. No reply came from most of the major provinces. An estimate was therefore placed before this Conference showing the probable deficits and surpluses of each area, with a view to getting the latest information from the representatives at the Conference about provincial acreage and yield. The wheat position was then extremely critical in some parts of India. There were threats of strikes in industrial areas with crop failures in other parts. A disastrous cyclone on the East Coast caused havoc in extensive areas. This Conference discussed the general wheat position and the estimates of deficits and surpluses as stated by the provinces for the next four months. The estimated surplus available, mainly in the Punjab, till the next harvest was not enough to meet the deficit and the Government of India therefore took immediate steps to get some imports of wheat from abroad. While I am not in a position to state the actual figures of imports for obvious reasons, I can say this much that it was a substantial quantity and that the surplus available within the country with the imported wheat was for the time being sufficient to meet the situation. The rice position was thereafter discussed by the Conference, and this Conference was attended among others not only by the official representative of the Government of Bengal but also by the then Chief Minister of the province. As regards rice the statement on behalf of Bengal was as follows:

"We do not require for the next few months any rice even though we are in deficit."

Sir, on an enquiry whether the Bengal Government had any suggestion to make as to how they would be able to get rice if it was required by the province, neither the Chief Minister nor the official representative had any suggestions to offer.

An Honourable Member: When was this?

The Honourable Sir M. Azizul Huque: December last. "We have to make our suggestion", said the official representative, "when the occasion arises." Sir, the general position taken up by Bengal was that as they were not in surplus, but in deficit, they should not be asked to contribute in any way to the all-India pool, and that they would be able to manage their affairs if they were not asked to undertake any extra provincial responsibility. The statement of the then Chief Minister was in the following terms, viz.,—

"We know rice is enough for us. We do require some wheat from outside. We do not want to be fixed to a policy. We shall act as we may decide."

The other provinces thereupon considered their deficits and surpluses without taking Bengal into account. As regards millets the Bengal representative declared that his province was not particularly interested. The Conference thereafter made certain general recommendations, viz., that the Government of India should get surplus grains from the provinces through purchasing agencies under the control of Governments of the producing Provinces and distribute the available surplus grains to the deficit areas. As regards price control Bombay was definitely against fixing any price on the ground that commodities would not come out. Bengal opinion was, "We have regarded the whole matter as so academic that we have not attempted to make any calculations".

An Honourable Member: Happy-go-lucky!

The Honourable Sir M. Azizul Huque: "In the case of rice it is of little importance so long as we are allowed to look after our own interests". Madras, C. P. and Assam were also opposed to the enforcement of any maximum price and the U. P. also was opposed to the fixing of price of any commodity other than wheat. The official representative of Bengal was of the opinion, that all price control measures should be given up and that the price should be moderated by market activities and controlled distribution. The Punjab, the main wheat producing surplus area, agreed to a purchasing agency subject to the Government of the Punjab deciding the quantity to be exported from the province. The Conference also recommended that there should be no requisitioning of foodstuffs as it would dry up supplies. The question of rationing was also considered. The province of Bombay was definitely in favour of rationing schemes. The Government of Bengal was not in favour of any rationing measure beyond group rationing in labour areas and queue distribution for the public. The Conference finally recommended the de-control of the price of wheat.

The original proposal of the Government of India before this Conference was the setting up of a purchasing organisation, an organisation of merchants buying on behalf of the Central Government on a commission basis as the best means of effecting purchases on a large scale. The provinces had been consulted but as there was considerable difference of opinion, the question was discussed in the Conference. Sir, as I have said before, the consensus of opinion at the Conference was that the purchasing operations should be left entirely to the Government of the producing provinces, the Central Government merely assuming responsibility for moving the surplus grain from the surplus to the deficit areas. Sir, speaking at this Conference, the late Mr. Holdsworth, the then Secretary of the Food Department, uttered a warning against any such dual scheme. He pointed out the difficulties the Central Government would encounter in shouldering the responsibility for moving the surplus grains from the producing provinces to the deficit provinces, through an organisation not under its own direct control but controlled by the Government of the producing province which in effect would place the Government of India in an almost impossible position. As he stated frankly at this Conference:

"We are going to be asked by the deficit provinces to carry out a quota programme—if we can ever arrive at a quota programme. We are going to be expected by the deficit provinces to produce grains for them. At the same time we shall have to cajole or persuade the producing provinces that they can go a little bit further than they can go and try

[Sir M. Azizul Huque.]

to reach the requirements which are necessary in other parts of India. It will be a constant struggle in which we shall be pressed, on one side, for more grain, and hindered on the other side, on the ground that we are starving the producing areas. I do not suggest that either side would take up an obviously unreasonable position. But I think it must be admitted that if the Government of India are to take any responsibility in the matter of feeding the deficit areas they must have a much freer hand in dealing with the producing areas than some of the Provincial Governments see at present to allow. I should rather like the provinces which have objected to the scheme as propounded by us to consider the position that I have just stated and to let us know if they can see their way to giving us a freer hand than they seem prepared to do in their replies to our reference."

But the recommendations of the provinces were as I have just stated and the decision of the Conference was as I have just said. As the
12 Noon. primary responsibility for the food problem was on the provinces it was not possible for the Government of India to go against the consensus of opinion at the Conference and impose its own purchasing organisation upon unwilling provinces.

In accordance with the recommendations of the Food Conference, the wheat price was de-controlled and immediately the price shot up to near about Rs. 12, though it came down later, against the previous controlled price of Rs. 5 or Rs. 5/4. The Government of India then prepared a procurement plan for all provinces and States and a further conference was convened to discuss the details of the plan. The provinces, both deficit and surplus, were urged in the meantime to begin purchases of all available food stuffs within their respective areas. This procurement plan was formulated in accordance with the recommendations of the previous conference to distribute the deficiencies all over India, so that each surplus province may take its share of the general deficiency on an all-India basis and not leave the deficit provinces only to meet the pinch and the pressure of the shortage. It was specially emphasized that the entire plan was based on the principle that provinces with a surplus should buy whatever they have and that if they could spare more they should give more. At the second Food Conference held on the 25th and 26th February of this year, U. P., Bihar, Punjab and Assam were of the opinion that the provinces themselves should purchase their own surpluses. Bengal had no opinion either on the procurement policy or on the question of surpluses except that "anything beyond a safe limit is a matter for the province to decide." The Conference agreed that all provinces should have procurement organisations and that the Provincial Governments should be responsible for the movement of commodities purchased on their behalf in the surplus areas and that all provinces should supply information of stock purchased and of the general food situation. There was no unanimity as to who should determine the quantity that should be surrendered by a province for the deficit areas. The Punjab, Bihar and C. P. were against the Central Government determining the quantity to be surrendered by a province. Orissa was neutral while Madras, Bombay, U. P., Sind, Assam and N. W. F. P. were in favour. The Conference recommended that there should be no export from a province except under a provincial licence. The Government of India thereafter finally decided on the basic plan of distributing surplus to deficit areas. Much has been said about the statistics of surpluses in the basic plan. Major General Wood clearly enunciated the views of the Government of India in the following terms:

"All discussions of this kind of surplus or of that and all discussions based on available statistics were based on very unstable foundations and so were largely conjectural and hypothetical. What we should now concentrate on is action; action to set up our procurement organisations and, action to commence procurement operations which, operated vigorously, would alone reveal what could be made available for the solution of our problems. All else is supposition."

What was the plan agreed to and accepted by all and what was the result.
(An Honourable Member: "What is the date of this?") 6th February of this year. Firstly, both the surplus and the deficit provinces were to bring the maximum stocks of food grains under governmental control. That was the only solution devised to solve future difficulties and to gain some equilibrium in the matter of price as well as supply.

Secondly, every province, surplus or deficit, was to set up a procurement organisation for the above purpose. They had been asked in January to take emergent and extemporised action to buy up whatever rice and millets they could from stocks of current 'kharif' crop coming into the market. But the net result was disappointing. Some did, some followed their own methods, others did not take action commensurate with the plan. In some places where they did, they tried to build up their own reserve first.

Thirdly, all provinces were to supply certain information about their stock position, purchases and of the general food situation. Out of 52 returns which should have reached the Government of India by the end of June, only 3 were received and our greatest difficulty throughout in dealing with the food problem has been a sad lack of information in most matters. In our task of evolving the procurement and supply plan we made it quite clear that the figures were conjectural and were to be taken as targets only. We realised that the amount of actual purchases might not reach the target figures but who could realise that they would be so wide of the mark as it turned out to be in the face of all provinces accepting the collective responsibility. The Provincial Governments no doubt disputed the surplus figures under the central procurement plan. One province agreed to supply 200 thousand tons of rice, 50 thousand tons of jowar, and 120 thousand tons of gram as surplus for the year 1943. Against this total quantity of 370 thousand tons of food grains, it needed a monthly supply of only six to seven thousand tons of wheat. According to the programme of supply framed by the province itself, not by the Government of India, namely, to supply 46,480 tons of rice, 24,215 tons of jowar and 28,932 tons of gram, an aggregate total of 99,627 tons from April to June, it was not possible for us to get more than 25 thousand tons of rice only. (An Honourable Member: "Was transport available for that province?") Yes. (Another Honourable Member: "which province was it?") In the public interest, I do not wish to give any names. Another province against a declared surplus for the year of 200,000 tons of millets, 100,000 tons of wheat and 125,000 tons of gram, supplied only 20,000 tons of millets, nothing of wheat and only a thousand tons of gram from December to July.

Taking all-India position as a whole, we should have received during April, May and June about 14½ lakh tons of various kinds of food grains from the surplus provinces. We could obtain just about 5.7 lakhs ton for distribution to the deficit provinces and States.

By about the beginning of May, the situation began to assume a critical character and it looked as if the food situation in Bengal was beginning to get completely out of hand. The province was faced with a rigorous shortage and it looked as if the industrial war effort, war effort generally and civil life of the province were in distinct danger of dislocation with its inevitable reaction on other areas as well. The Government of India had, therefore, no other alternative but to tide over the immediate situation by introducing free trade in the Eastern zone as the only means of getting a flow of food grains into the deficit areas. This was done and for the time being a grave crisis was thereby averted. If free trade had full play, it would have had a permanent effect not only in bringing supplies to the deficit areas but also in bringing down the price levels of the whole of eastern region even though there would have been some temporary rise for a time till the market found its equilibrium. But as soon as free trade was declared in the Eastern Zone, obstructions of every kind were placed in its way. I have before me a list of over 60 cases reported from time to time and we have not yet been able to complete the investigation of these cases. But the nature of the allegations are as follows: viz., stocks purchased were requisitioned, the stocks purchased were seized, a percentage of all purchases were ordered to be surrendered, and in some cases at a much lower price than purchase price, stockists were ordered to close godowns, traders were warned not to sell, stationmasters were asked to refuse wagons, carters and carriers were stopped from assisting movements, export was banned by peremptory orders . . .

An Honourable Member: Is that the work of some Provincial Governments?

The Honourable Sir M. Azizul Huque: I am merely making a statement of facts. Until the investigations are finished, I would not like to be drawn into this controversy.

Mr. Hooseinbhoj A. Lalljee (Bombay Central Division: Muhammadan Rural): Even the stationmasters were asked to refuse wagons?

The Honourable Sir M. Azizul Huque: Yes, why not? I have seen much of human life. Among those who complained were General Managers of Railways, the Chief Mining Engineer of the Railway Board, the Price Administrator of the Indian Mining Association, the Officer-in-charge of rice supplies to aerodrome construction, Bengal Chamber of Commerce, Muslim Chamber of Commerce, Indian Chamber of Commerce, National Chamber of Commerce and industrial concerns, not to speak of traders and purchasing agents. It is said that trade agents were arrested and prosecuted and that goods in transit were seized. Thus free trade did not function. Taking the case of one of the provinces, we had an authoritative statement that the province had at least 30 lakhs of maunds of surplus grains. This province did not take any step from January to April to purchase any rice for its own purposes at a time when price was admittedly low. Yet as soon as the free trade was introduced, it tried to build up a reserve stock for its own needs. We were just at the time considering the feasibility of gradually restoring free trade throughout India as the only other means of ensuring steady supply, thereby bringing down the general price level and distributing supplies commensurate with the needs of various parts of India. But for some time it looked as if this may possibly endanger even the partial supply to the deficit areas. With few exceptions there was no acceptance of a common responsibility. Sir, having regard to the compelling necessity of immediately doing whatever we could to arrange supplies as the producing provinces could give us with good will, we convened a Conference of the representatives of all provinces and States.

This Conference met on the 5th, 6th and 7th of July. The Conference was definitely against any form of free trade and recommended reversion to the original procurement plan with arithmetical adjustment functioning under the Government of India but with purchasing organisations working under the Provincial Governments. The Government of India accepted the recommendations of the Conference; there was hardly any time to evolve any other policy. Any other alternative measure would necessarily have taken at least a preparatory period to build up the necessary organisation for effective purchase, distribution and transport. Just at the time when this was settled and the provinces were requested to supply such quantities as they could spare for the deficit areas, we found that sometimes even with some stocks in hand enough foodgrains could not be despatched due to various transport difficulties. To lose no time, the Honourable Member for War Transport, to whom I am grateful, and myself went immediately after the Conference to Lahore to settle matters on the spot in consultation with the local railway authorities, the representatives of the War Transport Department and the Government of the Punjab. We found that the North Western Railway could despatch more wagons with foodgrains provided they could be promptly cleared. We also found out that operational difficulties and bottlenecks stood in the way of larger movements to the deficit areas of the South. Possibilities of alternative routes to the South were, therefore, explored. The War Transport Department also agreed to raise the quota of foodgrains from the North Western Railway into Calcutta to 120 wagons of foodgrains daily provided the Bengal Government could make firm arrangements for their immediate clearance. Just at the time when we could clear up all these operational difficulties, there came the unfortunate breach due to the Damodar food and it is not possible at the moment to say how long it will be before the railway lines are restored. We tried to send more grain by ships and, in fact, two ships were actually loaded with wheat. But just after loading the ships developed engine troubles and are now under repairs. In order to utilise shipping if and when available for future supply, we are arranging storage accommodation of

wheat that may be available for immediate loading. We have done all that is possible but none can contend against obvious limitations and even where we can, it cannot be done in a day. If growers are asked not to sell but to wait for better prices, if grains do not come to the *Mundis* in monsoon conditions, if some over-zealous officer a thousand miles away requisitions foodgrains while in transit through his area from one State or province to another, it takes time for information to come, remedies devised, provincial authorities referred to and goods moved again. For the time being, our efforts are all directed to one act, namely, to arrange and ensure more supplies to the deficit areas while we propose to take other remedial and necessary measures as soon as the exigencies of the moment are under control. If the Government of India have to accept any responsibility in the food problem of India, we must devise adequate machinery to carry out and quickly enforce our decisions. How this can be done and ensured cannot be decided until the difficulties of the moment are tided over.

So far, we had to face three problems. Firstly, the deficits and surpluses, according to provincial figures, had never met each other. There were much more deficits than surpluses available and the surplus provinces, probably with reasons of their own, do not accept any other surplus figure than their own. Secondly, as I have said before, the purchasing organisation is not at the disposal of the Central Government; the procurement plan does not function and supplies are not available according to programme. Thirdly, exigencies of war conditions have created difficult and complex transport problems with operational restrictions, defence movements, bottlenecks, movements of essential commodities like coal, not to speak of the occasional break-down of communications due to monsoon and flood.

But behind all these we must remember the economy of Indian agriculture. The Indian peasant is not a farmer in any sense of the term. He grows food crops, retains what he needs for his own consumption and sells only the surplus. The marketable surplus is thus made up of the small margins of millions of small peasant growers. In the past, he had often to sell his own food crops by the compelling necessity of meeting his money obligations and essential needs. With low agricultural prices, he had often to sell a share of even his bare subsistence needs. With not enough to eat, he had often to underfeed himself to meet his fixed liabilities. Today with high agricultural prices, he is able to meet his monetary liabilities by selling only a very small quantity of his food grains and sometimes by only selling his subsidiary products. The growers, the 50 million of small farmers on the other hand, have no incentive, no urge, no necessity today to sell their grains in the absence of consumer goods. The general inflationary position has also visibly affected the market. No one of these elements by itself is entirely responsible for the food problem of today. But all of these combined have their influence on the food problem. On the other hand, new consumer class have been created under the stress of war conditions. The Indian Army strength is now over two million in number. Recruited mainly from Indian villages, the rank and file form a new consumer class on regulated scale of army diet. Defence constructions, expansion of old industries, growth of new industries, expansion of multiple governmental activities have increased beyond measure the class of wage earners with wages much higher than the pre-war level, bringing in new elements in the economy of India. Higher wages are invariably first reflected in their effects on the primary needs of food and clothing.

Superimposed on all these lies an undercurrent of apprehension about the future economy of India resulting in all consumers trying to keep some stock of food grains from fear of future shortage.

In pre-war economy, the trade adjusted the general price level. In war conditions, trade functions under many limitations and restrictions. Unless therefore the whole organisation of distribution from the grower in one end of India to the consumer in the other end of this vast Continent functions as a whole, it clogs up supply. Conditions of shortage generate a tendency for higher price and higher profit. It is not possible within a period of few weeks or even

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a few months to neutralise the effects of all the factors or set up any effective machinery to deal with these problems fully.

Sir, when trade channels are choked, every one becomes a buyer, industrial concerns who must feed their labourers, employers of labour engaged in war works, Governments purchasing to build up their reserve stocks, consumers who have money to buy for long range needs, and no doubt others with motives of speculation and profit. Shortage is aggravated and it is a struggle to get the marketable surplus of food grains.

Sometimes, I wonder whether we devoted sufficient attention in the past to the food problem of the country. I am not aware if this had been discussed in the various legislatures of the country in the past. I am not aware of any nation-wide effort to tackle the problem of nutrition, the ultimate purpose of food. Did we realise within ourselves that the very basis of our economy is so made that it is hardly enough to meet our minimum needs, and certainly lacks the strength to stand the pressure of any abnormal circumstances or conditions of strain. The suggestion of the Government of India in January last to create improvised purchasing organisations was not followed up in most of the Provinces, both deficit and surplus; probably they never anticipated any acute shortage. As I said before, the then Chief Minister of Bengal only a few months back thought that there would be no rice shortage. And it was not the Bengal administration alone which failed to anticipate events. Speaking in this House on the 17th February last, on the food situation, my Honourable friend, Mr. Hooseinbhoj Lalljee—I hope he will excuse me if I quote him—expressed himself in the following terms:

"I make bold to say that so far as this country is concerned, as a businessman who has been trading or whose people have been trading in rice and other foodstuffs for the last 140 years—I make bold to say that there is no much fear of ourselves suffering from scarcity of foodstuffs in this country."

Sir, in economic calculations, astrology is the last method which we should get at. Sir, it has been said that exports are responsible for the shortage of food grains within India. May I state that the total exports of rice and wheat since January up to date is just about 85,000 tons including exports to Ceylon. (Interruption.) That does not affect the present position. Since then rice export has been completely banned and unless we have a surplus in hand after meeting the needs of India, we do not propose to export other food grains either, except such small quantities as may be necessary in the interests of India.

Sir, I have seen various statements and reports about the inflated defence purchases of food grains. May I say that from January to July the total defence purchases of wheat and rice is just about 279,000 tons and do please remember that two million people in the army are to be fed.

But the food problem of today is much deeper than it appears on the surface. If statistics are correct, rice production in India from 1911-12 to 1942-43 has remained nearly constant between the figures of 25 million tons and 27 million tons except the two war years 1916-17 and 1917-18 when production was higher than these figures.

Sir Abdul Halim Ghuznavi (Dacca cum Mymensingh: Muhammadan Rural): What about 1942?

The Honourable Sir M. Azizul Huque: I will reply to that.

As compared with three pre-war years, the combined acreage for our basic food grains, rice and wheat is almost constant, viz., 108, 109, 108, 108, 107-5, 109 million acres as from 1937-38 to 1942-43 respectively. In the meantime the population has increased from about 311 millions in 1910-11 to 388 millions in 1941, with the corresponding increase of the rice eating population. The main food grains production of India has also remained practically constant between 50 and 51 million tons with small variation from year to year. It is difficult to believe, and that is my reply to my Honourable friend, Sir Abdul Halim Ghuznavi, that there has not been at least some increase of production in this long period in spite of a very large increase of population.

But there is at least some relative truth behind these statistical figures, however inaccurate they may otherwise be. And that is that there is some actual lag between production and population figures. Again, if statistics are correct, the average *per capita* production of rice in Bengal during the census decade of 1911-12 to 1920-21 was 384 lbs. The average *per capita* production from 1940-41 to 1942-43 was only 283 lbs. If we take the normal production of Bengal as 8½ million tons, the *per capita* production comes to 314 lbs., 70 lbs. less today than it was 30 years before. I do not wish to confuse this House with statistical figures, but if the average adult diet is only 1 lb. of foodgrains a day the consumption needs of India as a whole is about 50·5 million tons. With 4·5 million tons as seed requirements the total foodgrains necessary is at least 55 million tons. If half the people of India consume a little more, viz., 1½ lb. a day, the figures go up to 61 million tons of all foodgrains major and minor. And our normal production of the principal foodgrains is only about 50 or 51 million tons. If the growers choose to keep any quantity as insurance against bad harvest, if they eat a little more than the poor meal of past years, if there is any carry-over, it means a serious gap in the supplies available of the main food crops in the existing conditions of things for the non-agriculturist population, which have to be compensated with minor foodgrains, vegetables, etc.

Mr. Neogy was kind enough to refer the other day to my book "Man Behind the Plough". In that book I pleaded for a planned economic policy to reclaim agriculture in the interests of generations to come. May I quote only a few lines, written five years ago, and I leave it to Mr. Neogy to compare it with conditions of today not merely for Bengal but for other areas as well:

"Bengal must grow more food within the province and our economic policy should be so framed that we may always have an assured supply of sufficient food. Our production should at least be equal to consumption. This is essential as a reasonable measure of economic security. Every country is from time to time faced with economic and political crises. It will be weakness in our economic life if the food supply is not sufficient to meet the strain of such occasions. One must remember that during the great European war, the presence of the EMDEN in the Bay of Bengal dislocated the movements of ships to and from Bengal ports considerably. It would be an economic disaster of the first magnitude if we are not self-sufficient in respect of our food supply. The producers of food must also have enough food to maintain national health."

Behind all these is the fact that the whole economy of India in the past was on the basis of India as one economic unit. If there was shortage in Bombay grain came quickly from Bengal; if there was famine in Orissa, the other parts of India supplied foodgrains, moving through forces of normal trade.

A spirit of economic nationalism is no doubt a healthy feature in the economic life of the people. But when policies of economic nationalism are carried to such extremes as to exclude and prevent the fullest inter-provincial co-operation in times of food shortage, lacking the inspiration of a common economic purpose for the country as a whole, they become dangerous and deadly. In the absence of the realisation of such a common purpose it becomes difficult to devise any scheme that fits the interests of all and even when an agreement is reached one comes across many obstacles which give pretexts for breaking any agreement reached. In Europe, the same conditions have led to the present war. In India it has brought about the present food problem of the country.

We are today in the midst of a great upsurge of economic nationalism. Coming as it does so suddenly against past conditions where every province was dependent on others for its sources of supply, we are faced too suddenly with a new problem. If economic nationalism on a provincial basis is to be the choice of India, it is the period of transition from the old order to the new during which we will have our anxious times. By action and conduct today we are trying to create multiple economic zones, each with its own barriers and oblivious of the needs of the neighbours. None of us can stem the inevitable that must happen. But sometimes I feel whether what Mr. Sumner Wells

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spoke some time back about America of 1920 is not applicable to economic tendencies of India today:

"In 1920, and in the succeeding years we were unbelievably blind. We were blind to what constituted our own enlightened self-interest, and we therefore refused to see that by undertaking a measure of responsibility in maintaining world order, with the immediate commitments which this might involve, we were insuring our people and our democratic ideals against the perils of an unforeseeable future, and we were safeguarding our children and our children's children against having to incur the same sacrifices as those forced upon their fathers. Protected by two great oceans to the east and to the west, with no enemies to the north or to the south, the nineteenth century imbued into the minds of our people the belief that in their isolation from the rest of the world lay their safety. But the oceans shrank with the development of maritime communication, and the security which we enjoyed by reason of our friendly neighbours vanished with the growth of aviation."

For the time being we in the Department are in the midst of tackling the immediate problems, but we have soon to devise a planned food policy and programme for the future. Honourable Members are aware that a Long Range Foodgrains Policy Committee has been sitting for some time. Its deliberations have just concluded and we are awaiting the final report now being drafted. It is the intention of the Government of India to take action on the report without the least possible delay.

I have avoided referring to matters which lie within the scope of provincial responsibilities and it is the tradition of this House that matters lying within the provincial jurisdiction are not discussed here. I have seen criticisms about the internal distribution, rationing measures, anti-hoarding drives and various other matters. But while we have continually pressed for the adoption of various measures they must be left to the judgment and discretion of the provinces who have to face problems and responsibilities of their own and we cannot judge their acts and their omissions without full knowledge of their difficulties.

I will be failing in my duty if I do not speak here of the measures taken by the other Departments of the Government of India. The Government of India started for some time past an active "Grow More Food" campaign. In the year 1942-43 a sum of nearly Rs. 18,83,721, and in the current year a sum of Rs. 16,24,316 have been given as grants to the provinces to enable them to take vigorous measures. Nearly a crore of rupees has also been given as loans to the provinces during the current year for the same purpose. A sum of about 12 crores of rupees has also been given as loan to the provinces for purchase of foodgrains, and in addition a loan of over 5 crores of rupees has been granted to the provinces for general purposes, a part of which is understood to be for the purpose of agricultural assistance. I am grateful to the War Transport Department for the steps they have taken to accelerate supply to the deficit provinces. On our part, we have in about six months moved more than half a million tons of foodgrains and that in six months of special stringency.

Sir, I welcome this discussion today to get the assistance and guidance of Honourable Members of the House and to know their viewpoints. I have never been impatient of any criticism and things can always be done better if we can see ourselves as others see us. In a recent book by Professor Marrack I find the following statement about the Ministry of Food in England which from my personal knowledge I can say has most successfully tackled the food problem in extremely difficult circumstances. He says:

"The Ministry of Food has been something of a whipping boy. Every one feels the effect of shortage of food, most people know of many breakdowns and mistakes in organisation, many do not realise what would have happened without the active intervention of the Ministry."

That is what I sometimes feel within myself.

I have felt it my duty to give the House a faithful picture of the difficulties and of the obstructions that we have had to encounter; I have kept none of the unpleasant facts from the Honourable Members, and I have tried to bring out how heavy is the task that has to be performed today. But I

hope I have also made clear to them how much has been done, the vigour with which my Department has tackled this problem and the results we have achieved. Unabated action brought us safely through great difficulties in the first six months of this year. We have many difficulties today, and we shall probably have more difficulties in the future. I can assure the House that the Department for which I speak will spare no effort to solve those difficulties.

But we must have the help of everyone in this country. I have told the Honourable Members what we have done in the six months of grave difficulty. We will do our best to improve on that in future. I hope that the discussions with the provinces and states in conferences we have organized will lead to greater mutual understanding and greater co-operation. There are still those in this country who do not help us, who are indifferent to the fate of others, so long as they can attain their own selfish end, an absolute security of profit. I appeal to the public opinion to express itself against those men; against the hoarders and speculators. So far as I and my Department are concerned, so far as Provincial Governments working closely with us are concerned, we will do our best to see that they do not escape. But public opinion and public vigilance are a safeguard of vital importance in securing that end, and speaking through this House to a wider audience throughout India today, I would beg for that vigilance and for the sharpening of the weapon of critical public opinion. But let me repeat: the Government of India can do, and intend to do, everything in their power, but the help they can give to solve a problem that affects every man, woman and child in the country can be doubled in its value, if not more, if it has behind it the help and goodwill of Provincial Governments and of the ordinary man in the street. Without that help, without that goodwill it is sorely hampered, with that goodwill it can achieve great things. Against great obstacles we have tried to do our best and we feel we have done our best. We are planning to the best of our ability and with the best of experience that we can call upon. I will only add that the country may rest assured that so far as the Government of India are concerned, nothing will be left undone to get the results that the country demands. For myself I always remember the immortal saying of Tagore, and I hope the House will pardon me if I speak in his language:

"Tumi jēnō mōr mōner bāsonā
Jāto sādā chhilo sādhyā chhilonā
Tobu bōhiāchhi kothin kāmōnā
dibāo nishī

Monāy jāhā chhilo hōye galā ā
Gōritay bhāngiā galō bār bār
Bhaloy mōndey āloy andhāre
giachhey mishi"

"You know to what my heart aspires;
Though poor my means for those desires,
Yet burning zeal hath fed the fires,
Of hope, through night and day,
My plans are scarce fulfilled aright,
Oft they broke, my toils despite,
Till bad with good and dark with bright
Have mingled in the way."

Dr. Sir Zia Uddin Ahmad: May I ask the Honourable Member whether he is in a position to supply us with copies of the proceedings of the conferences he has mentioned in his speech?

The Honourable Sir M. Azizul Huque: I do not think it will be possible. I am informed they are available in the Library of the House, except the first food conference which has not yet been printed.

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

"That the Food situation in India be taken into consideration."

Mr. Akhil Chandra Datta: Sir, for one year I did not speak on the floor of this House. My health did not permit me to do so, but the food situation is so grave in several provinces and is so awfully desperate in my own province

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that I have decided to speak on this occasion in spite of my doctor's injunctions.

Sir, Bengal is passing just now through a regular famine which is no less devastating than the famine of 1770. The Honourable the Food Member has given a faithful picture of the situation according to his own ideas. Allow me, Sir, to give a faithful picture of what is happening in Bengal now. There is not only scarcity of food, not only acute distress, but regular famine in its literal sense in most parts of Bengal. The price of rice has risen by 800 per cent. Rice which was selling at Rs. 5 per maund at the commencement of the war, i.e., in September, 1939, is now selling at 35 to 40 rupees per maund. In some parts rice is not available at all with the result that people are dying everyday by scores and hundreds. People are eating leaves of trees and grass of the fields. Thousands of famished people are pouring into Calcutta and other towns in search of food. They lie down on the streets under sun and rain unable to move even for food. They die in such large numbers that streets of Calcutta are blocked up by the dying and the dead. Dead bodies lie on the streets putrifying for hours and weeks. Corpses are flowing down the river. People are dying in mofasil under the very nose of the District authorities and in Calcutta almost under the nose of the Governor and his Ministers. Dust-bins are surrounded by hungry crowds for want of food. I have heard, Sir.—I cannot vouch myself for the truth of it—I have heard that wives and children are being sold by people. There is looting of rice and paddy by hungry and angry mobs. These are some of the horrors of the famine in Bengal today. This recalls to our mind Hunter's picture of the great famine of 1770 and of the gruesome story given by Macaulay in his life of Lord Clive about that famine.

Sir, it is a pertinent question as to what are the reasons and causes of this famine. There has no doubt been some failure of crop in some parts, but such failure has never in the past resulted in acute famine in the entire province. It cannot. Therefore, I say this famine is not a natural calamity, not the result of ravages of nature, not an act of God, but an act of man: the inevitable result of the ill-conceived and suicidal policy of the Government of India carried out by the province in spite of protest of the then Ministers.

The Government in the United Kingdom and the United States of America took proper steps at the very beginning of the war. There have been various sins of omission and commission by the Government. I shall refer to them. In England and U.S.A. a co-ordinated policy of production and distribution was formulated and put into execution from the very beginning. The acreage under food production rose by 50 per cent. in England and production went up by about 12 per cent. in the United States of America. But the Government here did nothing of the sort—did not take the situation seriously. In England people have now more to eat so far as the necessary foodstuffs are concerned than before the war. Here in India the position gradually and steadily deteriorated and now the situation is absolutely desperate. In Bengal the situation became acute since Japan's entry into the war. Then followed a series of sins of commission.

(1) Rice was exported outside India on a large scale under orders of the Government of India. Now, Sir, Government exported rice when they should have imported. They snatched away food from the mouths of the dying and starving children of the soil and gave it to foreigners. This export went on in spite of famine in rice and never stopped till about a fortnight ago when a communique was issued on the 23rd July withdrawing the Government's undertaking to export rice until further notice. This, I say, Sir, is a scandal of the first magnitude, a shameful story of the betrayal of the people's life and property. It is a cool calculated policy of starvation of the people of Bengal. All deaths by starvation in Bengal really constitute murder by those who are responsible for the export of rice. Sir, on behalf of the people of my

province, I bring this charge of mass murder against those who are responsible for the export of rice during a time when there was a famine in rice. They will have to answer before man and God.

(2) Another reason for this famine is the purchase by and on behalf of the Government for troops and those connected directly with war efforts. The Government slogan was 'purchase any quantity at any price'. This slogan was freely promulgated by Government officials even in public meetings.

(3) Still another reason for this famine is the purchase by and on behalf of the Government in furtherance of denial policy promulgated by the Government of India in Bengal. The fiat went forth that rice must be removed from three districts within 24 hours. Denial policy indeed! May I ask denial of whom? Denial of Japan or of Bengal?

(4) Categorical and solemn promises made by the Centre for supply of foodstuffs to Bengal were not implemented. Bengal's arrangement based on these promises therefore failed inevitably.

These are some of the important causes which have aggravated the situation in Bengal.

Now, the question is: What is the responsibility of the State during famine? I say that it is the primary obligation of the State to feed people during famine, not any particular class, but all people who cannot obtain food for themselves—not as a matter of charity or concession but as a matter of bare duty inherent in a civilised Government. This is not my theory or principle. This principle was first enunciated by the Government of India 75 years ago after the Orissa famine of 1866 and the Rajputana famine of 1868, the principle being "to save every life" and to prevent all deaths by starvation and relieve all distress caused by scarcity of food. The Famine Commission of 1880 recognised this responsibility to the full and most unreservedly and unequivocally. Again the Famine Commission of 1898 completely vindicated this principle of 1880, viz., the duty of feeding people and saving every life. That policy still holds the field. There is no going back. There is no escape from it.

Judged by this test, are the Government discharging that responsibility? Are they saving every life in the country? Let the dead and the dying people in Bengal, let the starving and suffering people in all deficit provinces pronounce their own verdict. That verdict is that the Government have not done their duty by the people. They can only fight the Congress but not the demon of Famine.

Sir, I claim the Government shall frankly and fully admit that responsibility, and admitting it perform that duty honestly and courageously like a dutiful and civilised Government. Let there be no legal quibbling and hair-splitting argument about the constitutional position and technical division of responsibility between the Centre and the Provinces in the Schedule to the Act of 1935. Let there be no attempt of throwing the entire or main burden on the Provinces by the Centre or by the Provinces on the Centre. Sir, the war has thrown to the wind almost all the laws of the land and the country is being governed by fiats of the Executive and the Military. There should therefore be no plea of constitutional difficulty. The ultimate responsibility must be taken by the Centre. The Centre must have a thoroughly organised and co-ordinated All-India Food policy and enforce loyal co-operation of the surplus Provinces and not rely merely on their mercy or charity. They must not leave the deficit Provinces at the mercy of the surplus Provinces to fight their own battle.

Bengal's case is special and peculiar. It is the greatest deficit province in normal times. All imports of rice have been cut off by Japan. It is in the war zone. It is an industrial area. The Government of India should in the interest of defence of the whole of India come to the rescue of Bengal as a war measure and even for reasons of strategy. It is not an ordinary peacetime famine but famine in war-time resulting from war conditions and further aggravated by mistaken policy in support of war efforts.

[Mr. Akhil Chandra Datta.]

One difficulty has been to know what has been the policy of the Government of India. The policy has been changed almost every fortnight. Sometimes controlling, sometimes de-controlling, sometimes free trade, sometimes inter-provincial restrictions. Even the Food Department was not started at the Centre within a year of the commencement of the war.

The original scheme was for distribution under Central control of surplus foodgrains to deficit areas. Estimates of such available surplus fluctuated wildly. Promises made to Bengal were not implemented. Bengal's arrangements based on those promises therefore failed with dire consequences. The scheme failed admittedly. It failed for want of co-ordination between the Centre and the Provinces and for want of an administrative machinery. The Government of India bungled. Mr. Amery said: "There has been serious bungling in the food administration of India."

Rice can be had in some parts of the country at Rs. 8 to Rs. 15 per maund. Why should the price be Rs. 35 to Rs. 40 in Bengal? Why should there be a shortage of rice in the most fertile portions of the province: nay, even in Barisal the granary of Bengal? The irresistible conclusion is that there is something wrong somewhere in the administration of the country. Has the Government discovered the plague spot? Is it merely hoarding?

The original scheme failed and a new policy has been formulated. It has been changed "drastically" in the language of His Excellency the Viceroy. The provinces have now been asked to procure their own supply and to organise their own measure of control and to make their own arrangement for transport. In other words, the deficit provinces are to fight their own battle

without effective intervention of the centre. This is a vicious principle for shirking the responsibility of the centre. The new policy does not relieve the vital needs of deficit provinces. A more thoroughly organised and co-ordinated All-India Food Policy is necessary. The new policy does not provide that.

Now, let me conclude my speech with a few constructive proposals. Bengal must forthwith be declared a famine area and the Government must undertake to feed the famished people. That is the first step that is required. There are three distinct problems, viz., supply, distribution and control of prices. As regards supply, the Central Government must now assume sole responsibility for making necessary supply of food grains available to the deficit provinces, particularly in Bengal. The purchase should be made by the Food Department of the Government of India through the Provincial Governments concerned. Supplies must commence immediately and at reasonable price and must continue as long as the scarcity prevails. The Central Government must make full and adequate arrangements for transport. To meet the emergent situation of Bengal military stores within the province should be made available immediately as loan for temporary period. There should be stoppage of purchase for the military excepting for their immediate requirements. Exports should be totally stopped. Imports from outside India should be arranged immediately. As regards distribution, there should be a Central Council consisting of representatives of all parties in each province and their advice should be accepted by the Government. Besides, there should be Food Committees constituted on the same basis to advise the authorities in towns and districts. Industrial concerns and firms should not be allowed to stock food grains for a great length of time. Rationing should be introduced in all urban areas. As regards price, a ceiling price should be fixed. There should be strict scrutiny of purchase price and control over all incidental charges at various stages through which the stuff will pass till it reaches the consumer.

With these words I conclude my speech.

Sir Abdul Halim Ghuznavi: Mr. President, my heart ached when I heard the Honourable the Food Member disposing of the case of Bengal so lightly. Coming as he does from Bengal, knowing as he does what is happening in Bengal he has disposed of the case of Bengal in a few sentences. With a

shuddering heart, I stand to-day to narrate the harrowing tale of my province, the harrowing tale of the famine stricken people dying of starvation in hundreds, and yet the stony hearted Government

An Honourable Member: Which Government?

Sir Abdul Halim Ghuznavi: Government of India and the Bengal Government both. Both these Governments treat this matter with a callousness which has no parallel in the history of British India. Before I proceed to give you the full picture, I would narrate to the House what happened to me a few days ago. In my frantic attempt to get the latest news from the various Chambers of Commerce, and from various public men in Calcutta, I asked for certain trunk calls and was anxiously awaiting messages from Calcutta to acquaint myself with the up to date food situation. As ill luck would have it, in spite of the best efforts of Sir Gurunath Bewoor, whenever we want the service of a telephone, that breaks down, and I was told that I could not get my trunk call owing to breakdown in the Calcutta line. Disappointed as I was, I kept the telephone at my bedside hoping against hope that I might catch some news from Calcutta

The Honourable Sir Jeremy Raisman (Finance Member): To catch the market.

Sir Abdul Halim Ghuznavi: to catch the market of the men dying of starvation. Luckily my telephone rang and I thought I would get a message. But, behold, it was an inter-connection and I accidentally listened to the telephonic conversation between a high official from Calcutta and a high official in Delhi. It was audible enough. I could hear and I jotted down the message which was being transmitted from Calcutta to this end. The message ran as follows:

"Death roll is mounting, mostly amongst peasants and working classes. Looting and arson of food grains are taking place more and more. It is advisable to declare Bengal a famine stricken area. Unless this is done the situation will become worse. I suggest that Government should at once declare Bengal a famine area as the situation is deteriorating every minute."

I heard this telephonic message owing to the inter-connection. We have listened to the Honourable the Food Member for one hour and twenty minutes. He tried his very best to impress upon this House that so far as the Government of India was concerned everything was done to meet the situation, and that it was no fault of theirs and they take no responsibility for the condition now prevailing. He went on to various statistics which I shall question later on but I want to bring before this House my point of view and that is this. On the 3rd September, 1939, when the war was declared by Germany, was it not the first duty of the Government of India to have taken statistics of food grains of India? I ask, were any statistics of any kind taken when the war was declared? Neither was any assessment made as to the requirements of the food grains for the armed forces that were sent to India, nor was any assessment made as to the requirements of the food grains for the civilian population of this country. This is the first mistake they made. No statistics were available of the food grains available in the country and also the requirements of the civilian population as well as the large army which has been coming in from year to year. Particularly when Japan declared war, the Allied countries flooded India with armed forces and yet no serious steps were taken to find out the food position. On top of that, owing to the fall of France in 1940, the Anglo-French Pool by which the resources of both the Empires were pooled together for common use broke down owing to the non-availability of the share of the French Empire and the loss of our own Empire's contribution which was sent to France. Still the Government did nothing at all. As the Food Member only took charge a few months ago, he will presently hear from me as to what happened during the last four years of which he knows nothing. He said that everything was O. K. so far as the Government of India was concerned. I say here and now that every year and every month they have been doing absolutely nothing to meet the situation that has ultimately arisen today. In 1941, as my Honourable friend, the Food Member,

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has told us, the price of food grains started shooting up. The Government of India thought that the time had come to control the price of food grains and they first experimented with the control of the price of wheat. They put a maximum price on wheat at its source and they said that this wheat should be available at that price plus the freight to the centres of consumption. My Honourable friend's predecessor made that arrangement but it utterly failed. That system did not work and cannot work. It failed because merely the fixing of price cannot achieve the object of keeping down the price. It is common sense that if the supply is short, no amount of price fixation can stabilise the prices or keep them down.

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

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

Sir Abdul Halim Ghuznavi: Mr. Deputy President, Sir, I was discussing the wheat situation in 1941 when I said the wheat supply in India was short and merely fixation of a price would not help to stabilise the price until you can find the wheat to supply. What happened was this. When the Government of India fixed the ceiling price of wheat at Rs. 6 at its source plus the transit charges to the destination where it will be sold, the U. K. C. C. were freely buying wheat at Karachi and Bombay at a much higher price than was fixed by the Government of India. That being the case, how could anybody believe that the level of price could be kept down? Perhaps the U. K. C. C. can be said to be the first to create a black market in this country.

On the 8th December, 1941, Japan declared war. Even then the eyes of the Government would not open. Sir, it is difficult to make the deaf hear and the blind see. That is my difficulty. This wooden Government is deaf and blind.

The Honourable Sir Sultan Ahmed (Leader of the House): They can hear you all right and see you also all right.

Sir Abdul Halim Ghuznavi: Even at that stage after the declaration of the war by Japan, neither the Centre nor the Provinces took any account of the food census or started a "Grow More Food" campaign.

The Honourable Sir M. Azizul Huque: They did.

Sir Abdul Halim Ghuznavi: My Honourable friend says they did. I am talking of December 1941. They did nothing of the kind then. There was no 'Grow More Food' campaign at that time. It was done at a much later stage. The House will bear me out that the Burma rice, which used to be imported in India, fed almost half the labour population of India. That rice was lost. On the top of that, exports were freely continued. That was the position of Bengal in December 1941.

My Honourable friend, the Food Member, had written a book which we have read with interest—"The man behind the plough". He has already quoted the last paragraph from his book on the rice position, but I will say this that he had already given to the Government of Bengal and the Government of India ample statistical figures long before the war. The war was started in September. He had pointedly stated in his book about the rice position, and the book should have been consulted and considered and action should have been taken apart from the war. He had pointedly referred in his book to the fall in the production of rice in Bengal and the Bengal's position as a deficit province was particularly emphasised. He had shown it very clearly in his book that Bengal was a deficit province as far as rice was concerned.

Dr. Sir Zia Uddin Ahmad: When was the book published?

Sir Abdul Halim Ghuznavi: The book was ready in 1938. He had prepared it for the use of the Floud Commission which met in 1939. If anybody would read the chapter on Bengal Rice, he would understand the position that

Bengal was all along the deficit province so far as rice was concerned. He had proved also that while Bengal's rice production was falling, the other rice producing provinces were increasing their production, and the population in Bengal was increasing as in other parts of India. He mentioned Madras as an example. The rice position in Bengal was that most of its labour in the western districts was fed on Burma rice and therefore the Bengal rice which was of a superior quality could be exported to a certain extent to other parts of India or outside India. The moment the Burma rice was stopped, it was incumbent upon the Government to put a stop to all sorts of exports from Bengal. That they did not do.

My Honourable friend, the Food Member, gave us statistics of exports from January 1943 to 31st July, 1943. I asked him then and I repeat my question again: Will he kindly place before this Honourable House the figures of exports of rice from Bengal in 1941-42? You exhausted Bengal by exporting all its rice. I am now coming to the further serious matters which account for this famine condition which now prevails in Bengal. The condition that now prevails in Bengal is entirely due to the Government of India and I will prove it.

In April 1942 the Government of India decided to carry out a 'denial policy' in the three surplus rice growing districts of Bengal. This was not done by the Provincial Government but it was done by the Government of India on the advice of its military advisers. When it was feared that there may be an invasion by Japan, they made arrangements that the surplus of the three districts which are on the borders of the rivers and the sea should be removed at a safer place in order that it may not fall in the hands of the enemy. Now, Sir, Mr. Fazlul Haq in the Bengal Legislative Assembly on the 5th of July, 1943, referred to a letter which he had addressed to His Excellency the Governor of Bengal on the 2nd of August, 1942 and with your permission I will read only an extract from that letter to show who is responsible for this position in Bengal. He says in that letter:

"In a matter of such vital importance affecting the question of foodstuffs of the people, you should have called an emergent meeting of the Cabinet and discussed with your Ministers, the best means of carrying out the wishes of the military authorities and of the Central Government. But you did nothing of the kind."

Later on, he says:

"At the present moment we are faced with a rice famine in Bengal, mainly in consequence of an uncalled for interference on your part and of hasty action on the part of the Joint Secretary."

Now, Sir, you would bear me out that he cried hoarse in August 1942, he apprehended a famine in August 1942 and I cannot believe that he had said here when attending a Conference in Delhi that no rice was required in February 1943. Then he goes on to say:

"The most outstanding instance of blunder which has been committed by the permanent officials, apparently with your knowledge and concurrence, has been the case of prevention of boats from going out into the Bay of Bengal for the purpose of cultivation of the lands in the various islands lying at the mouth of the Delta."

And therefore all the talk of 'Grow More Food' campaign came to an end and the 'more food' produced was taken away on account of the 'denial policy', and instead of making more arrangements for food, arrangements were made to have no food at all. There is a statement later on which he wrote to the Governor about two cases, which he has repeated on the floor of the Assembly on 5th July, 1943 and this statement stands unchallenged and uncontradicted till now.

Now, Sir, that was their 'denial policy' which was adopted under instructions from the Government of India by the Government of Bengal. The 'denial policy' was put into effect and the surplus rice from these surplus districts was removed to a safer place in Bengal. What did they say? They said this: we are removing this rice to a safer place so that it may not fall into the hands of the enemy. When this rice was being collected, we were assured by the Government that this rice would be solely utilised for the people of Bengal. But what did they do? May I ask the Honourable Member for Food to consult his Secretary, Major General Wood, and find out what was

[Sir Abdul Halim Ghuznavi.]
done with this surplus rice that was taken away. What was the assurance given? Was that assurance carried out? Sir, the Honourable Somerset Butler who was then in charge of this 'denial policy' himself came to me and told me, as I had something to do with this 'denial policy', and he assured me that his instructions were from the Government of India to remove this rice to a safer place for the use of the Bengal people as and when required. But what was done?

Now, Sir, before I come to what was done, what happened to that huge quantity of rice which the Government of India paid for and purchased, I will mention one particular instance and that would give you an idea as to how the black market came into existence in Bengal. Now, Sir, this rice was being bought by the Government of India at rupees six per maund in mufassil places, plus a ten per cent. premium. Discretion was given to the buyers to increase the purchase price by ten per cent. if they could not find sellers at Rs. 6 per maund in the mufassil. This was being carried out under instructions from the Government of India in the three mufassil districts. Simultaneously the Commerce Secretary to the Government of Bengal, who was asked by His Excellency the Governor of Bengal to remove this rice from these three districts within the next twenty four hours—but it ultimately took from four to eight months to remove the whole quantity of rice from those three districts—this Commerce Secretary issues a *Gazette Extraordinary* in Calcutta fixing the ceiling price of rice. He fixed the ceiling price of rice to be sold at Calcutta market at Rs. 6. Here, Sir, you have the Government of India buying rice in the mufassil at Rs. 6 per maund plus even ten per cent. more. On the other hand you fix the ceiling price for rice to be sold at Calcutta at Rs. 6 not even taking into consideration the freight.

The Honourable Sir M. Azizul Huque: Sir, I have nothing to say as regards the previous statement. But when my Honourable friend enters into the question of what was the price fixed by the Provincial Government, surely that is a matter which is not for the Government of India to take up or for this Legislature to discuss.

Sir Abdul Halim Ghuznavi: My Honourable friend need have no apprehension. I am discussing the Bengal position and I am entitled to say what was done by the Government of Bengal. I must put my case as clear as I can put, giving all important facts.

The Honourable Sir M. Azizul Huque: That I am prepared to hear.

Sir Abdul Halim Ghuznavi: That is all I want you to do. Sir, by putting a ceiling price at Rs. 6 at Calcutta, the result was that all the rice that was available at that time went into the black market. That is quite natural. You buy in the mufassil at Rs. 6, surely you do not ask the traders to sell it at Rs. 6 at Calcutta, taking no consideration of the freight and the normal profit. Then, you see that it did not end there. Immediately the price began to rise. The next step was to ask the traders to hand over all the quantity of rice that they had in their godowns and this resulted in the scaring away of rice and making it go underground. All the rice that was available in Calcutta thus went underground, at that time. As I have said, it was the 'denial policy' that was pursued that was responsible for this. Rice was collected and removed to a safer distance in order that it might not be got hold of by the enemy. But what was the actual result? Will my Honourable friend the Food Member say what was done with the rice thus collected? Does he know where the rice had gone? Was it made available to the people of Bengal as was assured? I put to my Honourable friend this straight question. If he cannot answer, I will give him the answer. The answer is this. The Government of India exported all the quantity of rice that was collected on account of the 'denial policy' and they made a huge profit over the transaction. On the pretext of removing the rice on account of the 'denial policy' and on the pretext of removing it to safer distance, the Government of India exported all the rice to Ceylon, the Middle East and other places, wherever rice was wanted.

An Honourable Member: How much?

Sir Abdul Halim Ghuznavi: Let the Honourable Member for Food state how much. I ask him to state what was the quantity that was bought under the 'denial policy'.

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

Sir Abdul Halim Ghuznavi: That did not end our trouble. The Government of India were under certain commitments to *Saudi Arabia* for the supply of rice, and numerous licenses were granted to the merchants of Calcutta by the Government of India to export rice from Bengal to *Saudi Arabia* and the Persian Gulf. First we lost the Burma rice, then we lost a huge quantity of rice that was collected under the 'denial policy', and then we also lost on account of the Government of India's commitment to *Saudi Arabia* and the Persian Gulf due to which huge quantities were exported there.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): When was that exported?

Sir Abdul Halim Ghuznavi: The whole of it was exported in 1942.

Sir Muhammad Yamin Khan: In what month?

Sir Abdul Halim Ghuznavi: That is for the Honourable Member to state.

The Honourable Sir M. Azizul Huque: Sir, I should have expected that before the Honourable Member makes a charge that this has created a situation of deficit in Bengal he ought at least to give facts as to when that deficit took place, because the situation will completely change if the events occurred after October and November or before.

Sir Abdul Halim Ghuznavi: It was collected from April to August. They can find out from the records or from the Honourable Somerset Butler who is still their officer in the Food Department, as to how much of that was exported and when and how, at what price it was bought and at what price it was exported.

Sir, a frantic telegram was sent to me by Mr. Fazlul Huq, the *ex-Premier* of Bengal, which led me to move an adjournment motion. In this connection I want to mention certain matters arising out of that notice which I gave. That notice of adjournment was given by me on the 4th for discussion on the 5th. The Honourable President after reading the text of that notice, which is a public property and will be printed in the proceedings of the Assembly, disallowed that motion. It was given to the press but my Honourable friend, the Leader of the House, gags the press and nothing is published which is not to the liking of the Press Officer. What is the use of our being here and making statements which are not allowed to go to Bengal; thus people do not know at all that we are doing our best to give them relief. That is what the Honourable Member in charge of Information has done,—gagged the press.

Seth Yusooif Abdoola Haroon (Sind: Muhammadan Rural): Sir, on a point of order, are we discussing here the question of the liberty of the press?

Sir Muhammad Yamin Khan: Sir, I should like to point out that the time fixed was 20 minutes for each Member and if any one wants to exceed that time he should discuss only relevant points.

Mr. Deputy President (Mr. Akhil Chandra Datta): That is quite right.

Sir Abdul Halim Ghuznavi: I will not read the whole of that telegram but I will read only a few lines from it:

"Bengal conditions surpass even horrors of 1770 famine. All political parties strongly urge allotment at least five days discussion food situation reserving two days for Bengal. Muslim League including League M.L.As. supporting present Ministry. Bengal admit people dying by thousands and living on carcasses floating down rivers also selling wives and children. Bengal Government have been requisitioning foodstuffs under rule 75-A, Defence of India Rules which in our judgment *ultra vires* and which point is *sub-judice* High Court. Bengal Government allowing purchase of foodstuffs for undefined purposes. All available foodstuffs should at once be sent to Bengal to be distributed on the advice of a Food Distribution Committee consisting of all parties. Impossible to raise funds publicly because Government have effectively gagged press and passed stringent orders against publication of distress conditions on pain of severest penalties."

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member must now conclude his speech.

Sir Abdul Halim Ghuznavi: I am finishing, Sir. Believe me when I say that hundreds and thousands are dying every day, and every minute lost will mean more deaths. I therefore ask my Honourable friend to rush food to Bengal. If he cannot do it he should ask the military who have got stock, to lend to Bengal. They can lend it till he is able to send food to Bengal, and only thus can he save the lives of people who are dying in such large numbers.

Sir Henry Richardson (Nominated Non-Official): I congratulate the Honourable Member for the Food Department on the very full survey and interesting details which have been disclosed in his speech. We certainly expected nothing less from one who has given practical evidence of study of agriculture by his book "The Man Behind the Plough", a title which curiously enough is most apt for the position he now occupies. The Honourable Member's speech will be studied by this House and indeed by the whole country with that care and unusual interest which this problem demands, for undoubtedly food has become a subject of primary concern in this country. For this reason, Sir, we in this Group share the feeling which has been evident from the many questions which have been asked during the course of this Session that this debate, which is of first-class importance, ought to have taken place at the commencement of the Session instead of at the end of the Session. I cannot congratulate the Honourable Member or Government on the arrangements made for the programme of business this Session and it is inescapable that Government has laid itself open to criticism on the grounds that whilst people were starving, discontent was rife all over the country and the food problem was burning, Government were content to fiddle with legislative measures of far less urgency and which could have waited.

Sir, it is really deplorable after all that has happened that the lesson of the folly of being too late has not been learnt. It is quite obvious that the formation of the Food Department itself was years too late. When other countries were planning and rationing India had a surplus in many commodities which, had the Food Department then existed, could have been purchased and stored by Government as provision against the rainy day which has now come and found India unprepared. All countries engaged in this war must clearly have realised at the outset that the resources required for feeding their people should be fixed at a minimum and preserved as such, leaving the whole of the balances of transport and other ancillary functions to be devoted entirely to the prosecution of the war. So, even if there was no shortage there was a need at the very outset for the organisation of food

supply on lines which would release the maximum of other services to the prosecution of the war effort. Rationing, even if there is a surplus, is necessary in war time to provide against possible transfer of population, breakdown of transport and general uncertainty of the future. Wherever rationing has been introduced, it has immediately inspired confidence and has worked.

Then, Sir, when Government eventually began to wake up to the importance of food, they merely put a section of the Commerce Department on special duty and subsequently even when pressure became greater and a separate Food Department was actually created, it was attached to one of the most hard-worked Members of the Executive Council. The result is that the present Commerce Member has inherited not only the Commerce Department but the Food Department and the Department of Industries and Civil Supplies. Who can say today which of these departments under the care of that Member has suffered most from this over-burden? Is it still too late for Government to realize that the time has come when the problem of food can no longer be shared with other responsibilities and that the people of this country demand, as they have previously done, that this all-important

subject be placed in charge of a Member with ripe experience who will be able to devote his entire time solely to food as is so obviously necessary.

Sir, I am sorry to have to produce these recriminations, but I feel that unless Government's attention is called to the very strong feelings which have been aroused in the people of India by the present circumstances, we shall not only fail to learn the lessons which have been provided, but also it will not be possible to make constructive suggestions. We fully realise that Government need as much assistance as possible in building up any future plans which the many Conferences held may have evolved and we hope that in the course of the debate, Honourable Members will not confine themselves merely to recriminations and criticisms, but will endeavour to put forward constructive proposals for the future. It is in that light, Sir, that I shall now proceed to combine any further criticisms I may have with certain constructive proposals.

In the first place, before we attempt to cure the disease we must know what the causes are. What are the causes? There has, of course, been a shortage of food grains generally. The extent of the shortage we do not know because satisfactory statistics are not available. With this feature we on this side have dealt adequately in previous debates and I do not propose to recapitulate the points which will require attention before agricultural records can be considered in any way satisfactory. But admitting a shortage what were the results? We are all agreed that certain people have attempted to profit by the shortage and we call them hoarders. In every Legislature and in every public body condemnation has been universal. Everyone has demanded exemplary punishments, but if these have occurred I am not aware of them. I think I should be correct in stating that every Member of this House would agree with me when I say the general public has been tremendously disappointed in the measures so far taken. Government cannot complain that there was any lack of support during the last debate in this House, for indeed some of the strongest comments were made on this subject. I was certainly very pleased to see the strong comments of the Honourable the Commerce Member in an announcement which he made recently wherein he described hoarders as certain individuals with the most reprehensible criminal instincts. These sentiments as well as the Honourable Sir Sultan Ahmed's recent remarks when he appealed to the Press for co-operation in this matter have, I am sure, the cordial support of every one in this House, for they echo to the full the feelings which were expressed in no uncertain manner during the debate last Session. But, Sir, what is the use of expressing sentiments such as these when there is failure vigorously to carry out prosecutions and other measures to deal with this menace? Too long have we been tenderhanded towards hoarders and I say, in the strongest possible manner that I can command that irrespective of who these persons might be, their names should be made known throughout the length and breadth of India and severe punishments meted out to them in order that once and for all warning may be given to all those other people who have only been encouraged by the ridiculous punishments which have been awarded—fines for instance, a fraction only of their disgraceful profits.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): Even if they are ministers?

Sir Henry Richardson: Yes. Now, Sir, as I have said in dealing with the causes of the disease, there has been shortage of food grains generally, there has been lack of statistics and there have been hoarders. Then there have been transport difficulties resulting from sabotage, floods and a shortage of coastal shipping which have further produced locally famine conditions.

But are these the basic causes or are they secondary? Why are we now facing conditions so very much more serious than have been faced in the past? The answer, in my opinion, is this: the very fact of a shortage and the fact of a war have convinced 400 millions of people that to the extent that their means permit they must ensure that their food will be available to them

[Sir Henry Richardson.]

and they are carrying abnormal reserves. It is the common practice amongst individuals to carry a reserve of food, but I would merely ask Honourable Members of this House what they themselves are doing. How many Honourable Members could truthfully say that they are today carrying no greater a reserve of food than they carried in peace-times?

Sir Muhammad Yamin Khan: I can.

(Several other Honourable Members also voiced the same opinion.)

Sir Henry Richardson: This may seem a small thing but it may come as a shock to many to realise that if every person in Bengal decided to carry a reserve of one maund of rice in preparation for a rainy day no less than 2 million tons of this staple food would be removed from the market: one quarter of Bengal's average annual harvest. The metamorphosis from conditions of plenty to conditions of shortage is one which has not I think been sufficiently appreciated either by the Central or Provincial Governments. The margin of foodstuffs removed from the markets in order to provide abnormal reserves which the country has previously never carried equally removes the margin of safety between sufficiency and starvation. If the reserve was universally distributed we could sit back and India could live upon its hump while the matter was being sorted out. But unfortunately the distribution is not universal. The people who cannot afford to carry food reserves will starve and are starving because of the situation which has arisen.

The question is: How are we to deal with this situation? Are we to send messengers to 70,000 villages to tell hundreds of millions of illiterate people that they must in no circumstances carry reserves? Provincial Governments have in fact done the reverse and have advised their people to carry reserves. No, the problem must be tackled in the light of reality and with co-ordination and co-operation between Provinces and States, which has hitherto been unhappily absent.

As I have previously said crop statistics are unreliable and Provinces themselves do not really know what stocks of food they have. Estimates may be made both by the Central Government and by Provincial Governments, but if a Province is mainly concerned with the safety of its own subjects, who could blame that Province? If that Province, being uncertain as to its actual stocks, provided for a margin of safety, would that Province be wrong? On the other hand, if that margin of safety means death from starvation in other Provinces, there is reason seriously to demand that the safety margin shall be removed. How is this to be done under the present constitution which provides for autonomous provinces with agriculture as a provincial subject? The Food Conference held last cold weather came unanimously to the conclusion that in the present emergency food measures should be subject to Central control and co-ordination. But food measures have never been centrally controlled, and even if this were possible, it is clear that Central policy must rely upon Provincial administration. Time and again it has been emphasized that vigorous action and inter-provincial co-operation are essential. In replying to the Food debate last Session, Major General Wood reiterated what the Commerce Member had himself said when opening the debate, namely, that cordial co-operation and understanding between all Governments was vital. Only through Provincial administrations could the policies of the Centre be enforced. If this is agreed, and indeed there is surely no doubt of its truth, why has there been confusion? I think the reason is partly constitutional and partly psychological. Unless we are to alter the constitution, the autonomy of Provinces must remain, and unless Provinces can overcome the psychological effect of isolationism there will be shortage in deficit Provinces. It may well be asked: Which are the deficit Provinces? From such reports as I have seen there appear to be practically no surplus Provinces. Some have just enough for safety and others are definitely short. A "Daniel come to judgment" would probably say that those Provinces which have demanded free trade are in deficit because they are so short that they

will pay anything for their food. He would also probably say that the Provinces which demand provincial barriers have clearly sufficient for their requirements and possibly more. But until and unless both Provinces and the Centre can agree upon a policy, it seems to me that our difficulties must remain.

What then are the needs? We do not know what stocks we have at present. But surely we can make some effort not only to ascertain what new crop we are getting but to keep track and control of it. If this can be done, and I admit it will be difficult, both Provinces and the Centre will know where they stand, and the burden can be distributed fairly if there is a shortage. Then, at least, this terrible margin of security can be reduced, a margin which may mean security to some, but starvation to others. We are approaching a difficult "corner" and only by untiring effort and efficient administration will we negotiate it without catastrophe. The "corner" in Bengal extends over the next two or three months and then I believe that the price factor and the "Grow More Food" campaign will ease the position. It will not be done easily, nor will it be done without some sacrifice. It will not be done by each Province looking after itself or by each Department of Government working in a separate compartment. It is useless for one Department to demand that the people shall sow more crops if another Department fails to supply them with the seed to sow. We all have reports of such lack of co-ordination, but it will avail us little to dwell upon them if we cannot remedy them. I am of course mainly concerned with the seriousness of the present situation, and I have not dwelt with the more distant future for this very reason. But I would conclude with a word of warning which, will, I feel, in course of time be fully needed. The day will come when high food prices and propaganda will meet the food demand however large it is. There are, for instance, 150 million acres of cultivable land in India which are not even sown. When the present margin of safety is no longer needed, an enormous quantity of food may be placed on the market for sale, and the turn round may occur without notice within a very short period. 90 per cent. of India's population lives in villages and agriculture is their mainstay. The effect of such a slump as may occur by the return of normal conditions may be most serious, and I sincerely hope that the Central and Provincial Governments will be better prepared for excess than they were prepared for shortage. Unless they can protect agricultural prices, the improvement that we had hoped for in agricultural conditions will be gone and the situation of the countryside will be worse even than it was before. I sincerely trust that the forward planning of the Government is taking this danger fully into account and that for once in this vital matter they will not be too late.

Mr. T. T. Krishnamachari (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): I would like to congratulate the Honourable the Food Member on his brilliant and panoramic survey of the activities in relation to this problem of the Government of India since the war commenced. But, Sir, it was not very happy hearing. It does not appear that the Honourable Member himself had any faith in the Government of India being able to solve the problems arising out of the present serious situation. Sir, as he was reading his speech, I was reminded of a story which many Members in this House may have heard, of a clergyman in a ship which was being tossed about in a storm, asking the captain of the vessel, "Well, is there any hope?" The captain said, "Well, Padre, we have done our best. Now we must put our trust in God." The clergyman exclaimed, "Has it come to that?" Sir, it looked to me to-day that the Honourable Member was much in the same predicament. He told us, "if you put your trust in us, you will get nothing. We have tried all these years and here is a glorious record of our failures. The Government of India is powerless to do anything because the provinces are refractory." That is not the conclusion which we had expected from that vigorous speech of the Honourable the Food Member. He has held out no hope whatever though he ended with a general appeal for co-operation.

[Mr. T. T. Krishnamachari.]

Sir, is it really as hopeless as all that? I do not know why the Leader of the European Group also should say, provincial autonomy functioning in the provinces the Government of India is powerless, I think I understood him to say something like that. But, as I know of the Government of India Act, to the best of my knowledge of the amendments that have been made thereto, I do not think that this Government is so powerless as to be in a position not to act. I would like to ask the Honourable the Food Member if he knows that there has been an addition to section 126 of the Government of India Act by section 126A, which gives full powers to the Viceroy in the provincial field. I would like to ask the Honourable Member if he knows that there is section 297 of the Government of India Act which prohibits provinces from banning inter-provincial trade? If to-day provinces have taken action on those lines, that is because of the powers that have been delegated to the provinces by the Defence of India Rules. Surely, those powers can be withdrawn from the refractory provinces. Surely, the Honourable the Food Member, and the other Members of the Executive Council could approach the Viceroy and ask him to invoke the powers that have been given to him by section 126A, with reference to the provinces. It is not like trying to satisfy the Members of the House who want that the liberty of the subject should be enlarged, that better treatment should be meted out to political prisoners in jails, who are told, "The Provincial Governments are independent, we cannot act." Here is a matter which is far more important. Here is a matter which calls for immediate action, and here you know you have powers. Why don't you use them? If you merely take shelter under the supposition that provincial autonomy is functioning, let me tell you it does not function in many provinces where the Governors act, it does not function in such provinces where ministers are acting, because of the Governor's interference. If the Government of India is to justify itself for this policy of inaction, for this policy of neglect, under the cloak of provincial autonomy, well, I do not think it will convince anybody who knows anything about the Government of India Act.

Sir, I would now like to refer to one or two matters relating to my own province. Bengal is in a very bad way to-day everybody knows that, and the House knows it too. And Madras is to follow suit soon, this being the other principal rice eating province. As it is, there is famine in very many places in Madras. In Malabar there is acute famine and cholera arising out of malnutrition, is raging in that district. I cannot see that the Provincial Government is in a position to handle the situation adequately. It is true that provincial autonomy is functioning, that the Adviser who is in charge of Civil Supplies, Sir Hugh Hood, has got greater sanction and authority than any popularly elected minister, and his position is so sacrosanct that the Government of India cannot interfere with him. But that is an argument that does not, as I have said, carry us anywhere. If the Government of India has summoned conferences, if they have summoned six price control conferences and several food conferences and found that all those suggestions that were put forward during the conferences did not bear any fruit, well, what have they done about it? What is the use of the Honourable Member saying, we have got the Nasik Security Printing Press, we have given money to the provinces, we gave 18 lakhs of rupees for "Grow More Food"—propaganda last year, and 16 lakhs this year, we are giving 98 lakhs to assist the agriculturists by way of loans and we are lending 12 crores to provinces to purchase food-grains. Does that end your responsibilities in the matter? Is it merely a matter for the Honourable the Food Member who is now in the unhappy position of having to take on a legacy of past neglect,—is it a matter for him alone? I would like to ask him what are his colleagues doing in this matter? What is really the root of the trouble in relation to this vexed question? The root of the trouble is that there is a lot of redundant money in the country which persists in upsetting the price equilibrium. That is the root of the trouble. And what is the use of

saying merely that there is shortage of primary commodities. Physical shortage there is. There is shortage in transport, there are psychological and other factors operating. But then the root trouble is there is redundant money about and I do not know what the Honourable the Finance Member has had to say to his colleague, the Food Member, and what the Government of India are going to do in that matter beyond jerky demonstrations by way of adding new provisions to the Defence of India Rules.

Sir, there are two aspects to this question, and I see that the Honourable the Food Member did not touch upon one aspect, barring his reference to what the Government of India were doing by way of monetary contributions to the Provincial Governments. The question I should like to ask is, what are you doing to increase production. This is probably an elementary question at this stage, but since the problem has not been tackled aright, the elementary question has got to be asked at every stage. If the Government of India has not done anything all these years they have got to do something at least now. The question of production has, at any rate, so far as my own province is concerned, not been tackled properly. There is no use the Honourable the Leader of the European Group saying, there is a lot of culturable waste, that can be brought under cultivation or the statistician giving us the figure of how much culturable waste has been brought under cultivation. The bringing of culturable waste under cultivation does not mean producing grain. Have you tackled those areas which are already under production, where you can increase production by means of an extra-crop? I do not see that in Madras any such thing has been done. Nor do I believe that the attention of the Government of India has been drawn to the position of Madras which is so far away. In Madras, there are two areas which can bear considerably increased production. One is the Tanjore Trichinopoly area which I happen to represent in this House and the other is the Kistna-Godavari area. I ask what has been done to encourage people to grow more rice in these parts. So far as Tanjore and Trichinopoly are concerned, the Government of Madras have withheld or are threatening to withhold from the current year onwards the remission that they have given to landholders by way of concession in land revenue of Rs. 75 lakhs. in the aggregate which had been allowed since 1937 onwards. The Government say that prices have gone up and there is no more need for this concession and what is worse, for some reason or other, perhaps the Governor's Adviser thinks that the Tanjore Trichinopoly people are all Congress minded or are largely sympathisers of the Congress and therefore they ought to be taught a lesson and so he insists that the price of paddy in this area ought to be kept depressed. The prices that were ruling in February last were fairly satisfactory. Then came the control over inter-districts movement order and the district grain purchase officer and the Adviser said that they were not going to allow these Tanjore people to make any more money if they can. The grain purchase officer has been asked to keep the prices down. No amount of representation has done any good. I may tell the House that I even enlisted the support of the Government of India to make the Madras Government change their mind but to very little purpose. Is that the way to encourage production? If this is done in Madras I can quite see that it will be done in many other provinces. You are not really helping the food situation by discouraging people from producing more food. The prices obtained by producers are not adequate. Naturally they are not going to be interested in raising a third crop and I say that so far as Madras is concerned no attempt has been made to tap this potential source. Unless you give them concessions, you cannot induce the landowners to grow a third crop. Discussions often go on and they end in disputes between the Irrigation Department and the Revenue Department as to when to open the sluices in the irrigation system. The sluices are always opened 20 days too late. This is how the problem is being tackled in Madras.

These Provincial Governments try to control the prices so far as the producer is concerned but do they realise that the consumer does not get any benefit

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from this procedure. I know that so far as Tanjore is concerned, between the price at which the grain purchase officer buys rice and the price at which it is sold elsewhere there is a difference of 60 to 80 per cent and sometimes even cent per cent. When the matter is represented to the authorities we are told that the usual trade channels should not be disturbed. The policy is such that it is calculated to discourage the producer from producing more rice. Barring rice and other food grains there are many other commodities the prices of which have shot up many times their pre-war levels and it is here the Honourable the Finance Member comes in. So far as the price of rice, and other cereals are concerned, there might be a shortage or mal-distribution but what about tamarind and chillies? Why should the prices of these shoot up? Why should prices of cotton seeds which are very necessary for feeding bullocks go up? Why should the price of plough bulls go up? There are many other things which the agriculturist needs the prices of which have gone up and that is where the Honourable the Finance Member comes in. All this is due to his monetary policy and the fact that as a result there is lot of redundant money about us. That is why all prices have gone up. What then is the use of one department saying 'we will give you a higher price'?

What is happening in Madras now? We are heading towards a situation which will be much like that of Bengal. I shall, with your permission, read an extract from a paper, which perhaps is not very well known here. But the Editor is fairly well known all over India—Mr. G. S. Arundale. The name of the paper is *Conscience*. Perhaps the Government is subsidizing it. Mr. Arundale is a friend of the Government, an ardent supporter of War effort and thoroughly anti-Congress in his sympathies. He says that in a village near Adyar which is the Theosophical Settlement in Madras 18 families have got to subsist on one meal every two days, and 88 families just get one meal a day and 62 people are absolutely naked and in dire need of clothes. This report relates to a village near Madras and this report is made by a person not biased, who is friendly to the Government. His paper is perhaps one which they are subsidizing. (Inter-ruption.) There is the National War Front saying 'no'. I must take Mr. Griffith's word for it. That is the position so far as Madras is concerned.

I would like to ask the Honourable the Food Member what is the use of merely saying that the Government of India cannot do anything. The most important factor in the war situation in India today is the Home front, more important than the war front and what is the use of my Honourable friend Mr. Griffiths crying out 'Grow more food'. You can spend lot of money, do lot of propaganda but it won't go home. Your advertisements cannot make any appeal to the cultivator. He will only be interested in something which is paying to him and I say that the pamphlets that come to me really show that money is being wasted and literally thrown into the drain.

Then there is another aspect of this question. I have heard it said that the Government of India are spending this year 98 lakhs by way of loans to the agriculturists and since 1937 I have been accustomed to hear Provincial Governments saying that they have been allocating such and such amount of money for the relief of the agriculturist by way of loans. Perhaps the Honourable the Finance Member has some experience as a District Officer. Does he realise that this money does not reach the agriculturist at all? If the Honourable the Finance Member has any experience of what is going on in the districts, he must know that these loans are distributed by the Tahsildar and the Tahsildar expects to become a Deputy Collector. When his name goes up to the Revenue Board or to the Government, as the case may be, his record is looked into and his promotion depends amongst other factors upon the number of loans where default has been committed being a few or non-existent and if there are numerous instances of default he is not going to become a Deputy Collector. The Tahsildar is naturally more anxious about his promotion than about helping the agriculturist. Do you mean to say that all this money is going to help the

agriculturists. The money comes back into the next year's budget and what is the use of merely saying that 98 lakhs has been set apart for distribution under this head. This sort of thing is not going to augment production at all.

What is the use of Government saying 'We have had price control conferences and we have done this and done that'. If you want the conscience of the people to be roused, you must do something more than what you have done. I found the Honourable the Leader of the European Group waxing eloquent on the question of profiteers, about what has not been done to put them down. I ask these gentlemen on my left to lay their hand on their heart and ask themselves 'where are the profiteers'. The Honourable the Leader of the European Group can point out the profiteers if he wants to. The profiteers are not the poor villagers who out of fear carry 3 or 4 months' stock with them. The profiteer is not the small merchant who hugs to his small stock to make little more money. The profiteer is the big man, the man who frequents Government Houses and the lobbies of your Councils, the man who is the Vice-President of your War Committees, the man whom you invite as Member of the National Defence Council.

I can even understand the existence of profiteering in rice and other cereals but why should there be profiteering in tamarind and chillies. (An Honourable Member: "Why are you keen on tamarind and chillies.") I may tell the Honourable Member that if he will consult his Nutrition Expert he will know that for poor people who cannot afford to buy vegetables these things furnish the necessary vitamin content. I am telling this House these details and these and other similar articles are those which have gone up in prices. That is how the inflation spiral goes on and there is no attempt at checking it. If you merely say that you are summoning a Price Control Conference and you are going to solve the problem, you will not be able to solve the problem. It is no use for the Government of India merely saying that they are helpless. The Government of India can help if they have enough guts in them. They have enough guts to put people in prison without trial and to curtail their liberties. Can these people associated with the Government of India on the Treasury Benches justify themselves in the eyes of posterity? These people are drawing Rs. 5,500 a month and yet they say they are helpless and they cannot save this country from starvation; they cannot prevent people from dying. It may be that in Bengal there were 27 cases of death that were known in one day, but I hear that subsequently the Police Commissioner has given instructions for the Police to pick up the corpses in their vans, as when people die in the roads, so that no publicity is given to this fact. That is the reason why we no more get reports of further deaths of this nature. Besides people are dying in various parts of the country and I now hear that even in the United Provinces the monsoon has failed. What is the use of my Honourable friend and his colleagues saying they cannot do anything. You have to do something; you have to invoke all the powers necessary and you have to take control of the situation. What is the use of your appointing Regional Food Commissioners? I saw a report the other day that a High Court Judge, Justice Braunt, now acting as Regional Commissioner going and begging on bended knees to the Orissa Government for some rice. Is it really right to hold in reserve surplus stocks of rice to meet the future demands of the people of Orissa when the people in the adjacent province are dying of starvation? Is it right to allow the persons of one town to be fed adequately and the people of an adjacent town in another Province to die of starvation? If you are unable to send rice from a surplus area to a deficit area that is adjoining, surely the problem will be met by a stream of refugees from the deficit areas. What is the use of these Regional Food Commissioners if they cannot do anything in matters like this. They are absolutely useless. I can say that so far as my Province is concerned, the Regional Food Commissioner is a Provincial Civil Servant. He is a very good, capable and honest man, but the fact that he was Madras Provincial Service man makes it incumbent on him to say, "Sir", every

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time he sees Sir Hugh Hood, the Civil Supplies Adviser to the Governor. Do you think he will carry any respect with him? Do you think the authority of the Government of India as represented by him carries any weight with it? I was very pleased to hear from the Honourable Food Member that India is an economic unit. When India was a political unit, unfettered by this provincial autonomy, goods were moving freely from one Province to another, but today because of this provincial autonomy we are in a helpless situation. I do not think the Government of India is in a helpless position. I think they can help and they ought to help. It is no use your being engaged in other problems in the name of war effort of this country if people are dying of hunger. If you cannot prevent this state of affairs, there is no use for the Government of India to exist. It may as well be liquidated. Starvation is the biggest problem today and the Government of India ought to put an end to it. The Government of India ought to exert itself and it is no use merely summoning infructuous conferences. I do hope that before we meet next, something real and effective would have been done. I hear that there is going to be a change again in the Food portfolio. This is rather unfortunate. Food seems to be tossed from one Member to another. But we do expect the Government of India to have done something to solve this problem instead of allowing the Provincial Governments to take the bit between their teeth and run away with it.

Sir Muhammad Yamin Khan: Sir, I join my Honourable friend Sir Henry Richardson in paying a tribute on the very eloquent and lucid speech of the Honourable the Food Member. It was a very interesting survey which he presented to the House and it showed how well acquainted he was with the food problem. We think that the food problem can be dealt with only by such people as are in touch with the people who produce food. For a long time, this matter had been left to those who were mostly in touch with commercial interests and therefore this problem was not tackled so nicely as it has been tackled now by the Honourable the Food Member. Sir, the long and lamentable story of the non-co-operation of the provinces which he has brought out has convinced me on one point notwithstanding the experience of His Excellency Marquess of Linlithgow that the Federation is a hopeless thing for India. If the Federation is kept up in its present shape as embodied in Act of 1935, it will bring greater calamity to our country than what we are facing today in spite of the Central Government having that power which they will not have under the Federal system.

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

I would like to refer to where I feel the Government has failed. I would like to put forward my suggestions in that direction because I do not want to waste the time of the House. I do not want to support any provincial ministry and put up recriminations against the other. I hold no brief for any Government. If those Governments where the Ministries are still in existence have failed, there was no justification for those provinces to fail where there is no Ministry and the Government of India could exercise much greater influence on them by persuasion or by legislation or by some other means. But they have also failed. I will mention those points where they have failed. The first thing is to check wrong rumours which had been spread by certain interested persons. I do not know how the Government of India have failed in this respect when they have got the Broadcasting stations at their disposal and when they can control the press. They have got a Propaganda office and yet they have failed to check the wrong rumours which had been going round in this country and had been adversely affecting the Government. This shows the hopeless position of the Government and the want of vigilance in tackling these questions. I cannot congratulate the Government for coming to this House and saying that they could not cope with the situation. I think they have got ample powers in law in their hands, they can deal with people who

spread rumours which bring all these calamities to this country and upsets the economic equilibrium of the country. I assure the Government that my Party will give their wholehearted support to Government for any drastic measures that they may take in order to check these kinds of rumours.

Another place where the Government have failed is to check the rise in prices in 1942. Was it justifiable for the Government to fix the price of wheat at 8 seers to a rupee and then themselves buying at six seers to a rupee. The Government themselves is the first defaulter against their own orders. The Government Agents go out into the country and make purchases at higher price than what they themselves have fixed. This has resulted in the present deplorable condition. The law and order issued by the Government has been violated by the Government themselves and it is they who have brought this calamity to the country. Once the price has been fixed, it should never have been altered. It is only after taking into consideration the margin of profit for the cultivator that the price was fixed and the Government should have stuck to it. It does not matter if any Provincial Minister did not carry out those orders; the Government of India have got ample powers to deal with such a situation if he wants to upset the whole economic condition of the country. Government do not require my help in telling them how to discharge their duties and to advise them in the exercise of their powers. They have got the Honourable the Law Member who can arm them with powers under the Defence of India Act and the Rules thereunder. If the Government cannot control the situation, then they become ridiculous in the eyes of the public. The public begin to think that there is something wrong. The Government by their inconsistent actions have created in the minds of the ignorant people that the Government want to wind up their government, the people think that the British Government are leaving the country and running away. That was the idea created in the minds of the ignorant people. These ignorant people may have been misled by a certain political party in the country. But the impetus was given by the inaction of the Government themselves in not checking it.

Another thing in which the Government have failed is when they first came to know that wheat was not easily coming into the market and that it had been buried underneath, the Government did not take proper steps to get hold of the people who had buried the foodstuffs with a view to operate in the black market. Under the very nose of the Government these people were selling wheat in the black market and making huge profits. The black market was very well thriving. The Government fixed the price at eight seers a rupee, but we could not get at more than four seers a rupee. If you went to a *baniya* and asked for wheat, he would say that he had not got. If you tell him you would give him at Rs. 10 a maund, he would say, "all right; not this time, give me your address, the wheat will reach your house tonight". The wheat did reach home all right. The *baniya* did not want to divulge where he kept his stock. The Government knew the ways of these dealers and yet they were sleeping. The Government were taking no action. If they had been vigilant, all these things would not have been happening. I would suggest that these people could have been dealt with even under martial law. If the Government had taken strong action, the public would have supported them. The Government were playing into the hands of those people who were traders and who wanted to make huge profits. (Interruption.) If any Provincial Ministry did this, I say they were also inspired by the same commercial spirit. They wanted to make a lot of money for themselves and for their friends who had stocked the goods in their houses. The Government have hopelessly failed to tackle these people and the result is that there is economic chaos in the country.

Sardar Sant Singh (West Punjab: Sikh): May I inform the Honourable Member that the Government issued a circular to sell wheat at rates higher than the controlled rates to the Government Agents who were purchasing for the army.

Sir Muhammad Yamin Khan: Another thing in which they blundered was in taking away the control price of wheat, just at a time when the harvest was

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coming. By taking away the control price, they allowed wheat to get into the market suddenly at a very high price. Soon after the market was flooded with black market wheat, the harvests came in. The cultivator came to know that in the previous year, he sold his crop at eight seers to a rupee or Rs. 5 a maund, but when he himself wanted to purchase to meet his requirements, he had to pay Rs. 10 a maund. Therefore he was careful not to bring into the market his goods, if at all he started bringing very small quantity. I know, Sir, that in Meerut in one *mandi*, there used to be 120 carts every day from the adjoining villages bringing wheat during the crop season. This year, I find hardly two or three carts coming every day. When a cart comes, all people rush and purchase the same at whatever price is demanded by the cartman. The result was that the man charged exorbitant prices. You can imagine, Sir, that when wheat is selling at $3\frac{1}{2}$ seers to a rupee in Delhi, just on the other side of the Jumna it is selling at $2\frac{1}{8}$ seers to a rupee in Meerut district. What is it due to? It is due to the failure of the Government to tackle this question. There is no scarcity in Meerut district, there is plenty of harvest, yet what is the reason for this high price. The reason is this. The cultivator does not trust the Government in keeping up the price level. The cultivator gets nervous because of the previous experience he had of this Government. He does not want to bring wheat into the market. Therefore who is suffering? The urban public are suffering. The people are suffering on account of the general rise in prices. It is due to the failure of the Government. Not only the price of wheat has gone up but also the price of vegetables. Spinach which used to sell at two pice a seer now sells at seven to eight annas a seer. Correspondingly all vegetables have gone up in price. From half an anna it has gone up to seven annas, and correspondingly the prices of all vegetables have gone up.

4 P.M. If a poor man is able to purchase wheat or wheat flour he cannot buy anything else with which to eat it. *Dal* is very costly; and where and how can they purchase these things. It is the failure of Government. These things are produced here, they do not come from abroad, and cannot Government stop the rise in prices of these articles? I do not agree with my Honourable friend Mr. Krishnamachari who makes the Finance Member entirely responsible for this because he says it is all due to inflation. That is not my view. I think it is all due to want of public confidence, want of propaganda, want of laws and failure to enforce the laws, which have caused these rises in price levels.

As far as the "Grow More Food" campaign is concerned I think there is plenty of land available in Assam, but there is a line between Bengal and Assam which cultivators from Bengal are not allowed to cross, this rule being called the line system. It is not only hard on the Bengal cultivators but also hard on Assam where the land is not cultivated and the Government loses so much revenue. It is hard on the people of both the provinces because food which could be grown is not grown. Have Government taken notice of this?

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

Sir Muhammad Yamin Khan: My suggestions to Government are that whatever may be stored in the villages, wheat or rice, should be entirely controlled by Government and taken possession of after leaving enough for the cultivators' personal and seed requirements. Government may buy the whole thing and fix a selling price because it is no use controlling the price without controlling the stock and allowing it to go underground. That is why I say that Government must secure possession of the whole stock and make a proper rationing. And the next year's price must be fixed and announced this year instead of being left over till the harvest. If the price is made known this year the cultivator will know that he will have to sell at the price and he will bring it into the market.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Sir Muhammad Yamin Khan: I have finished, Sir.

What I suggest is something like what they have done in the case of cloth when the millowners had to sell their goods before a certain time and now the prices of cloth have considerably come down. The same procedure may be followed with regard to rice and wheat.

Mr. Saiyid Haider Imam (Nominated Non-Official): Sir, I rise to say a few words about the food problem relating to my province of Bihar. A few weeks ago the situation there had become very grave and very serious indeed. Foodstuffs were selling at very high and exorbitant prices and in some cases no food could be had at all. So long as the food embargo was not lifted from the province people could get at least some eatables after payment of very high prices, but the moment the embargo was lifted the situation deteriorated very considerably. The greedy hoarders, profiteers and grain-dealers started sending huge quantities of rice and grains to adjoining provinces, particularly to Bengal, and there they sold them at very high prices. This worsened the situation a lot. People almost came to the brink of starvation. Rice was sold at nearly Rs. 40 a maund and in some cases even higher prices were demanded. This was the sorrowful state of affairs. From this it may be easily visualised that an ordinary labourer or a poor man who earns Rs. 15 or Rs. 20 a month must be finding it very hard to keep body and soul together. I had the privilege of addressing several meetings at Patna, and I am stating without exaggeration that it was a sight to see people rushing there to air their grievances. Distress, agony, hunger and starvation were writ large on their faces. Perhaps never before in the history of my town had so many women belonging to the lower strata of society mustered strong on such occasions to air their grievances about the scarcity of food. The Secretary of the Bihar Provincial Postal and R.M.S. Union, while I was in Patna, mentioned to me that several postal employees while on duty actually fainted on account of underfeeding and undernourishment. The Honourable Member in charge of that department is not here, as he is a Member of the other House, otherwise I am sure he would have heard this tale of sorrow with deep regrets. Sir, I am not far from wrong if I say that never before, even during the worst period of famine, had the food situation of the country become so intolerable as it is today. I understand strong representations were made to the Government of India by the Bihar Government for the reimposition of the embargo, and I believe the embargo has been reimposed, which has certainly improved the situation a lot. The reports that I am getting from my province indicate that things are slightly improving. Things are improving, though of course very slowly. A lot has got to be done before Bihar and other provinces can come back to their normal conditions.

Sir, in this connection I should like to say without fear of contradiction, that the Executive Officers of my province have all tried to tackle this problem with sympathy and understanding. If their efforts have been hampered, they have been hampered by the mischievous deeds of the profiteers and hoarders.

Before I conclude, Sir, I should like to make an appeal to the Government of India that they should, as far as they can, give freer scope to the provinces to tackle their food problem in their own way and as best as they can without much interference from here. Also, Sir, while I was in Bihar, this was a matter of common grievance that the public was not taken into confidence by the Government. In the important Food committees set up by the Government, the non-official element was almost nil, and I believe similar is the case with the Food Committee which has been set up by the Central Government. This should be remedied immediately in order to bring confidence to the general public. Unless this is done, the situation appears very gloomy and dark and there is no silver lining. With these few words I resume my seat.

Mr. Abdur Rasheed Choudhury (Assam: Muhammadan): Sir, while I give credit to the Honourable the Commerce Member for the capable way in which he has initiated this debate, I must say that his speech so far as the

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rice provinces are concerned is not very helpful. He has not suggested any constructed programme for the immediate relief of the people who are dying of starvation. He has simply brushed aside the question of free trade which is responsible for so much distress in the provinces of Assam, Bihar and Orissa. The Government of India being surrounded by stalwart Punjabis and polished U. P. people from wheat-growing areas tried their best to keep down the price of wheat in these provinces. They had no occasion to go and look to the famished people of our provinces and they did not raise their little finger to come to their rescue in this difficult time.

Sir, ever since the occupation of Burma by the Japanese, the price tendency in the neighbouring provinces of Assam, Bengal and Bihar is on the rise. While the Governments of Bihar, Orissa and Assam were vigilant and with the sanction of the Government of India were using restriction and prohibition in keeping down prices, the Government of Bengal were indifferent. The Ministers were quarrelling with the Opposition members; the Governor was quarrelling with the Ministers. The result was that permanent members in the Bengal Service got indifferent and did not take initiative in keeping down the prices. There was slackness in Government machinery in Bengal with the result that the profiteers and stockists had everything in their own way and within the very eyes of the Government the prices of rice went up from 4 to 40 rupees. The Government of India were sleeping all the time. When in March the new Ministry came into power in Bengal, they brought the situation of Bengal to the notice of the Government of India. That broke the slumber of this Government and they at once decided to do something. But, Sir, as usual, they moved in a wrong direction, as I shall show later. They did not consult the Government of Assam; they did not consult the Government of Bihar and the Government of Orissa as to what they were going to do.

In Assam at that time the price of rice was something like Rs. 14 per maund, in Orissa Rs. 6-8-0 per maund and in Bihar from Rs. 8 to Rs. 9 per maund. The Bengal Government became jealous of the peace and prosperity of the neighbouring provinces and they found that by quarrelling amongst themselves they had brought themselves in a position which cannot be relieved in any way. They brought it to the notice of the Government of India who always look at the outlying provinces with a jaundiced eye. They at once started on taking steps. Their first thought was: why should Assam, Bihar and Orissa live in peace while hunger fire is burning in Bengal? Why the neighbours of Bengal should live in peaceful and easy life while the people of Bengal are suffering so much? They did not consult these Governments and all on a sudden they introduced free trade without caring for the result which will come out of this measure. It was the unkindest cut of all—the introduction of free trade. On the 18th of May free trade was introduced. At that time I was in Shillong and from my personal knowledge I know that price of rice was Rs. 14. Three days before this measure was introduced, somehow or other it leaked out that the restrictions put by the Provincial Government were going to be removed. Within three days the price rose from Rs. 14 to Rs. 20 and on the 18th it at once jumped up to Rs. 24 per maund. Similar is the case, Sir, with Bihar and Orissa. The Assam Government sent a protest asking the Government of India to postpone giving effect to this Ordinance of free trade. The Government of India did not listen. Then, Sir, the Adviser of the Government of Bihar spoke out at a Press Conference as to what would be the effect of this in Bihar. I will read a few lines from what he said so that the House may understand what a tremendous blow it was from the Government of India to the Local Government. It runs thus

"The Central Government have abrogated power which they themselves gave to the Provincial Governments under the Defence of India Rules. There is now the question whether the Provincial Government should or should not exercise certain powers to control the export of rice and other foodgrains. They no longer possess any powers to do so." Then, Sir, he said:

"The control had maintained internal prices at a level much below that of Bengal. With this removal of control, prices were bound to rise in Bihar."

Mr. Ansorari said that the control had maintained internal prices at a level which in comparison with those ruling in Bengal was very low. This control of the Provincial Governments of Assam, Bihar and Orissa was removed by the introduction of free trade policy. The only reason the Honourable the Food Member gave for its introduction was that they had assurances from Provincial Governments that certain surpluses would be available for them. But, Sir, the Government of India forgot altogether the connected circumstances and before introducing this vital matter did not make sure whether all the surpluses promised would be available or not. The producers have generally become a little cautious because the rupee value has gone down a good deal. Formerly farmers used to keep a little surplus that was sufficient for their requirements. But now the prices of all commodities have increased. So they do not bring out all their surpluses to the market. That is the situation and it is no use blaming the Provincial Government for not giving out their surpluses. The result was that the Government of India did not get the surplus they expected from the Local Government. They ought to have weighed these points before introducing this free trade. In their usual way, without consulting those provinces which were to be affected by this free trade Ordinance they brought it in. With what results? Prices jumped up and there was no control on the part of the Local Government. In the beginning everything seemed to be in chaos. If we went to the District Officers they said: We have no powers. We have done our best and we pray to God for his blessings. With the introduction of the free trade Ordinance there started competitive purchases in the market. First came the military contractors, then the Government contractors, then the contractors from the rich tea-gardens to purchase rice at whatever price it was going, leaving nothing for the poorer people. This is the situation still existing in Assam. The result is that the poorer people are not getting anything to eat. In my own province the hill tribes of the Khasi and Naga hills are the worst sufferers. They do not grow much rice. They bring local produce to the plain markets and exchange it for rice. With high prices now prevailing, these people cannot get sufficient rice for their maintenance. So they are underfed. The other class of poor people, the wage-earners, cannot have more than one meal a day. I can from my own experience say that in Sylhet the middle-class people are having only one meal a day.

In the Province of Orissa on the 3rd July the Parliamentary Secretary in the Orissa Assembly made a statement to the effect that in one district alone, namely, Balasore, some 70 people died of starvation.

The Honourable Sir M. Azizul Huque: When did they die?

Mr. Abdur Rasheed Choudhury: On the 3rd of July the statement was made.

The Honourable Sir M. Azizul Huque: But when did the deaths take place?

Mr. Abdur Rasheed Choudhury: After May or June.

I had an adjournment motion down on that occurrence but it did not come up, so I could not say what I had in my mind. In the present instance, we find that people cannot have a full meal. The ordinary wage-earners work until they collapse and die. If you enquire from the District Officers they will tell you the whole story. Nobody has said anything about it for fear of being gagged by the Censors of the Government. What has Government done now? After two months' experiment with human life they have revoked this free trade and have authorised the Provincial Governments to put restrictions as they like. I say: Is human life a thing to be experimented on? The trouble is that Government are neither responsible nor responsive to anybody. In other countries, for this act of their foolishness they would have lost their office and people from this side of the House would have occupied their seats.

I come to the constructive portion of what I have got to say; I am not a critic alone, I would like to put forward some constructive suggestions. This question has to be looked at from two points of view. One is how to keep down prices and the other is how to arrange supplies. If the Government of India would keep down the price of wheat here up to Rs. 13, I do not know why they

[Mr. Abdur Rasheed Choudhury.]

are so impotent or powerless that they are not able to keep the price of rice at Rs. 20. They may say they have got no hand in the matter. But people are dying by hundreds, we do not get all the information, otherwise we could inform.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): The press has been gagged.

Mr. Abdur Rasheed Choudhury: I do not understand why the Government of India are satisfied only with taking partial measures in matters like this. The food question has been tackled by all the belligerent countries. England has got control over food, Germany has got control over food, the U. S. A. also,—as a matter of fact, every country is managing its own affairs. Why have the Government of India failed to manage the food problem in this country?

An Honourable Member: Because there are two Governments, the Provincial and the Central.

Mr. Abdur Rasheed Choudhury: Because they do not like to move keenly in any way. That is what I find. If England can by commandeering food keep down prices and give food to their population, I do not see why the Government of India should not be able to follow this step. Why not commandeer the entire produce, fix a price, and if necessary, ration out the whole thing? People who used to take three meals a day—you have got the propaganda department, ask people to have two meals, leaving one meal as surplus for the other afflicted provinces. These are things which the Government of India should do. By commandeering everything they must take up the sale of all the rice in their own hands so that there may not be any sale without the consent of the Government. That is the way to deal with these matters. Why the Government of India is fighting shy to take full measures I do not know. This is war time, this is extraordinary time, and without full measures nothing can be controlled. You fix a policy to-day and to-morrow you amend it. Do you think these half-hearted measures will satisfy the hunger stricken people? Time has come for the Government to commandeer the entire produce, as has been done in England, Germany and other belligerent countries, and to take up all the sale in the hands of the Government so that profiteers and black markets may not have anything to do with the produce of the country. This thing should be done immediately, because hunger stricken people will not wait till Government take their leisurely measures. People are dying, you have got to give them immediate relief. But you are not doing it. As for the future, what you should do is, to have more "Grow More Food" campaign. In my own Province of Assam I can give you.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Mr. N. M. Joshi (Nominated Non-Official): One good feature of the speech of the Honourable the Food Member was its complete frankness. He admitted the great hardship and even the distress from which the people in this country have been suffering for some time. I am glad that he made no effort to minimise these things. He also admitted that this problem did not receive early attention. Unfortunately, Sir, he seemed to lay the blame either on the Legislature or on the public of this country. He should have been equally frank and admitted that the Government of India which is responsible for the administration of this country did not think of this problem at all in time. He should have known that during war, especially a war of this nature, of this totalitarian character, difficulties regarding food were bound to occur. The Honourable Member's speech appeared to throw the whole blame mainly on want of co-operation and selfishness, and want of patriotism of the Provincial Governments, and I feel he also appeared to find fault with the system of provincial autonomy.

The Honourable Sir M. Azizul Huque: I did not say anything either. I was merely dealing with facts. I did not say who were responsible, purposely. All these matters will have to be looked into, and it will not be fair on my

part to blame anybody. I was dealing only with facts and that inference is entirely wrong.

Mr. N. M. Joshi: Well, Sir, I am entitled to draw an inference from the Honourable Member's speech, and the inference that I drew was that he laid the fault at the doors of the cursed system of provincial autonomy. I am not an admirer of the system of provincial autonomy. I am not an admirer of the provincial ministers, at least some of them who have wrongly dealt with this problem. But I would like the Government of India to realise that when they became responsible for the administration of this country they knew the system under which they had to administer the government of India. Therefore it is useless for them now to blame the system. If the Government of India had realised that they had to work under a system of provincial autonomy, they should have taken sufficient care to secure the co-operation of the Provincial Governments. Moreover, Sir, I do not feel that the Government of India are so helpless in dealing with recalcitrant Ministers who refuse to co-operate with them in their food policy. I know, Sir, when a Minister, who gave up a ceremonial title, was compelled to resign from the Ministry—he was not only the Minister, but he was the Chief Minister—cannot the Honourable the Food Member recommend to the Governor General or any other authority to ask for the resignation of the Minister who was making propaganda against the policy of the Government of India? On the contrary, that Minister some time ago received a Knighthood. I would therefore like the Government of India not to indulge in this policy of laying the blame on others. If they are strong enough, if they are not timid, they have got powers enough under the Government of India Act to deal with recalcitrant provinces and recalcitrant Ministers.

Sir, while dealing with the provinces and showing their want of co-operation, the Honourable Member seemed to pay a compliment to his other colleagues in the Government of India who have to deal with departments which affected the food problem. I do not know whether he included the Honourable the Finance Member in the compliment and in the thanks that he gave.

The Honourable Sir M. Azizul Huque: All this expenditure has been sanctioned by the Finance Member.

Mr. N. M. Joshi: It is the policy of inflation for which the Honourable the Finance Member is responsible that has affected the food problem adversely.

The Honourable Sir M. Azizul Huque: I never said that.

Mr. N. M. Joshi: I myself feel that if there is want of co-operation between the Provincial Governments and the Government of India, there is equally want of co-operation between the different departments of the Government of India. In my judgment it is a Government which is incapable of co-operating with each other. It is a strange medley of ill-assorted persons with various interests—especially communal interests. I therefore feel that it is wrong for the Honourable Member to throw the blame only on the Provincial Governments. The Government of India should practise some introspection and try to find out whether the fault does not lie with themselves. The Honourable Member appeared this time to point out that there is actually a great deficit of food in this country.

The Honourable Sir M. Azizul Huque: I never said that.

Mr. N. M. Joshi: I am again giving my impression of the speech of the Honourable Member. His predecessors did show that although there was a deficit the deficit was not a very great one.

The Honourable Sir M. Azizul Huque: That is what I said.

Mr. N. M. Joshi: The Honourable Member pointed out to us that there were 50 million tons of food produced in this country and his estimate of the requirements was about 55 million tons.

The Honourable Sir M. Azizul Huque: I said 'principal food grains'. There is a good deal of difference between total food grains and the principal foodgrains.

[Sir M. Azizul Huque.]

I said that the total normal production was 50 to 51 million tons of principal food grains and I said that 55 million is the need on the basis of one pound per individual which will include both the principal food grains as well as the minor food grains to which I did not refer.

Mr. N. M. Joshi: Let me assure the Honourable Member that I am not attempting to show that there is a very great deficit of food grains in this country. As a matter of fact, my own opinion is that the actual deficit of food grains in this country is much less than what is tried to be made out. I feel, therefore, that if there are difficulties in the situation regarding food the difficulties are not due to the deficit but the difficulties are due to the inefficient management of the food problem mainly by the Government of India and to some extent by the Provincial Governments. If we once have a firm grip of this fact, then it will be easy for us to find out how the present situation has arisen and how we can meet it. I feel that the chief cause of the present situation is the vacillating policy of the Government of India and the half hearted measures taken by them to deal with the situation. They first started with controlling the price of wheat, not knowing that you cannot control the price of only one article, knowing full well that if they control the price of wheat, they must also control the prices of other commodities. They failed to do that. They should have also known that you cannot control the prices of any article unless you also take up yourself the responsibility of supplying that article to the people of the country. The Government of India failed to do that. It is true that for some time they appeared to take upon themselves the responsibility of supplying the needs of the provinces. They gave up that policy very soon and adopted a policy of free trade. We know the results of free trade and I do not wish to deal with that subject. The Government of India was threatened and bullied by the Provincial Governments and they have given up the policy of free trade. Can a Government expect to manage a difficult situation such as the one with which we are faced if they cannot make up their mind, if they are unable to know what is their duty under the circumstances. There lies the chief fault of the Government of India. I suggest to the Government of India now to make up their mind once for all and decide what they are to do. The Honourable Member told us that he has appointed a committee and he is considering the suggestions of that committee.

The Honourable Sir M. Azizul Huque: Not considering it. We hope to consider it. The report has not yet been received.

Mr. N. M. Joshi: I feel that the Honourable Member was too late in appointing the committee. He should have appointed such a committee long ago. Then, the Honourable Member should also follow a thorough policy of central control of the prices, not of one article but all the articles that are necessary to be controlled. Then, I would like the Honourable Member to take upon himself as Central Government the responsibility of supplying food grains to the different provinces. It is wrong to leave this work to be done and to be arranged between the different provinces. The different provinces have failed to do that and therefore the Government of India should assume powers either under the Defence of India Act or under the Government of India Act and they alone can do this work.

Then the Food Member did not tell us very much what he ought to have told us—that you cannot solve the food problem by merely controlling the prices, by merely supplying the wholesale needs of the provinces but the Government of India must also control the equal distribution of food grains that are available in order that the sacrifices to be made either by the provinces or by the individuals should be equal. We were told in one of the statements issued by the Government of India that the Government of India propose to establish the system of rationing in towns and cities. I feel that the Government of India in this matter also seem to be very

inactive and slow. If there is a complete system of rationing today, it is only in the cities of Bombay and Poona. India is a very large country and if the Government of India wants to establish a system of proper rationing, they should be more active than they are today.

Sir, there are only a few more remarks which I would like to make. The first remark which I would like to make now is that the Government of India is anxious to maintain the normal channels of trade. I feel that the Government of India is mistaken if they think that by maintaining and keeping up the normal channels of trade, they can solve this problem. They tried this method for a long time and they have failed. I therefore suggest to them not to expect too much by following this policy of maintaining normal channels of trade. I am not suggesting that the Government of India should drive out all the traders and all the shop-keepers. If the Government of India can maintain control over prices and can maintain their control over supplies for rationing system under proper control, they may use the shop-keepers. But the control and the work of supply must be in the hands of the Government of India or the Provincial Governments acting as the agents of the Government of India.

Then, Sir, the Honourable Member also spoke something about the "Grow more food" policy. In this matter, I feel that the Government of India have not done their duty properly. The present agitation for "Grow more food" in my judgment is a sort of an ornamental movement. It is not a practical movement at all. It is used in order to get some titles. I feel that Government of India is not serious about "Grow more food" campaign, neither are the Provincial Governments. We were told that the Government of India have given some grants to the Provincial Governments in order that the Provincial Governments should try to grow more food. But I would like the Government of India to tell us how that money has been utilised. We have been hearing about this "Grow more food" policy for the last two years. The Government of India could have given us some results of that policy. How many additional acres have been cultivated? How much more food has been produced on account of this movement? I feel that the Government of India should not be content by merely talking about "Grow more food" campaign. Let them take more interest; let them take more responsibility for this policy. At least they should find out the facts and place them before the Legislature of the country.

My last point is that the Government of India has failed mainly because the Government of India cannot get the co-operation and they do not wish to get the co-operation of the public in this matter. The Honourable Member appealed for co-operation, but by merely appealing for co-operation you do not get co-operation. You have to produce conditions under which the public can co-operate with you. You have to secure the confidence of the public. The present policy of the Government of India is not such that the public can co-operate with them even in this matter. The Government of India have, therefore, to adopt a policy even in political matters so that they will secure the confidence of the public. If they can get confidence, I have no doubt that the Government of India will be able to solve this problem.

Sir, I began my speech by saying that there is not much deficit of food grains in this country. It is the proper and efficient management of this problem which is necessary and in order to manage this problem efficiently and properly, Government must secure the co-operation of the public. If they do that, the problem can be solved.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Sir, I am one of those unfortunate persons who come from a province which has been most affected by the order of the Central Government. The Government of India in May last lifted up the provincial ban on food. The moment this fatal order of the Government of India reached our province, the rise in prices of commodities knew no bounds and the business men and merchants rushed in from the neighbouring province of Bengal. The fate of Assam has already been narrated by my Honourable friend Mr. Abdur Rasheed Chaudhury and

Maulvi Muhammad Abdul Ghani.]
and Orissa are in the same boat. Fortunately, Orissa had a Ministry to some extent, came to the rescue of the people there, but the people of Bihar, constitutionally speaking, are regarded as orphans so far as their Government is concerned. There is no Ministry which is responsible for the maintenance of law and order. Even then law and order there has been interfered with by the Central Government. As has been rightly pointed out just now by the Honourable the Mover of the motion, Government of India have no right to interfere with law and order of any province. But knowingly, they did so. Afterwards, when they had done lot of harms, as a sort of repentance, they have again permitted the Government of Bihar to impose the provincial ban. But the remedy was given when the patient had practically expired.

Sir, I was in Patna on the day when the order was passed and I learnt that the Collector of Purnea and various other Collectors ran to the headquarters expressing their utter helplessness at the hands of a number of traders and business men. My Honourable friend perhaps may later on come with pleas that the people of Bengal were not benefited by the rice-transported from Bihar and also may raise pleas that no considerable quantity of food grains was transported from Bihar. What happened was that the traders took the rice and other articles from Bihar to the neighbouring districts. The Purnea district is contiguous to the districts of Dinapur and Malda. Similarly, the southern side of Bihar is also contiguous to Bengal by land, not by river or by sea. And what did they do? There was no necessity of transport by rail. They could transport by means of bullock-carts and at some places where there is a river by means of boats. So, in a week they arranged the whole

5 P. M. thing in such a way that they usurped all the grains from Bihar. How funny it was for the Government of Bengal to declare Calcutta and Howrah Municipalities to be out of the controlled area.

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

The Assembly then adjourned till Eleven of the Clock on Tuesday 10th August, 1943.

LEGISLATIVE ASSEMBLY

Tuesday, 10th August, 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.

Dr. P. N. Banerjea (Calcutta Suburbs: Non-Muhammadan Urban): Sir the Leaders of Parties have agreed that the questions set down for today may be put off till Thursday or Friday.

Sir Henry Richardson (Nominated Non-Official): We are agreeable only for Thursday and not for Friday.

Mr. President (The Honourable Sir Abdur Rahim): Have all these Honourable Members who have got questions to ask agreed?

Dr. P. N. Banerjea: Yes, Sir. We are also agreeable for Thursday.

Mr. President (The Honourable Sir Abdur Rahim): Then, today's questions will be put down for Thursday.

†262*—298*.

MOTIONS FOR ADJOURNMENT.

LOSS OF LIFE DUE TO FLOODS IN AJMERE.

Mr. T. T. Krishnamachari (Tanjore cum Trichinopoly: Non-Muhammadan Rural): Sir, may I ask what has happened to the Motion for Adjournment which I gave notice of yesterday regarding loss of life in Ajmere and the Government deliberately withholding information on this matter?

Mr. President (The Honourable Sir Abdur Rahim): I read in the newspapers something about loss of life caused somewhere in Ajmere by the floods.

Mr. T. T. Krishnamachari: Yes, Sir, my motion relates to the same.

Mr. President (The Honourable Sir Abdur Rahim): A communiqué was issued on the subject by the Government.

Mr. T. T. Krishnamachari: The question that I want to raise is we want information for one thing and secondly, the telegram reporting huge loss of life is dated 1st August and the first time we heard about it in Delhi was only yesterday.

Mr. President (The Honourable Sir Abdur Rahim): Evidently the Honourable Member did not read the communiqué.

Mr. N. M. Joshi (Nominated Non-Official): The contention of the Honourable Member is that the telegram was deliberately withheld, or it was delayed. That is the point.

Mr. President (The Honourable Sir Abdur Rahim): The communiqué was dated 5th August.

Mr. T. T. Krishnamachari: The loss of life involved was 8,000.

Mr. President (The Honourable Sir Abdur Rahim): This was published on 7th August.

Mr. T. T. Krishnamachari: We saw it only after the House met yesterday.

Mr. President (The Honourable Sir Abdur Rahim): The motion is wholly unjustified.

RAID BY THE DELHI POLICE ON THE PREMISES OF THE HINDUSTAN TIMES.

Mr. President (The Honourable Sir Abdur Rahim): The next motion for adjournment is also by Mr. Krishnamachari. He wishes by this motion to discuss a definite matter of urgent public importance, namely the raid made by the Delhi Police on morning of 9th August, on the Hindustan Times premises and serving an order on the Keeper of the Press holding up the issue of the papers, the Hindustan Times and the Hindustan.

Is it alleged that these papers have been singled out for this kind of action?

†For these questions and answers, see pages 635—58 of these Debates.

Mr. T. T. Krishnamachari: These two papers have been singled out and the order was sprung upon them yesterday morning asking them not to issue their paper without the permission of the Chief Commissioner.

Mr. President (The Honourable Sir Abdur Rahim): I should like to know what are the facts.

The Honourable Sir Reginald Maxwell (Home Member): I submit that action was taken by the Police under their ordinary powers. They have availed themselves of their powers of search and of satisfying themselves. Under the Defence of India Rules, they are endowed with full powers of search and full powers of satisfying themselves whether any action under the Defence of India Rules is necessary.

Mr. President (The Honourable Sir Abdur Rahim): Have the Police taken such action in other cases?

The Honourable Sir Reginald Maxwell: In most other cases, orders have been passed at once under the Defence of India Rules. But in this case, they used their powers of preliminary investigation before passing such orders. It appears they made the search and examined the copies of the *Hindustan Times* which had already been printed and they satisfied themselves that the copies were fit for publication and they returned them to the *Hindustan Times* and the edition, as every one knows, has appeared this morning.

Mr. T. T. Krishnamachari: As the sequel has shown, it was altogether an unwarranted intrusion on the premises and I do not think there was any justification for that.

Mr. President (The Honourable Sir Abdur Rahim): It is not possible for this House to review the action of the Police in each case when they take action under some law or other. It is not for this House to say whether that action was justified or not. I rule the motion out of order.

MOTION RE THE FOOD SITUATION—concl'd.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume further consideration of the motion relating to Food situation in India.

Mr. Nabi Baksh Ilahi Baksh Bhutto (Sind: Muhammadan Rural): Sir, I have very attentively listened to the polished and chiselled apologia that my Honourable friend the Food Member made yesterday. In the last Session too I heard with the same attention the whole debate on the food situation. I am not a pessimist but with all my efforts I am sorry to confess I did not find even a dim and flickering ray of hope. I am as a matter of fact surprised that there is no revolution already. We are sitting on the mouth of a volcano and instead of trying to save ourselves we are discussing without thinking that it may burst at any time. Is this the time for discussion? We want action, strong action. But I can assure the House that as far as these Treasury Benches are concerned there is no hope of any action. Famine is the traditional accompaniment of war, and although we have much advanced in the science of killing each other, yet we have not been able to save ourselves from famine. Willingly or unwillingly India is at war and therefore it must undergo all its hardships. Government knew it very well but they sat with folded hands and calmly waited for the fall of Burma. After the fall of Burma, Government started with their usual propaganda; we were told that there was no scarcity of food grains. Then came the control and with its advent food grains made their exit and found place in the black market. Then we heard of "de-control", a Food Department, and finally of a Food Conference in *Purdah*. Sir, this is the brief story of our food situation. I have no intention of repeating all that has been said again and again on the floor of this House; I have stood to point out the futility and uselessness of the whole debate. All of it is a mere farce; there is no intention of solving the problem. Sir, the Central Government is impotent,

it has no power of action. In comparison with the Provincial Governments who derive their power from the Government of India Act, 1935, the Central Government is an item from an old curio shop. Like Don Quixote, Government try to kill this giant of food scarcity, and perhaps they do derive some quixotic satisfaction out of their attempts, but I am sorry the results of their attempts have been exactly the same that were achieved by Don Quixote. The other day I read in the papers that in the course of a single day as many as 27 dead bodies were removed from the pavements of Calcutta. All these unfortunate persons had died of starvation. People are divorcing their wives because they cannot maintain them and some of them are even selling the women to get a meal. May I ask what contribution these knight-errants of our Food Department have made to relieve the sufferings of these people.

We have heard too much of the "Grow More Food" campaign. At least I have never understood this campaign. Do Government think that the readers of the *Statesman* and the *Times of India* grow food? Will the advertisements published in English and vernacular papers induce the farmer to grow more food? Can he read? Is he not already trying to grow as much as he can? If Government really want to encourage the farmer to grow more food they will have to give him more facilities. But Government are doing exactly the opposite. Sir, in my own province, Sind, against the wishes of the public and the Assembly the Government have enhanced land assessment without imposing any upper limit. This will cripple not only the big zamindars but even the small *khatedars* who will be nowhere. Is this the encouragement to grow more food? Do you expect cheap food by these means. Again, due to the floods of last year even the seed is not available in my province, and large tracts of land are uncultivated simply because Government do not care to provide more water. My own seed of the value of thousands of rupees was taken by Government at the controlled rates. The result was that for my own lands I could not get good seed at the control price and so I had to use inferior seed which too I got with great difficulty. And this is not all. They bought it at the rate of Rs. 4 per maund and nearly a week after increased the rate to Rs. 5/8/- per maund, so that in reselling that seed Government made a profit of Rs. 1/8 per maund. Who is on the losing side? The zamindar who sold at the rate of Rs. 4 and the consumer who bought at the rate of Rs. 5/8. Sir, this is how Government are filling their coffers while the people are starving. Only the other day I read a statement by the President of the Indian Merchants' Chamber in which he says that the Sind Government have made a profit of Rs. 60 lakhs in grain transactions. Sir, mine is a surplus province but in the same paper I read that even in Bengal where the food situation is most critical Government are buying wheat at the rate of Rs. 12 per maund and selling it to the public at between Rs. 20 and Rs. 24 per maund. In Assam I understand nearly two crore acres of land are available for cultivation and so far the Assam Government have done nothing to get this land cultivated. Sir, nothing can be done until the Provincial Governments are brought under control and the Food Department is centralised. The most obvious and the first available remedy for the shortage of any commodity is to get it from the places where it is available in plenty. For the present shortage of food grains in India the obvious remedy is that firstly all the surplus provinces should be controlled and secondly wheat from Australia and rice from South America should be imported. It is the primary duty of the Government of India to release shipping for the purpose.

One word about statistics too. We have heard too much of them and I am sure the House will be interested in knowing how these statistics are collected. In Sind the average output of wheat per acre is 12 maunds for *khas* and 3 maunds for *dubari*, but Government have calculated at the rate of 14 and 6 maunds respectively. I am a rice grower and only in small portions of my zamindari wheat is grown, but Government have calculated that 1,800 acres of my land grow wheat. This is far in excess of the actual acreage. The greatest

[Mr. Nabi Baksh Illahi Baksh Bhutto.]

fun arises from the fact that at the rate of 3 maunds per acre Government want me to supply them 5,400 maunds of wheat while my own actual output of wheat is only 3,241 maunds.

Sir, these Axis prisoners are also a burden; it seems very unjust to maintain and feed thousands of them, while they feel it degrading to work along with Indians. Why not send these prisoners to Australia, Canada or to South Africa, the country of super-humans?

It is a futile argument on the part of the authorities that there is no shortage of foodstuffs in the country. Government members are constantly harping on this old note which has lost all its charm and I must congratulate the Honourable Food Member on his rather frank admission of the facts. We must not forget that even the 2 per cent. shortage means that 8 million people must starve. Sir, I suggest to Government to appoint a joint committee of both Houses with the Honourable the Food Member as its President. Let this body be the final authority in matters of food. But are Government really strong enough to do it? I very much doubt the strength of the Central Government and I would like to request them not to pose as a matador if they cannot take the bull by the horns. They should leave the arena and make way for others.

Sir, I know I have adopted a line which is rather different from the trend of the Honourable Members' speeches which preceded mine. While they have accused Government of a weak policy and inaction I attribute their failure to their weakness and impotence. I have no intention of inflicting a long speech on the House but with your permission, Sir, I shall quote some passages from the Honourable the Food Member's speech in support of my case. He says:

"But as soon as free trade was declared in the eastern zone obstructions of every kind were placed in its way. I have before me a list of over 60 cases reported from time to time and we have not yet been able to complete the investigation of these cases. But the nature of the allegations are as follows: Stocks purchased were seized, a percentage of all purchases was ordered to be surrendered and in some cases at a much lower price than purchase prices, stockists were ordered to close godowns, traders were warned not to sell, station masters were asked to refuse wagons, carters and carriers were stopped from assisting movements and exports were banned by peremptory orders."

At another place the Honourable the Food Member says:

"... the surplus provinces probably with reasons of their own do not accept any other surplus figure than their own. Secondly, the purchasing organization is not at the disposal of the Central Government; the procurement plan does not function and supplies are not available according to programme."

Now, Sir, while the Honourable the Home Member finds ample powers to do all he likes; the Food Member, whether it is Sarker or Azizul Huque, never finds any power with him. As my Honourable friend, Mr. Krishnamachari, said yesterday, the Government have ample powers to suppress the liberties of the people, but have no power to feed them.

Sir, this is the greatest hoax of all times. While one part of this Government acts like a dictator the other finds itself in a helpless position.

Sir, the impotence of the Government of India is self-imposed. If they want they can assume power to deal with the situation.

As I said before, although I think that this debate is useless and futile, it will at least serve one purpose. Those who are really responsible for the situation will know the temper of this House and of the masses whom this House represents. The Government of India, and the British Government too, should not forget the lessons of the French Revolution. It is not too late, but even now if they are not ready to handle the situation correctly the responsibility of the consequences will be theirs. A hungry mob is the most dangerous thing.

And, Sir, in the end I must assure the Honourable the Food Member that although in this part of the House we thoroughly appreciate the aspirations of the Honourable Member's heart, yet we have not closed our eyes to the fact that he has but "poor means for those desires". Though his burning

zeal may "feed the fires of Home, through night and day," yet it is not capable of feeding even a single person out of the thousands who are daily starving.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): On a point of order. Sir, I deserve the protection of the Chair simply because I had no knowledge of the arrangement come to by the House that the questions should be postponed. I reached the House only a few minutes late. My car got punctured and I was unavoidably held up.

Mr. President (The Honourable Sir Abdur Rahim): I cannot help it. The Honourable Member was not in his seat when his name was called. As a matter of fact, the Honourable Member's party requested that questions for today should stand over and he also should have known that.

Mr. P. J. Griffiths (Assam: European): Mr. President. Let me begin by confessing that never in this Assembly have I felt as much difficulty and as much hesitation as I feel today in rising to speak on the subject of food. And I feel this difficulty and hesitation because there are so many things which could rightly and properly be said, things which indeed, the interests of truth and justice demand should be said and yet which in practice are better left unsaid, because they would not contribute here and now to the solution of the urgent problem that lies before us. It would be easy to point out the many things which have not been done, or the things which have been done too late, or the things which have been done without sufficient firmness and resolution, but it is not so easy to point out those things in such a way as not to undermine public confidence still further and so aggravate the evil which we are seeking to cure. Nor is it so easy at this late stage to say exactly what should be done to put right the omissions and the errors of the past. And I suppose it was because of this difficulty that the Honourable the Food Member in his speech, which, with great respect, I must characterize as disappointingly unconstructive, concentrated almost entirely on the past and told us little or nothing about his plans for the future.

He told us of his difficulties. He said in effect that action had been hampered by non-co-operating tendencies on the part of certain provinces, but he gave us no indication as to how he proposed to surmount those difficulties. I have known the Honourable the Food Member for many years and I know that he is not a defeatist, I know that he is a man capable of fighting difficulties, but we in this House are entitled to be told what are Government's plans for overcoming the difficulties which up to now have prevented them from handling the food situation with the maximum possible efficiency. And I expected to hear, I hoped to hear, from my Honourable friend in his speech some account of what he proposed to do to overcome these difficulties which have cropped up. It is essential in a matter of this kind that the public should be given confidence. And if the public is to be given confidence, my Honourable friend must in his reply give the public the impression that there is somebody at the helm of affairs.

If we are to judge fairly regarding Government's performance in the matter of food, we must begin by estimating the magnitude of the task and perhaps, the easiest starting point is to compare the organization which exists in this country with that which was set up in Britain to deal with the problem there, a problem different in character but certainly no more difficult than that here. At the outset of the war, the Ministry of Food consisted of a staff of 33,000 persons. The plans in the main had been prepared for three years, most of the staff, had been trained and practically all of that staff were in their chairs five days before the outbreak of the war. The staff consisted of a few civil servants who had been able to draw upon the personnel of the trade and to supplement their own knowledge and experience with the more intimate knowledge of food and the distribution of food which only those in the trade were able to supply. The Ministry of Food, therefore, found itself in a very strong position on the outbreak of the war.

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Let us try and compare that now with things in this country. Let us begin by saying quite frankly that Government was slow, incredibly slow in getting off the mark and that slowness persisted even after they had been warned both inside this House and outside it of the seriousness of the situation which both approaching. Let me remind them that as far back as September last year I told them that "there is a very widespread feeling in this country that Government are not tackling this problem with sufficient earnestness", and then I went on to say "that we feel that Government are too much inclined to sit back and to say: it is a very difficult problem; what can we do?" Even that warning, which was based on an accurate diagnosis of facts as they then were, did not produce the required effect and so we find that 9 months later there is still uncertainty about the future, 9 months later we still have not had one sole Member of the Viceroy's Council placed in wholtime charge of India's most important problem. For all these things it is impossible to acquit the Government of India of blame.

But having said that, let me turn to the other side of the picture and let us see how the difficulties of the Government of India were infinitely greater, infinitely more complicated than those which had to be faced by the Ministry of Food in Britain or by other food authorities in other parts of the world—and it seems to me that the difficulties of the Government of India were in the main three.

In the first place the Ministry of Food had behind it the backing of the whole people of the country, because the people of Britain wanted to win the war. Thanks to circumstances which we need not discuss today, the Food Department in this country has never found itself in the position in which it could rely on the 100 per cent. backing of all sections of the community, and when therefore we condemn the Government of India for their sins of omission, it is, I think, only right to bear that in mind. I know that some of my friends, who are obsessed with political considerations, will start arguing as to whose fault that is. I am not concerned with that question today. I am concerned with food, and I say that whatever the reasons may be, the Food Department in this country has suffered from not being able to rely upon the 100 per cent. backing of the people of this country.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Not even 95 per cent?

Mr. P. J. Griffiths: I do not know. I have not the figures of Moslem League membership with me.

I turn, then Sir, to the second difficulty which the Government of India had to face, and that is what I must with great respect describe as the obstinacy and the selfishness of certain great provinces. I will quote an example but following the example of the Honourable the Food Member, I will not mention provinces by name. I will quote the example of a great province which had during the past twelve months, one million tons of rice more than its normal yield but which nevertheless either refused or failed to send even 200,000 tons of that excess to help Calcutta in its time of distress. I could go on to give other instances of a similar kind, but the fact that I want to urge is that we in this country, at the moment, are suffering from the growth of a very dangerous spirit of provincial separatism. We are suffering from economic nationalism reduced to its narrowest and therefore most dangerous terms. As regards the value of economic nationalism for a large unit, there may be room for difference of thought, but no man can contemplate with equanimity the possibility that this country might be split up into large numbers of separate economic units, each of which would be sublimely indifferent to the welfare of the rest. So, I say again, when we judge the Government of India and criticise them for what they have or have not done, let us bear in mind this tremendous difficulty. I shall have a little more to say later as to why I think the Central Government could and

should have taken much stronger action than it did against certain provinces. But whatever be our views on that point, do not let us forget the existence of this difficulty, a difficulty, which has magnified beyond conception the task which had to be faced by the Honourable the Food Member and his permanent officials.

Then I come to the third difficulty, and here I speak with a good deal of hesitation because what I have to say may sound like an impertinence coming from a non-Indian; but I can assure this House that I say it in no impertinent or arrogant spirit, but that I mean it as a genuine contribution to this debate. It does seem to me that one of our greatest difficulties in handling the food situation at present is that we have not yet sufficiently developed a civic conscience or sense of social responsibility amongst us. I am not suggesting that in other countries, because this conscience is strong, because the sense of social responsibility is strong, that therefore there are no offenders. Of course there are offenders in every country, but in my own country, for example, when people commit offences against the food laws the whole force of public opinion is against them. There is no feeling that they have done something clever; there is rather the feeling that they have done something disgraceful, and the entire force of public opinion is brought to bear upon them to make their lives uncomfortable. I do want to suggest that if we in this country are to achieve cohesion, if we are to achieve progress and prosperity, we have to develop that same kind of public opinion which will so fashion people's thoughts that the man who breaks the food laws, the man who offends against social welfare, is treated more or less as an outcast.

An Honourable Member: A leper!

Mr. P. J. Griffiths: I would treat lepers far better.

In assessing the work done by the Government of India we must bear in mind the difficulty which at present exists because that kind of public opinion has not yet been sufficiently developed.

Sardar Sant Singh (West Punjab: Sikh): Not forgetting to consider the responsibility of Ministers and officers of the Government.

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

Mr. P. J. Griffiths: I am forgetting nothing, but I am omitting many things because they are not relevant to the present debate.

In the light of these difficulties, how are we to judge the policy and the alleged vacillations of the Government of India, and in particular what have we to say regarding the swift change over from the basic plan to the policy of free trade some weeks ago? I am not going to discuss the basic plan itself in detail; but I will simply say this, that it is true that in some respects the plan was unsound, that it underestimated the difficulties, that it underestimated the obstinacy of provinces, and that it was of necessity based on figures of doubtful validity. It is easy enough to say all that, but that does not alter the fact that the basic plan did succeed in moving one million tons of wheat at a time when that movement was essential. It is quite true that the basic plan failed when it came to deal with Bengal. It failed to a great extent in dealing with the rice situation. But, at any rate, it did very much to ease the situation as regards wheat, and I think we should be wrong and unfair if we turned down that basic plan as something which never ought to have been thought of. It was a plan which had to be improvised; it was a plan which to some extent worked; and it was a plan which, with all its faults, lessened the disaster which afterwards overtook us.

And then what of the change for which Government have been charged with vacillation—the change from the basic plan to the policy of free trade? I would ask Honourable Members to cast their minds back to what the position was in Calcutta when that change took place. I would remind them that there was a time when Calcutta had only a few hours food. That sounds like a rhetorical exaggeration, but as it so happened I was living at that time with the District Magistrate of one of the industrial areas outside Calcutta, and I

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have never seen a man more weighed down with anxiety, then when that officer came into my room and said: "There is enough food in this town for tomorrow: but there is none for the day after, and unless fresh supplies arrive tomorrow I cannot conceive what we are going to do". That was the position that the Government of India had to face. Does anybody believe that because they had laid down a basic plan they should have adhered obstinately to that plan? Does any body think that they should have said: "Calcutta is on the verge of starvation. We know that Calcutta is the centre of India's war effort. We know that in a few months Calcutta will have to be the base for the attack on Burma. We know these things. We know that Calcutta is near starvation, but we have in our wisdom laid down the basic food plan and so we must stand by it." What would this House have had to say if the Government had taken up that attitude of obstinacy. I say without hesitation that whatever the basic plan may or may not have achieved, the change at that time from the basic plan to the policy of free trade was the path of wisdom and the path of statesmanship, and I for one will be no party to any condemnation of the Government for that particular action.

But let me pass on quickly, for like my Honourable friend, the Food Member, I have so far spoken only about the past I want briefly to speak about the future, and I want to put before this House my views as to what practical action is required to be taken. I would classify that action under four heads:

Firstly, rationing of urban areas all over this country:

Secondly, a drive for food stocks, similar to the drive which has just been undertaken in Calcutta and Howrah:

Thirdly, very much stronger action against offenders; and,

Fourthly, a very much stronger line with those Provincial Governments which will not play.

I am not going to stop to speak in detail about rationing, but I will just say this: that the need for rationing does not simply arise because of shortage. Now I am not going to discuss that question as to whether there is or is not shortage. That seems very academic, and, at any rate, as a former District Officer I know the exact worth of the Government figures of the production of rice or other crops. So, passing over the question of shortage, it seems to me that in war time there is a feeling of uncertainty in the air and that feeling make some people lay up stocks and that in its turn means that other people have to starve. The only conceivable way of preventing that unequal distribution, that unequal sharing of the burden, is by rationing wherever possible, and I have not the least doubt in my mind that rationing is necessary in every town in this country.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadian Urban): Provided you are able to secure efficiency and honesty.

Mr. P. J. Griffiths: Of course; I admit the difficulty. Rationing is necessary in every town in this country, and I believe the Central Government has that in mind. But what we in this Group want to know is how far their plans have advanced, how far they have secured the agreement of the Provincial Governments, how they propose to bring pressure to bear upon those Governments which will not agree, how far the staff has been selected in the various parts of India for this job, how far arrangements have progressed for training that staff, and how far the forms have been printed. These are all big jobs, jobs that take time, and we want to be assured that the plans for them are at an advanced stage. I do hope that in his reply the Honourable Member will tell us something about this, and I hope still more that this will not be another case of leaving preparations and arrangements until it is too late.

I come to the second point, the repetition all over India of the kind of food drive which has just taken place in Calcutta and Howrah. I happened to be living in Howrah during the two days when that drive was taking place,

and I see every reason to believe that it is going to be a great success and that it received a measure of public co-operation far beyond what had been expected. I myself believe that when the results of that drive are made known we shall see that it has made a very real contribution to the actual food problem. A word in passing, about the Government of Bengal. A lot has been said in this House about and against the Government of Bengal, but I think it is very important to distinguish between the present Government and its predecessors. Whereas its predecessors confined their efforts to recrimination and abuse, the present Government has seriously got down to the job and it is at least making an effort. Let us bear this in mind when we talk, sometimes rather lightly, about the Government of Bengal.

Then I come to the third necessity,—the need for the strongest possible action against hoarders and offenders against food laws. I must say that in this matter the Government of India and the Provincial Governments have made themselves a laughing stock. Serious offences have met with fines of Rs. 10 or 15. Does my Honourable friend, the Food Member, know how these things are dealt with in Chungking? Does he know that on the 4th anniversary of the "National Mobilisation of the Spirit Day" 16 prosperous merchants and traders who had offended against the food laws were paraded through the public streets, with words of ignominy and contempt written upon them? They were exposed to the well deserved contempt of the entire population. Is it not time that something real, something drastic was done in this country to deal with those evil men who are making their own profit at the expense of the millions? Are we going for ever to stay tender hearted while people die? Surely, it is time that the Central Government and the Provincial Governments realised that responsibility rests heavily on them for seeing that stern action is taken by magistrates against those who are convicted of offences against food and similar laws.

Then I pass on finally, Sir, to the need for very much stronger action with regard to those Provincial Governments which will not play. It is no use at this stage in the war for my Honourable friend, the Food Member, to come here and say "there is provincial autonomy, we are helpless, what can we do?" Dealings between the Central Government and the Provincial Governments are bilateral and not unilateral. It is not a question of the Central Government alone wanting things from the Provincial Governments. The Provincial Governments too want help, want support, want aid in many directions from the Central Government, and the Central Government, if it is determined, has through these indirect methods, endless ways of bringing pressure to bear upon the provinces. I will not develop this theme further, except to say that the greatest obstinacy has been shown in some of those provinces which are at present governed under section 98.

Dr. P. N. Banerjee: They are under the complete control.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Mr. P. J. Griffiths: I am just finishing, Sir. When you analyse the position, the main factor is psychological. If once the people of this country are made to feel that the Government of India is resolute and determined, the situation will begin to respond, but at present no such feeling exists in this country at all. The feeling in the country is that there is nobody at the helm of affairs, that the Government of India is weak and spineless. I do not share that gloomy view. I know that there are on those Front Benches at least some Honourable Members who have courage and determination, and I know that my Honourable friend, the Food Member, is amongst them. I tell them now, if they will be resolute and firm, their plans may miscarry, they may make errors of judgment, but they will have the country behind them in spite of that. But if they are irresolute and hesitate to take decisive action in time, then they will meet with nothing but condemnation at the bar of history. Let them see to it, while there is still time.

The Honourable Sir Edward Benthall (Member for Railways and War Transport): I listened all day yesterday to the speeches made in the House and, rather to my surprise, heard no complaint that transport failures were at the root of the food situation. There might appear therefore to be very little reason for me to intervene in the debate. On the other hand, several speakers seemed to be under the impression that, while Bengal and other parts of the country were starving, the Government of India were doing nothing to move food to the afflicted areas. My Honourable friend, the Leader of the European Group, accused the Government of India of fiddling with legislation while the food problem was burning. The Deputy President of the House described the position as absolutely hopeless, in itself an absolutely hopeless attitude to the problem. Mr. Krishnamachari called for action but was not content to put his trust in Government nor, so far as I could understand, in providence. But the speech which seemed to me to strike the right note was that of Mr. Joshi, whose theme was the wise one, namely, that the magnitude of the deficit is not such that it cannot be overcome by efficient management. This morning Mr. Bhutto in his quiet way and Mr. Griffiths with his brilliant oratory stressed the need for action. I will try to meet these points briefly in so far as they refer to the movement of foodstuffs.

Leaving aside the long term programme and the various political points upon which Mr. Griffiths touched and with which my Honourable colleague will doubtless deal, what are the remedial measures which have been taken by the Government to move foodstuffs to the distressed areas? It is the immediate relief of those areas which is agitating the minds of so many people in this House and in the country in general, and I want to tell the House a few facts about the position in order, if I may say so, to give the House and the people most concerned something to bite on, and to assure the House and the public that, in spite of all that is being said about Government, you can put your trust in them. They are not either weak or spineless.

The food situation will not be saved, as Sir Abdul Halim Ghuznavi suggested yesterday, by a five-day debate. It will be saved, as Mr. Joshi says, by action—action within the next 6 or 8 weeks in moving surpluses which exist in surplus provinces to the deficit areas.

The Food Department, in conjunction with the Governments of Sind and the Punjab, have acquired a very considerable quantity of food grains and they continue their purchases. When I was recently in Lahore, the representatives of the Punjab were complaining that these purchases were so heavy that the storage was full and that it was imperative that the Railways should move more grain more rapidly in order that room might be made for further purchases. We have indeed loaded some 13,000 wagons or a quarter of a million tons more food grains on the North Western Railway in the first seven months of 1943 than in the corresponding period of last year. That is not enough. The successful solution of this problem depends upon the close co-operation of the five Government organisations concerned, the Food Department of the Government of India, the Government of the surplus province, the Government of the receiving province, the priorities organisation of the War Transport Department and the Railway Administrations. Unless all these departments play their part, there will be hitches but I am glad to be able to assure you that within recent weeks considerable progress has been made in co-ordinating the work of these different agencies. That is the main function and immediate care of the Food Department.

The result of such co-operation is demonstrated by the situation in Bombay today. Six months ago, the position there was desperate but the Government of Bombay, in collaboration with the Central Government and other Provincial Governments, set about their problem with a will. Food grains were bought. Special trains were arranged to rush immediate stocks to Bombay to meet the emergency, a rationing system was introduced and

today I understand that, although the rice stocks of Bombay are somewhat short, there is an ample supply of millets and wheat and there is no general anxiety. So far as I can see, there should be no difficulty in moving to Bombay the quantity of food stuffs scheduled under the revised plan. The relatively satisfactory position in Bombay demonstrates what can be done if the situation is grasped (*An Honourable Member*: "and full co-operation given") and full co-operation given.

The movement by rail of food grains from the Punjab to Madras, Travancore and Cochin with its immense haul is not an easy matter. I do not disguise the fact that our movement programme via New Delhi and Balharshah to South India fell short of its objective owing to railway operational difficulties but it is satisfactory to observe that at the end of July we had succeeded in working up to an average of 105.5 wagons per day against 110 wagons of wheat and other food grains scheduled to move via New Delhi for that direction. The revised food plan reduces the demands on this route which should make, available a greater capacity for movement in the direction of Bombay. Food grains for Travancore and Cochin are moving, and must move via Karachi and, although I have to hand no up to date figures of the quantities which are moving, I have no reason to suppose that the plan is not operating effectively.

But the province which is causing the most anxiety to this House is Bengal. In the last three weeks of July, we despatched from the Punjab in the direction of Bengal an average of 36 wagons of wheat and 30 wagons of other grains every day. The Bengal Government's own figures show that nearly 2½ million pounds of rice, paddy and wheat were imported daily into Calcutta in July and the population of Greater Calcutta and Howrah is some 2.48 millions. More could have been sent from the Punjab if arrangements could have been made to receive it but it is no use consigning grain to terminal stations if it cannot be handled. We have already suffered from traffic blocks owing to that reason. The plan which my Honourable Colleague, the Food Member, mentioned provided for the despatch of 120 wagons a day of different foodgrains to the Calcutta area and these should be booked to the following stations to the following maximum limits:—

	Wagons.		Wagons
Howrah	65	Ultadanga	7
Ramkristopore Flour Mills Siding	20	Kantapukur	15
Ramkristopore Goods Sheds	13		

If more wagons were received in any station on a given day, waste of transport would take place and there would be no improvement in the food situation. The problem therefore is one of business and transport organisation, of correctly correlating despatches to unloading stations, of ensuring that the documents are received in time and in order and of efficient handling at the receiving end. To assist an even flow of wagons to the Calcutta area and its distribution to the stations which I have mentioned, the possibility of organising a regulating station at Moghulserai is under active examination but there are complications to be overcome.

The House will want to know what is moving into Calcutta since the floods interfered with transport. The answer is that priority arrangements have been made to move 90 wagons of food grains coming from the East Indian Railway every day (actually the average between July 29th and August 2nd was 106) and 60 wagons of foodstuffs of other kinds, also emanating from the East Indian Railway, while 40 wagons of foodgrains are reported to be flowing in over the Bengal Nagpur Railway.

If, therefore, we are able to keep up our programme of 190 wagons of food grains and foodstuffs per day to Calcutta and beyond by these routes, this will represent some 8 million pounds of food or enough to give adequate nutrition on a full diet of 2½ lbs. a day to more than 3 million people and this takes no account of the foodstuffs which arise in Bengal itself. As I

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mentioned previously, the population of greater Calcutta and Howrah is 2½ million and to give the population 1 and 1/3 pounds of food grains a day, apart from other foods, would require some 75 wagons only against the number which I have quoted. And these figures take no account of the foodstuffs which are being sent by other Railways such as the Bengal and Assam, nor does it take into account the supplies which are being sent by sea from Karachi. One steamer loaded with wheat left for Calcutta from Karachi a day or two ago. Another will sail in the very near future and only last night I received news of a couple more being probably available in the next few days. This route *via* Karachi must be the main route for further relief on a major scale in the near future. Sir, that is the position.

When the Regional Controller of Priorities in Calcutta approached the Minister for Civil Supplies in Bengal on the 5th instant, the latter informed him that he was not conscious of any complaints in regard either to the quantity or the proportions of the foodgrains received. At this stage, it ceases to be a problem of transport and becomes one of distribution, especially to that section of the people who cannot afford the price. I believe, therefore, with Mr. Joshi that efficient co-operation and energetic management can see the province of Bengal through the next critical weeks. If support is given to the Government of India and to the Government of Bengal instead of making the sufferings of the people the sport of politics, the energetic efforts which are being made by all concerned to effect these movements and to improve distribution will see Bengal safely through to the next harvest.

Dr. Sir Zia Uddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I heard with great interest the speech delivered by my Honourable friend, Mr. Griffiths. While developing his four points before the House he omitted to mention two more. One thing which he did not clearly mention is: How will you override the Government of India Act of 1935 about provincial autonomy? If he will read the proceedings of the Conferences referred to above—and I have got all of them with me and I had taken pains to go through them—he will notice that any scheme which was framed by the Government of India was stabbed from behind by the Provincial Governments and *vice versa*. It is not possible for the Government of India to frame any unified policy unless it is supported by the Provincial Governments, and, with the system of Government that we have in India, it is impossible to follow the practice and to carry out the experiences of the United Kingdom where there is a single government. If you want to follow the practice of the United Kingdom, you must ask the Parliament to change the Government of India Act and have a unified policy for the foodgrains. It is impossible for the Food Member to frame any policy when he is stabbed by the Provincial Governments at every stage.

The second thing which he omitted to mention is the part played by the businessmen. I can assure the Honourable gentleman that the businessman of India is not the businessman of England. A businessman of England is a personification of honesty; a businessman in India is just the reverse. He is sucking the blood of the poor men in order to feed himself and become fat. Take the case of wheat trade in India. It is entirely in the hands of one particular community. They control the movement and the distribution and also the price of wheat throughout India and they are in communication with one another. It is these people who can easily supply food when they desire to do so. It is these people who can starve the people if they desire to do so. In the United Provinces, when the control of the prices was introduced, this community contrived and arranged amongst themselves that they would give no food to four big cities. They did not send wheat to the four big towns of the United Provinces, namely, Lucknow, Agra, Cawnpore and Allahabad. There was shortage

of food in these cities and the Government was paralysed and they had to give up their policy of control and adopt a new policy. This compact body which carries on the trade in wheat is a body which can paralyse any Government and it is not possible easily for the Government to break down the monopoly of this particular community, much less it is possible for any businessmen.

My Honourable friend laid great stress on the point that there must be a separate Member for the supply of food. I am not interested in the distribution of portfolios. It is left to H. E. the Viceroy. Let him make any distribution he likes. Let him double the number of Executive Councillors. I am not very much concerned about it. But one thing on which I am deeply concerned is that the portfolio of food should never be given to a businessman. In the interests of the people of India and in the interests of the poorer people I do not like blood suckers should become still fatter at the sacrifice of these poorer people. They are the businessmen and they know how to support another businessman, but they never care for the poor people. It is really one of the characteristics of a businessman in India but this is not the characteristic of a businessman in England to have utter disregard for the poor. If the Honourable gentleman will read my speeches in the Assembly he will find that I have mentioned definite instances of businessmen who have definitely and deliberately cheated the public and swindled them right and left. A thing of this kind can not happen in England but it is possible only in this country. This is a point which he should not entirely overlook. I entirely agree with him on other points with the exception of these three points which I will mention *seriatim*.

In the first place, he should consider very carefully the Government of India Act. It is not possible to introduce the system which is prevalent in England unless he modifies the Government of India Act and have a unified policy of the Government of India. We should not allow them to be stabbed by the Provincial Governments as has been happening in the past. In the second place, they must understand exactly the nature and the position of the businessman in this country and should not apply their experience of England to Indian conditions. This second point is exceedingly important. In the third place, penalties have been very poor. We should have more stringent penalties. If we have penalties of the same type as they have in England, there will be a chance for the free distribution of foodstuffs.

Now, I come to the Honourable Member for Railways. He is one of the greatest culprits by breaking down the policy of the U. P. Government. I wanted to move an adjournment motion on the subject, but you, Sir, asked me to postpone it because I would have an opportunity of discussing it on the present motion. The Government of the United Provinces with the support of the Government of India stopped the export of wheat from the United Provinces and yet my Honourable friend purchased wheat from U. P. and exported it in his own carriages from the United Provinces to other parts of India. Because he has got the monopoly of the transport, it does not mean that he should break down the rules and should purchase wheat at competitive prices and take it away without giving any notice to the Provincial Government. In this particular case, I should like to mention that this kind of competition exists in other provinces also as was referred to by my Honourable friend Maulvi Abdur Rasheed Choudhury. In the United Provinces we have got four authorities and they compete with each other. They are the Provincial Government, the military authorities, the G. I. P. Railway and the East Indian Railway. These four agents go to a particular place and offer the highest prices and they constantly go on raising the price level of foodstuffs on account of this open competition. My Honourable friend purchased wheat at the rate of 3 seers per rupee and less. He can afford to pay the deficit from public funds but a poor man like myself who is in charge of feeding 20,000 persons at moderate expense cannot afford to pay the deficit from any such fund. So, I cannot compete with him and I have to starve on account of the wrong action taken by the Railway Member by entering into competition with the other purchasing authority which he had

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no business to do and exporting it without the knowledge of the Provincial Government.

Coming to the position of Bengal, there are three things which I would like to mention. I have got the figures before me and from the figures it appears that last year their production, which is practically equivalent to consumption, was 8,639,000 tons. The Honourable Member for Food also said on the floor of the House that the Minister gave him assurance that the rice could be exported. Then my Honourable friends coming from Bengal did not raise their voice of protest on the floor of the House and draw the attention of this Assembly that rice was being exported outside Bengal which was unfair. When they knew very well that the supply from Burma was stopped, they should have taken steps to increase their acreage of cultivation. Instead of that, they continued to grow jute which was bringing them more money, but not food. When shortage actually came in they ought not to have adopted the policy of free trade and send out their Agents to purchase at competitive prices. They did not solve the Bengal problem by this method. They introduced all sorts of difficulties and intricacies in the three neighbouring Provinces.

What I feel at present is that the Honourable Minister for Food Supplies in Bengal should give us definitely how much foodstuffs they require till the next crop. This quantity ought to be distributed among the various Provinces and it should be the duty of the Government of India to get this particular quantity and give it to Bengal. I know that in U. P. we can spare sufficient quantity of rice; we can give up our *pulao* and other luxuries and thus make the rice available for the people of Bengal. In the same way, other Provinces also can give up their luxuries for the sake of Bengal. Bengal can thus get their foodstuffs at reasonable price without raising the price level in the neighbouring Provinces. This is the way in which the problem ought to be solved.

Now, Sir, I ask my Honourable friend Mr. Griffiths whether he can give an assurance that the Government of India Act of 1935, will be altered. It cannot be amended. One should realise that Government of India can formulate policy but they have got no machinery to carry out in practice their resolution. The machinery is all possessed by the Provincial Governments. The machinery for action cannot be created under the present Government of India Act. The only thing they can do is to deliberate a policy and leave it to the Provinces to carry it out. The business of the Government of India should be first to collect accurate statistics, for each Province, for each district. They should know exactly how much food there is in the country, in each Province, in each district. Next they should know definitely the military requirements, the requirements of the deficit provinces and then if anything is left for export, that is feeding the neighbouring countries, that should be allowed if we can afford it. This is the business of the Government of India to find out. They should tell each Province, you have got so much foodstuffs, you must release that in this particular way. This method should be outlined in a manner that transport difficulties should be the minimum. This ought to be done immediately by the Government of India. Beyond it is not possible for them to go. The Provincial Governments should distribute the quotas to each district. They should have an Advisory Committee for each Province, and I am glad that such an Advisory Committee has just been established in U. P. I hope they will establish in all other Provinces in which they can collect enough foodstuffs required by the Government of India.

The next suggestion is that the Government of India should adopt a policy similar to that which they adopted in the case of piecegoods. They should force the people to sell their produce within a certain limited time. The people should not be allowed to accumulate and hoard indefinitely. If they do so, then the Government policy will be frustrated. Within a certain limited time, the whole thing should go out. I know there is a tendency among the cultivators not

to part with their wheat and this tendency is supported by a political group as well. They support this particular action by giving the cultivators to understand that the value of the wheat would go up if they could keep it for some time longer, till the country is on the verge of starvation. The Provincial Governments should effect compulsory sales, or whichever method is convenient. I think it would be well if the Government should promulgate an Ordinance that the cultivator, the producer should part with his wheat within certain limits. The next thing is that those who want to stock wheat should get a licence, so that everybody cannot store wheat. The Government should know who is storing wheat and what quantity so that the Government might fall back upon that stock in case of need. Unfortunately in India, it is not in every place that we can store wheat. Wheat gets spoiled in the rainy season. Those people who want to store must be compelled to take a licence. The wheat thus stored could be sold only at the discretion of the District Magistrate. If some such steps are taken, then I am sure the situation will improve.

The next question is that of price level. In Shahdara, the price of wheat is Rs. 10 a maund, if you go few miles in U. P. the price is Rs. 13 to Rs. 15 and sometimes even Rs. 19 a maund. My Honourable friend Sir Muhammad Yamin Khan tells me that in Meerut, it is Rs. 20 a maund. This is something scandalous.

The Honourable Sir M. Azizul Huque (Food Member): Not free trade.

Sir Muhammad Yamin Khan: There is plenty of wheat in U. P.

Dr. Sir Zia Uddin Ahmad: Free trade when import is impossible will not succeed. There is really no shortage of wheat in U. P. The Government can certainly compel the cultivators to part with their wheat within a certain time limit. I will discuss this question in detail when we discuss the currency policy and stabilisation of price on Friday next. In spite of the abundance of wheat in U. P., it is scandalous that the price should be so high. It is a question of understanding between the various Provinces. I beseech the Government of India that they should frame only a policy and force the Provincial Governments, merely moral pressure is not sufficient to follow it. I may tell the British Government, I may tell my Honourable friend, Mr. Griffiths, that as far as distribution of foodstuffs is concerned, the Government should take drastic steps against Provincial Governments which do not co-operate. Supposing a Provincial Minister goes to a cultivator and says, "do not sell your wheat, the price will be doubled soon, there will be no control, you can do what ever you please". If a Minister in one Province goes to every farmer and says thus, which is really to the benefit of the cultivators, what will be the impression created. Will the Government of India be able to do anything in that Province? Nothing. We cannot possibly neglect this aspect in framing our policy.

Now, I come to the suggestion that we should ask all the Provincial Governments to part with some of their foodstuffs to feed Bengal. I am positive that everybody will give up their luxury, we will give up our surplus stock if only to feed Bengal. At least for the next few months, we must make Bengal tide over this crisis in the food situation so that the difficulty can be partially solved. Do not send out your Agents to purchase food from the Provincial Government. They will themselves purchase food at reasonable price. Then this difficulty will be met. The second difficulty will be about the price. After securing the stock you leave the provinces to fix prices within the limits prescribed by the Government of India, the price question will automatically be solved. The cultivators should be forced to sell wheat immediately or time limit may be fixed within which the wheat should be sold. Cultivators will keep something for their own needs and their seed requirements, but whatever surplus there is should be brought to the market and sold to the public or to persons who hold special licenses so that they may keep it for distribution in the months when foodstuffs will not be available.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Dr. Sir Zia Uddin Ahmad: Very well, Sir.

Rao Bahadur N. Siva Raj (Nominated Non-Official): Sir, I really did not like to intervene in this debate but the remarks that fell from my Honourable friend Mr. Griffiths call for my intervention. I really do not hold a brief either for the Government of Madras or for any one in particular in Madras. But I do want to take Madras out of the category of the section 93 provinces which according to Mr. Griffiths, have thrown considerable obstacles in the way of the Government of India in the solution of this food problem.

Mr. P. J. Griffiths: Not Madras.

Rao Bahadur N. Siva Raj: I am glad that Mr. Griffiths has singled out Madras as an exception. The real feature of the situation is that food, as a problem, never was and never has been a concern of the Government of India at any time, or for that matter, of the provinces. And in spite of the fact that 90 per cent. of the population of this country are rural masses and people who depend entirely upon agriculture, the fact remains that for a long time there have been people who have been going without food. The fact that they were not vocal and the fact that they were merely a section of the population belonging to the rural classes has been responsible for the question not coming to the forefront. Now that the suffering has been removed from that section of the population and has been transferred over to the urban population, the question has assumed this importance. Moreover, war and the conditions created by war have also been responsible for making this food problem such an important one. But it must be admitted by all the critics of the Government of India or for that matter of any Provincial Government, that the problem of food, and particularly the problem of feeding such a huge population as 400 million of people of India, is a mighty big problem. It is a vast and complex problem and also it is a new problem to Government. It was suggested by Mr. Griffiths that the Ministry of Food in England and the people of England have co-operated towards the solution of such food problems as may exist in England. It is true, and there is no doubt of the fact, that the Englishman today is fighting for his very existence, and consequently he knows his responsibilities and his duties, and so also the Government in England knows its duties and responsibilities. Above everything else, England is a country with a much smaller population, perhaps about one-tenth of the population of India. Secondly, English food is more or less standardized, but here in this country we find different types of food and people having different tastes scattered throughout the province. Thirdly, the trade channels in England and trade organisations are more or less definite and ascertainable, but in this country the trade channels and the trade organisations in many respects can be said to be unascertainable. I, in my own way, in my budget speech in March 1942, indicated to Government the dangers that were lying ahead in the matter of food, and I also suggested that the "Grow More Food" campaign must be taken up quite seriously, in addition to my suggestion about standard cloth and also about putting down the black market mercilessly. I do find now that all these three steps are being taken; but in the case of the "Grow More Food" campaign I find that after all this debate we are suggesting only a long term remedy for what I call a short term emergency like the food problem that exists in Bengal and other places today. But even in the matter of the "Grow More Food" campaign I feel that Government ought to give definite directions to the provinces in the matter of the assignment of land. I can quote one instance as to how Government in its own way is putting obstacles in the way of production of more food. There is, for instance, a system called the penal assessment of persons who occupy unauthorised lands for the purpose of cultivation and to produce food. I personally think that it has been a fraud perpetrated all these years in the name of penal assessment by Government upon the innocent cultivators in the villages. The man who takes

up land for cultivation even though it is unauthorised land, knows and every one round about knows the fact. The man is cultivating it openly, and Government also allows the man to cultivate the land; but when the land is actually producing food and when stone is converted into gold, Government steps in, takes the yield and puts the land in auction and sells it to the highest bidder. In the same way obstacles are created even now in the way of the "Grow More Food" campaign in the provinces.

I know of another difficulty in these grants of land in the Provincial Governments. In Madras, and particularly in the northern areas like Guntur and Kistna, lands are assigned to those persons who are not cultivators themselves but who merely make these lands a part of their estate. So even if the land is cultivated and more food is grown, it really goes into the hands of capitalists who are ultimately interested in the black market.

Now, Sir, there is no use trying to analyse the causes of the food problem or even throwing the blame at the door of the Government of India and making charges as to their inefficiency or inability to solve the problem of food. But I do wish to make a few suggestions to the Government of India with a view to see that they might take some steps in that direction. I find that nearly every one today is a hoarder and the first hoarder I think is the army itself. Has the question been examined as to how far the army has acquired supplies and acquired supplies in excess of its requirements? And I think personally, and I think it is also the view or rather the fear of the people of the country that the army is needlessly acquiring much more than is needed for its own supplies. There is another opinion which is gaining ground among the public, and every one is tempted to believe it, that there is a lot of waste in the matter of food in the army; and I think, Sir, it will be very much better for the Government of India to concentrate its attention on this particular aspect, namely, whether the army is acquiring more than its requirements, and secondly, whether it cannot see its way to stop the wastage that is now going on.

Then there is the problem of procurement of the food supply. No doubt many an Honourable Member has suggested various methods as to how the supply ought to be procured by the Government of India with a view to send it over to the deficit provinces. There are recalcitrant provinces, there are selfish provinces, and there are I think profit-earning provinces in this unfortunate affair. The Government of India must take immediate steps to see and find out if statistics are available,—and the tragedy of the situation is that no real statistics are available in the matter of food,—and if statistics are available, to find out and fix the responsibility upon the provinces, particularly the surplus provinces, to release such surpluses to the Government of India for them to be distributed in the proper way.

Then in the matter of food distribution the most important thing is transport. The Honourable the Railway Member has given us the latest figures regarding the availability of the wagons. While wagons are certainly available I know, and it has been complained to me by persons who are very highly placed in the administration of Madras province, that transportation within the province is made difficult on account of the unfortunate habit of the railway officials depending upon *bakshish* before they release their wagons, and I do hope that the Government of India, through the Railway Member, will take immediate steps to see that corruption, particularly in the matter of wagons which are reserved for foodgrains at least does not take place. It is an age-old habit and it is very difficult for us to put it down in the course of a few days.

The third thing that I would suggest is that when the local administration get the food supply, they must see to it that the food is distributed equitably and properly. The mere fact that the supplies reached the province is not going to solve the problem at all. And there we are up against the particular type of the Government or the particular type of the person who are in charge of this distribution of food supply. I personally feel that so far as Madras is

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concerned, the Government there has been able to pitch upon a system by which the food is more or less fairly distributed in the province, but we find that even there the traders in rice, most of them—people who do not belong to Madras, practically people coming from Bombay and some Baniyas, and Seths from the Bombay Presidency—hoard rice and it was known that some of these people have hoarded rice enough to last for three months. But it has all got underground. I would suggest that the Government of India should issue immediate directions to the Provincial Governments to be very strong in the matter of getting those supplies out if necessary by raiding those places. I personally would suggest that.

So far as price control is concerned, it is no doubt difficult, as it has been pointed out by various speakers, that unless we are able to lay our hands upon the stocks available, it is somewhat difficult to control the prices, and even if you control the prices without the stocks it would be a mere formality and the tendency will be for the traders to see that it goes into the black-market again.

My fourth suggestion is this; although I do not know what the remedy is. I think propaganda must be carried on not merely on behalf of the Government of India but also on behalf of the Provincial Governments by various propaganda bodies that have come into existence as a result of war effort. I find that very few of these people belonging to the National War Front ever take any interest in the matter of food and it will be very necessary for the National War Front people and others who are employed in this agency of propaganda to see that the people are not needlessly made panicky by so many suggestions that are made from time to time. One reason of the panic is that people fear that the Government is wanting more and more supplies of food for the sake of the army. Another reason for the panic is that somebody is constantly threatening the people with the menace of the Japanese invasion particularly on the East Coast. I suggest to the Government of India that they should take steps to see that propaganda on behalf of the Food Department must be carried on regularly into the interior parts of the villages even.

I have nothing more to say except, in the last resort, to congratulate the Honourable the Commerce Member on his undertaking to do what, I think, is a very big job, namely, to satisfy the Members of this House on the various difficulties and the problems suggested by them in this debate. It is unfortunate that even though he is one of the latest Members of the Executive Council he should have been charged with some of the heaviest Departments. I really and honestly feel that he has bitten more than he could chew and I hope that the Honourable the Food Member will try to meet the points which have been raised in my speech.

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): I am in sympathy with my Honourable friend, Mr. Griffiths, when he described the Food Member's speech as disappointing. But I was rather surprised at the enthusiasm which my Honourable friend put into his arguments. I wonder as to whether he was speaking on behalf of the National War Front.

Mr. P. J. Griffiths: No.

Mr. K. C. Neogy: . . . or, on behalf of his constituency.

Mr. P. J. Griffiths: On behalf of myself.

Mr. K. C. Neogy: So far as his constituency is concerned, I gathered the impression from a reply that I received from the Honourable the Food Member to a question not very many days ago, that his constituency had succeeded in enlisting the good offices of that rather elusive personality—the Crown Representative—for getting supplies from certain States, and for that purpose his constituency, as far as I am aware, have been treated exactly like the Security Services. Sir, having got what they wanted, I thought that it was rather ungracious on the part of their representative to get up in this House and roundly abuse the Government in the way that he has done. Sir, the food problem

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has really been complicated by the fact that very powerful employers of labour, particularly Britishers, have in the past succeeded in hoarding food in the name of their labour; and the present difficulty is not a little due to this fact.

Sir, I expected my Honourable friend the Food Member to give a true account of the state of things in Bengal. Unfortunately, however, I did not find in his speech any detailed account of what the position was in his native province and mine. I have, I think, a special reason to complain, because when I attempted to move the adjournment of the business of this House a few days ago, a general impression was created that the Honourable Member would let us know the result of the enquiries which the Government of India had instituted into the very serious reports about deaths from starvation that were being received. My Honourable friend contented himself with saying that the situation is unprecedented. I wonder if he had in view the great famine of 1770 to which brief reference has already been made, and which I am told led to the death of millions in Bengal. When Lord Cornwallis made a detailed enquiry he found that this famine had led to the devastation and depopulation of one-third of Bengal. Sir, when I went into certain historical accounts left by admitted authorities, I was struck by the resemblance of some of the factors that have led to the present situation, with the facts that led to the famine of 1770. I read, for instance, in Hunter that:

"The whole administration was accused of dealing in grain for their private advantage. It was in vain that the Court of Directors wrote one indignant letter after another, demanding the names of the culprits."

No satisfactory investigation was ever made: and the native agents of the governing body remain to this day under the charge of carrying off the husbandman's scanty stock at arbitrary prices, stopping and emptying boats that were importing rice from other provinces, and "compelling the poor ryots to sell even the seed requisite for the next harvest". Not without reason does the Court express its suspicion that the guilty parties "could be no other than persons of some rank" in its own service; and, curious to relate, the only high official who was brought to trial for the offence was the native Minister of Finance (in those days too they had Native Ministers) who had stood forth to expose the mal-practices of the English administration. It is fair to add that he was "acquitted." It is not surprising that my Honourable friend, the Food Member, is anxious to get rid of this portfolio, lest he too were to share the same fate as the Native Minister of 1770.

Sir, the East India Company is still with us, though not in its original shape. Lord Clive is no longer with us, but a lord of Clive Street has been installed in the Government front bench; and I was again reminded, when I heard my Honourable friend refer to the needs of Calcutta, of what was written by Hunter as regards the attitude of the authorities of the day with respect to the famine of 1770. He says:

"Until 1772 Bengal was regarded by the British public in the light of a vast warehouse, in which a number of adventurous Englishmen carried on business with great profit and on an enormous scale. That a numerous native population existed, they were aware; but this they considered an accidental circumstance."

Now, Sir, my honourable friend was waxing eloquent over the arrangements he has made for rushing food to Calcutta, Howrah, and the industrial areas, but not a word was said as to how his own railway system was assisting in the distribution of foodstuffs in the interior of the province. Sir, his speech reminds me of the very recent observations made by the Secretary of State himself in the House of Commons where he repeatedly referred to the needs of Calcutta and the industrial areas. My Honourable friend perhaps thinks that Clive Street constitutes Calcutta, and that Calcutta constitutes Bengal. That was exactly the attitude of the East India Company in the year 1770.

Sir, I should now like to come to some of the observations which my Honourable friend, the Food Member, made. His speech is a confession of abject incompetence and failure on the part of the Government to rise to the height of the occasion, as has been observed by other speakers. I mean no disrespect to any individual member occupying the Government front bench when I say that

[Mr. K. C. Neogy.]

our affairs, so far as the food situation is concerned, could not have been more mismanaged had they been entrusted to a corporation of congenital idiots and consummate knaves. Sir, I am not here to decry any particular Provincial Government or any particular Ministry in a Provincial Government. But I should like to point out that so far as the Government of India are concerned, they did not realize the seriousness of the situation, when they were about to lose their hold in the Far East.

We have seen an *ex-Member* of the Executive Council, Mr. N. R. Sarker, in a speech which he delivered not very long ago as a non-official in Calcutta, blaming the Government of India for their shortsighted policy. This is what he said:

"It should have been realized by Government in laying their plans that although a predominantly agricultural country, India as a whole had never been self-sufficient in the matter of foodgrains taken as a whole. Her deficit in rice which in normal times stood at about 14 lakhs tons was met by importation from Burma. As regards wheat her position becomes just sufficient to meet her normal requirements as a result of agricultural development in provinces like the Punjab and Sind. Without realising this precarious character and without instituting an immediate effective plan on the outbreak of the war to cope with the growing demand in India, we exported foodstuffs somewhat imprudently to feed the peoples of Iran, Iraq, Mauritius, Ceylon and other countries."

I daresay he spoke from inside knowledge. And may I, in this connection, refer to an observation made by Mr. Joshi? I do not think my Honourable friend weighed the position very carefully when he said that the deficit in India was nothing very much to worry about. Sir, India is normally a deficit country. You have to remember that we have two million soldiers who have been enlisted, and a very large number of foreign troops that are in the country, and about whose number we have no definite information, and a large number of foreign prisoners of war who, I understand, are being entertained with the lavishness that is due to friendly foreign potentates: if you take all these factors into consideration, and remember the excessive consumption of available foodstuffs on all these accounts, you cannot take a complacent view of the situation. The deficit there is, and has been always with us. The deficit has been aggravated by all these factors, and from all accounts the next crop is not likely to be a very favourable one.

I was rather disappointed to find that my Honourable friend, Mr. Griffiths, when he enumerated the different steps that in his opinion should be taken to meet the situation, forgot those ships, whose pictures he was good enough to print a few weeks ago in the different newspapers at great cost to us, that were rushing with food to India.

Mr. P. J. Griffiths: They are.

Mr. K. C. Neogy: But they should continue to come.

Mr. P. J. Griffiths: They will.

Mr. K. C. Neogy: That is one of the suggestions that I should like to emphasize, and which was omitted by my Honourable friend. I should like to see those ships continually rushing across the seas from Australia and other places with millions and millions of tons of wheat of which they have so great a surplus. Without that it is impossible to save this country. What is happening in Bengal to-day, will be happening all over India in the course of a few months unless that step is taken. Meanwhile, what is the suggestion that we can make? The suggestion that one can think of at the moment, and which should be carried out as an emergent measure, is to induce the military authorities to part with a portion of their stocks that may be available within the province of Bengal itself, on the understanding that those stocks would be fully replenished if and when necessary. Sir, without some such emergent measure it will be impossible to save Bengal.

We have been treated to statistics of various kinds. It took my breath away to find that in one statement which was circulated under the authority of the Honourable the Food Member, one pound per day of cereals has been

described as an ideal *per capita* allowance for the adult population. Sir, I am not going to embarrass my Honourable friend by referring to what he wrote in his own book on the subject. It was at least 50 per cent. more than this, which, according to him, the author of "The Man Behind the Plough", should be allowed per adult unit. 50 per cent. more of rice alone, and here we have one lb. per head of all cereals put together. Statistics have been found to be particularly unsatisfactory by officials and non-officials alike on this occasion, but Major General Wood has his own statistics on which to base his calculations of deficits, carry-overs and needs of the people. May I ask my Honourable friend, the Food Member, to meet this particular point when he gets up to reply?

A pointed reference was made to the attitude of the Government of Bengal. This is what was stated by the Honourable the Food Member:

"The Provincial authorities stated that they did not require for the next few months any rice even though they were in deficit."

Deficit was admitted in December, but evidently the apprehension was that at the moment their rice might have been transferred elsewhere, as unfortunately was the experience of Bengal. Next follows something which is very significant.

"They said, 'We have no suggestion to make. Let us carry on with whatever stocks we have at present. When we are in difficulty we will come up with suggestions, but let us carry on for the present.' " That summed up the attitude of the Government of Bengal at that time. The Honourable Member added:

"The general position taken up by Bengal was that as they were not in surplus but in deficit, they should not be asked to contribute in any way to the all-India pool and that they would be able to manage their affairs if they were not asked to undertake any extra-provincial responsibility."

That was the issue.

Sir Abdul Halim Ghuznavi (Dacca cum Mymensingh: Muhammadan Rural): Who said this?

Mr. K. C. Neogy: This was said by the representatives of the Government of Bengal, according to the Honourable the Food Member.

Sir Abdul Halim Ghuznavi: Who are those representatives?

Mr. K. C. Neogy: The Chief Minister and others. The issue was, was Bengal going to be asked to contribute towards the all-India pool in spite of her deficit? I do not know what was meant by all-India pool. May I in this connection, and in passing, mention that the reports of these Conferences are not available to us in the Library of the House in spite of the assurance given by the Honourable the Food Member. Therefore, we have no opportunity of examining this particular statement in its proper context.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has two minutes more.

Mr. K. C. Neogy: Can any self-respecting province be expected to depend upon the assurances of the Government of India, particularly after the speech that the Honourable Member made yesterday on the subject? What was the position? Major General Wood in his statement on the 13th May, 1943, after calculating the requirements of the situation according to his own statistical methods, came to the conclusion that 793,000 tons were required to be sent to Bengal, and he agreed that that quantity of foodstuffs was going to be sent to Bengal by the Central Government. But actually how much has been provided out of that? Only 39,963 tons. Out of about 800,000 tons promised, only about 40,000 tons had been actually provided. That is what I have got from the answer given by the Honourable Member in reply to a question of mine. What is the use of disclosing one's plans before a Government of this character? I am not surprised that the Government of Bengal did not take the Government of India seriously in this matter.

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

Mr. K. C. Neogy: There is one other point which I should like to mention. I asked a question as to when it became apparent to the Government of India that the situation was serious in Bengal. He said, although the statement that Bengal was in deficit was made in December, it was in March, only at the beginning of March, that the rice position in Bengal became difficult. That also I take from an answer given by the Honourable Member to a question. "Since that period there has been no export of rice from Bengal"; added the Honourable Member. I asked for figures as to how much rice was exported after it was realised that Bengal was in deficit in December. No answer was given to this, no figures have been given of the actual export. A bare statement was made to the effect that no exports were made after March. But what about exports between December and March? On this point I have a figure which was given in the Bengal Legislative Assembly by a Minister on the 15th March, 1943. I do not vouch for the accuracy of this figure, but the figure given of export in 1943, on the 15th March, in the Bengal Legislative Assembly was 2·84 lakhs of tons exported from Bengal. I do not know how far this is correct, but the Honourable Member owes a duty to the House to tell us how much of the rice was allowed to be exported from Bengal from December.

The Honourable Sir Edward Benthall: Where to?

Mr. K. C. Neogy: I do not care where to. That rice was not available for consumption in Bengal. I do not care where it was sent. In the course of a few weeks the allied army, perhaps an all-white army, would be marching to victory in the eastern front of India. Unless prompt measures are taken to save the people of Bengal, the army will march across the plains of Bengal that will have been whitened with human bones.

Sardar Sant Singh: I congratulate my Honourable friend, Mr. Griffiths, on the brilliant speech that he has made this forenoon and on the independent view that he has taken although I differ from him in apportioning the blame on the right shoulders. In discussing the food situation I am at one with the policy that political methods should be eschewed entirely.

Mr. N. M. Joshi (Nominated Non-Official): Not entirely.

Sardar Sant Singh: . . . should be, ought to be eschewed when we are face to face with a serious situation, a picture of which has been given to us by the Honourable Member from the Bengal Province.

There are two matters which the Food Department is dealing with; first is the question of policy, and second is how to carry out that policy into practice. So far as the question of policy is concerned, the Food Department is staffed with members, Europeans and Anglo-Indians who do not know what food problem is. I am reminded of a mathematician with tripos like my Honourable friend, Dr. Sir Zia Uddin Ahmad, who calculated the average depth of a river. He found it to be three feet and advised a family of four or five people that they could safely wade through the river. When they went into the middle, every one of them was drowned. This is the policy of the Food Department to-day. They sit at home, decide upon a course of policy, without knowing the actual conditions that are prevailing in the country, and the result is that when they carry out that policy into practice, they find themselves in deep waters and find that the whole policy has failed. The whole speech of the Honourable the Food Member is an indication that the Government of India have laboured and laboured very hard to control the food situation in the country, to devise ways and means, to carry out the distribution of food but the Government could not get over the hurdles and have failed. Government practically say that the stream was too much for them. Provincial autonomy has stood in their way. The poor cultivator gets a kick, because he is charged for demanding high prices. But when prices have gone up all round, what right have the Government to complain of the prices that have been charged by the poor

cultivators? Why do they go for the poor cultivator, when the Government of India had not been able to control the prices of other necessities of life. When there is a rise in the price of all commodities, the cultivator has to sell his grain according to the prices that he has to pay for other necessities of life. They should spare the cultivator and look to the hoarder. A hint was thrown out by Mr. Neogy today and he referred to Hunter's report on the famine of 1877 wherein it was stated that those very persons had been carrying on the Government who were responsible for carrying on trade in foodstuffs and they were the people who were exploiting the famine stricken people. The same is the case today. The real reason is that hoarders are to be found not amongst the cultivators, not among the banyas as my friend Sir Zia Uddin said and not among the middle men but amongst Government members. They have been excluded entirely from the operation of the food control. Most of them are influential people whom no Government and no law can catch. I will give some illustrations for which I can vouchsafe for their accuracy. It will go to disprove the criticism made by Mr. Griffiths that the people are not co-operating in the matter of supplies of food. How can they co-operate. It is impossible for them to co-operate. It will be against their self-respect to co-operate with a Government that is carried on by methods which I shall presently describe. I begin with the instance of the Sind Government. They purchased wheat from the cultivator at Rs. 6 or 7 per maund and they sold it at Rs. 15 or 17 and made a profit. May I ask what is the fault of the cultivator?

Seth Yusuf Abdoola Haroon (Sind: Muhammadan Rural): They sold it according to the Punjab rate.

The Honourable Sir M. Azizul Huque: I am afraid your figures are hopelessly wrong.

Sardar Sant Singh: What are the exact figures?

The Honourable Sir M. Azizul Huque: I will give them in my reply.

Sardar Sant Singh: I say that the Sind Government made a profit and the profit went to the Sind Government and not the cultivator. Is there any justification for this action of the Sind Government?

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Ask where it is used and what for?

Sardar Sant Singh: Why should the profit be made by the Sind Government? Then there is another scandalous case which I want to bring to the notice of those responsible for it. That is the case of the control of sugar. The Government have given the control of sugar to those persons who have contributed handsomely to the War Purposes Fund. Do the Government realise that it is those who contribute big sums to the War Purposes Fund and get the monopoly of selling sugar who make big profits out of sugar and they exploit the consumers.

Sir Muhammad Yamin Khan: And salt also.

Sardar Sant Singh: Yes, salt, sugar, kerosene and everything. Do you know that the purses that are presented to the Ministers when they visit the mufussil and to His Excellency the Governor are contributed by those persons who got the monopoly of selling these commodities. How can you ask for the co-operation of the people when they know that the trader who deals in these controlled articles is not given the distribution but the distribution is practically sold, auctioned and that auction is utilised for purposes other than those for which the food control is intended. Then there are political considerations. We know that the U. P. Government did not decontrol the price of wheat even though it had been decontrolled in the Punjab. There was no decontrol for three months in the U.P. I cannot vouchsafe for the accuracy of the reason but the impression in the U.P. was that the U.P. cultivator, being Congress minded, has been penalised by that control, while in the Punjab, which was furnishing recruits for the army, the control was taken away. Was it not a political reason? (An Honourable Member: "It is wrong.") That is not solving the food problem. It is the creation of a

[Sardar Sant Singh.]

loyalist class and adding to their ranks. That is what it comes to. I will give you some illustrations which are apt and which prove the scandal. Certain foodgrains were purchased. I shall not name the foodstuffs. They were purchased from the C.P. by a high placed person in Bengal. The Government of the C.P. recommended that the foodstuff should be requisitioned. The Government of India was agreeable. Then came the hitch, because the person concerned was an influential member of the Working Committee of the Muslim League. Therefore it should not be requisitioned. I am telling you what political reasons are working.

The Honourable Sir M. Azizul Huque: On a point of order. I must say that it is not possible for anybody to deal with an assertion of this character unless there is at least a previous intimation to bring out this fact. I submit that, in a vast country like India, if an isolated instance of sugar control given to one person is going to be the subject matter of debate in a momentous matter like this, you will kindly look into this matter.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member should not deal with individual cases. He ought to deal with the motion as it has been moved, namely, the general food situation in India.

Sardar Sant Singh: The point that I am trying to make is that political considerations have influenced the Government of India and they have gone to make the whole policy a failure. If the policy is to succeed, political considerations must be eschewed and these are the illustrative cases . . .

Mr. President (The Honourable Sir Abdur Rahim): I think you had better leave out the illustrations.

Sardar Sant Singh: There are so many other cases in which the guiding principle has not been the solution of the food problem with a view to making the position easier but it has been of a different nature. In the face of these facts which every man in the street knows, the people are not co-operating with the Food Department. I know that the Honourable Member for Food is not responsible. He has recently taken charge of this department but he ought to put a strong foot upon any other consideration except that of his policy being given effect to. I need not mention other questions but I will request him to look into this question and issue directions immediately that the Food Department stands for the proper distribution of food. One point more that I want to mention in the connection is this. I find that rules and regulations are made the pretence for delaying the sending of foodstuffs to Bengal. I know of a case and I am glad that Mr. Christie is here and he should be able to tell us something about it. Certain foodstuff was purchased by the Bengal Government and it was sold to them by the Delhi syndicate. The Chief Commissioner of Delhi had been writing to the Food Department to issue a permit so that the foodstuff could be sent immediately to Bengal. The Deputy Commissioner had been trying his level best to send this foodstuff to Bengal. There had been repeated reminders sent to show that the foodstuff was deteriorating and was going to waste and it should be sent immediately. The Food Department insisted that it should be debited against the quota allotted to Bengal. May I ask if the question of debiting or crediting the quota could not be put off for some later date? Three months were wasted in getting this red-tapism complied with.

Then, Sir, conditions are laid down which, so far as I know, should not be the business of the Food Department but should be left to the Provincial Government concerned as to where the foodstuff is to go. They ban one station and recommend another station. That is not right. It is the duty of the Bengal Government to distribute the foodstuff and to send it where people are starving. It is not the business of the Food Department to point out various places where the foodstuff should be sent. The Bengal Government had the foodstuff which they wanted to send to some particular places and yet the Food Department had been sitting on that matter for the last

three months without issuing the necessary instructions. Meanwhile, the foodstuff is rotting. I do not know whether they will increase the "Grow more food" movement by this method or decrease it. People are starving and yet red-tapism goes on unabated and unchecked.

Then, Sir, blame has been laid on the Punjab that it is not selling. May I inform my Honourable friend that there are dealers in the Punjab with whom rice and wheat is lying and they are willing to send it to Bengal, but nobody is issuing them permits to sell it. I know wheat is lying and yet there is nobody to purchase it and send it to Bengal. The impression has gone abroad that the Punjab is a surplus province and yet it does not sell foodstuff. I repudiate this charge against my province.

Mr. Jamnadas M. Mehta (Bombay Central Division: Non-Muhammadian Rural): What did Sir Chotu Ram say?

Sardar Sant Singh: Sir Chotu Ram is not Punjab. Punjab consists of men with human feelings of sympathy for their fellowmen in Bengal. Therefore, I say that it should not be supposed that Punjab is not selling. Punjab is willing to sell provided the sale takes place on business lines and not at a higher price than the market price.

One word more, Sir, and I have finished. The Honourable the Food Member has made an appeal to organise relief measures. I want to give him a suggestion. I am proud to say that the Sikh community is an expert in organising free kitchens, in sending relief and in being more humanitarian. I will request him that if he approaches the Shree Gurdwara Prabandhak Committee and Shiromani Akali Dal, he will find a ready response from them and will be greatly assisted in organising relief work.

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

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

Mr. Deputy President (Mr. Akhil Chandra Datta): I understand that the arrangement is that the Leaders of Parties should take part in the discussion this afternoon.

Maulvi Muhammad Abdul Ghani: Sir, I rise to a point of order. Sir, today, it so happened that I was in the House at just 3 minutes past eleven of the clock. In the House, before my arrival some Honourable Member was called upon to speak, and while that Honourable Member was about to begin his speech, a point of order was raised by my Honourable friend Mr. Krishnamachari that his Adjournment Motion was not disposed of. The Chair was pleased to take up that Adjournment Motion and during the disposal of that Adjournment Motion, I came into the House and was in my seat. Then, I rose to a point of order, but the Chair did not follow my arguments. I sent a written representation to the Chair explaining the position and that representation is pending with the Chair. Now, Sir, I want to know the decision of the Chair on that representation whether I was at fault at all. In my opinion, I was not at fault because I was in my seat during the disposal of the Adjournment Motion. I seek the protection of the Chair regarding my privilege of speech, which was left unfinished yesterday.

Mr. Deputy President (Mr. Akhil Chandra Datta): I am told by the Secretary that this matter has been finally disposed of by the Honourable the President and it is not open to me to reopen that question.

Mr. Hooseinbhoj A. Lalljee (Bombay Central Division: Muhammadan Rural): Sir, in the first instance I must thank the Government for convening this special Session to consider the war situation and questions arising out of the war. In the last Budget Session, I had moved a cut requesting the Government to convene a special Session this year at least to consider the war

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situation and questions arising out of the war. I am glad, Sir, that the Government have conceded this demand and called for this meeting. But I must say that while we expected that this Session would be mainly confined to the war situation, we find unfortunately that legislative business has come in between which has taken up a long time and we are no better. I must also say that in this Session the Government had in the first instance allotted only one day for this all important question of food, but later on, they allotted two days. We are thankful for this little mercy, if I may say so, for their having agreed to allot two days. I also find that during the time at his disposal, the Honourable Member-in-charge has placed the facts before us very lucidly, very fully and in some detail, though he was handicapped all along in the way of divulging certain aspects of the question which are of very great importance to this House. If Honourable Members on this side are going to put some questions hereafter, it is not due to our fault. If such information could not be given out publicly, surely a secret Session for that purpose would have been better. I must admit, and I believe many of my Honourable Colleagues will also admit that the Honourable Member-in-charge has placed before us facts and figures in a very lucid and clear way. From the way in which he has handled this subject, I see he has mastered this subject. He has given great thought to this and he has put in a lot of hard personal work. I was a little bit surprised when I found that my Honourable friend the Leader of the European Group and some other Honourable Members made the suggestion that we should have a Member-in-charge entirely of Food portfolio. Sir, I am not one of those who believe that a Member-in-charge of one portfolio can do justice, because he has only one portfolio. It is the man who puts his heart into the business and works hard and acts according to the wishes of the people that is more needed than an entirely one Member. This Food Department was created in the month of December last and for a few months, there was no Member-in-charge. The present Honourable Member has only taken up this portfolio hardly a couple of months ago. During this period a lot of things have been placed before us, a lot has been done. I do feel that at present he ought to be kept in charge. If they want he may be relieved of some other work, if he does not wish to keep that work, but so far as I am concerned, I am convinced that in the short period he has been holding charge of this portfolio, he has done his best, and the department has done well.

Mr. P. J. Griffiths: Then make him a Food Member, pure and simple.

Mr. Hooseinbhoj A. Lalljee: That may be. But there is no justification for any direct or indirect insinuation to say that because the Member-in-charge has a lot of other work, something less has been done for the food problem within the few months the Department has come in and he has been in charge. My Honourable friend referred to some of the facts. He referred to one important fact about what I said on the last Food discussion. At that time, I did say, and I do feel that after all this discussion from my Honourable friends on the other side that I was not far wrong. I am a businessman, my people have been businessmen and from the facts that we gather as businessmen, I laid my views before this House, howsoever poor the statistics may be. I must say that all along the Government of India have taken very little care for statistics so far as food problem of the people are concerned, before the war and even during the war. It was not so much a question which had always been in the mind of the people in India. But it was a question which was always in the mind of the people of Great Britain, they being people living in an island, they have seen for centuries that whenever their island was attacked, it meant starvation for the people. Even during the last war they learnt a good deal about their food problem and at the cost of the taxpayer they tried their best after the war to make themselves self-sufficient in the matter of food. They grow sugar at an enormous cost to the public. In fact every child I met in England in 1925 knew that they had a strong navy to protect them and see that they are not starved, and that so long as they were not starved their Empire and their rule would prevail. That has been their mentality and let my

Honourable friend Mr. Griffiths compare that with that of the Government of India, and he will find that they have not at all been careful here about food. The safety of our people depends on the food that can be grown in our own country. There they have the largest navy in the world to protect them and see that they are not starved; here our shores are all open and there is no navy worth the name. If we therefore have not been more careful it is not our fault.

Coming to the figures I find that the Honourable Member gave us certain figures last Friday. He has given us the total population, the production for 1942-43, the surplus and deficit and also the average total quantity of rice, millets, wheat, gram, available within the trade bloc for human consumption and seed purposes. To these I have added two more columns which have also been circulated and they are with regard to average production for five years, 1937-42, and the requirements of cereals per adult per day at the rate of one lb. My Honourable friend Mr. Neogy rightly pointed out that that one lb. was not sufficient. We all have often said that if each of us got one lb. in this country we would thank God.

Mr. K. C. Neogy: That is described as the ideal allowance.

Mr. Hooseinbhoj A. Lalljee: Now what do we find? If I take the figure at one lb., I find 38,560,000 tons are required for the whole of India. I find that the productive average for five years is 40,469,000 tons,—an increase. Then taking the production of 1942-43, I find the figure to be 42,392,000,—a further increase. On these figures which have been supplied to us by the Government of India no one can say that there is any deficit. In fact taking the figure of one lb. there is a surplus of nearly 4½ per cent. in former and 8½ per cent. in latter set of figures. Then there is another thing and that is seed and for that,—speaking as a business man and not as an agriculturist,—I allow 2½ per cent., calculating one seer of seed for one maund of crop. Even then I do not find that there is a deficit. Of course we have to consider the serious position that has arisen owing to distribution in certain provinces which have been very badly hit. I do not put down the shortage in Bengal to 2 millions but anyhow there is an acute shortage and one which justifies our very careful consideration in view of the conditions prevailing in Bengal. But I repeat there is no great cause to feel that we are going to be very short of foodstuffs. There may be a little shortage but from the figures which have been supplied by Government I find a surplus of 2½ to 4½ per cent., that is, if we take the production average of five years and if we take the production of 1942-43. The question that arises is, how has this great shortage occurred in Bengal? It has been said that there have been some exports, especially in 1942, and a Minister, as Mr. Neogy pointed out, made that statement. We have not got figures of exports, but considering that from the time Japan entered the war in December 1941 shipments from the port of Calcutta have been very little, there would have been hardly 10 per cent. of the usual exports. The hoarder has been accused by Honourable Members and rightly too, but, as it appears, when the Provincial Governments themselves want the people to keep some stocks what are the people to do? Are they to disregard that advice? And what has been done with regard to these provinces. Then it has been trotted out that the constitutional position comes in the way. During the war there have been many instances where the constitutional position has been given the go-by; and I can emphatically assert that if war exigencies demand today many things will be given the go-by. Thank God the Japanese are not in Bengal today, but does the Honourable Member say that even then he will leave the Ministers to manage their affairs? This food crisis is just as serious as that. In fact the Bengal and Assam frontiers are actually and very shortly going to be the battlefields, and therefore Government should do all they can to provide food for the people of Bengal. It is only natural and fair that in this war zone people should keep a little stock, and human instinct being what it is, it is nothing unusual or even wrong. Then, Sir, the position of

[Mr. Hooseinbhoy A. Lalljee.]

Bengal is not the same as of Great Britain; I have said from the beginning that the position is quite different.

Now the question of all questions is: from where are we going to make up at once the present deficit in Bengal? I find from the statistics and from the reports that I have received that we have a fairly big quantity in Punjab and also in Sind and I am very glad that the Honourable Member for War Transport has tried his level best to arrange for its immediate transportation from the Punjab to Calcutta. But I must say that he should take the other districts of Bengal also into serious consideration. I have often been in Calcutta and in districts of Bengal and for sometime I do feel that taking foodstuffs only to Calcutta or Howrah or Ultadighi is not sufficient. I do not know what is now the condition of river-craft in Bengal on which its Districts depend. I was told last year when I was in Bengal that a lot of our rivercraft in Bengal were requisitioned for war purposes and some taken to Burma and if that is the position today, it is really serious and more liability falls upon the War Transport Member. My Honourable friend, Member for War Transport, has told us that he is going to do more, and in fact, they have arranged ships to go from Karachi to Bengal. I am glad to learn that. But I feel I am not divulging a secret when I say that that sea-route is not quite so very clear. I do not know whether it will be right to say that very recently—within the last month—we heard of mishaps to our ships in the Arabian Ocean. I therefore warn the Government that it is not a much use our relying on the sea-route so long as the Andamans is in the hands of Japanese; it is not so safe.

I should like to point out one thing more: When recently ships containing wheat were coming from Australia into our harbours, the City of Bombay and the City of Calcutta and India generally were very very glad and may I say very very happy—I do not make any distinction between Bombay and any other part of India in this respect. It did afford some relief. But now we find this wheat was destined for some other place and I understand from paper reports and for what they are worth,—I will not say that they are absolutely correct—that as soon as the Punjab wheat was available, this quantity which came from Australia was replaced. As I have already said, I cannot vouch for the correctness of this news; but if that is so I am sure my Honourable friend, Mr. Griffiths, who is not here at the moment and who wanted us to eagerly and thankfully see ships coming from Australia with cargoes of wheat, will not be happy to learn this. A few ships with wheat were brought to this country as some parts of this country were passing through acute famine conditions but this cargo being destined for other places, the very first opportunity, and within a very short time, was taken to replace it and that too during the time when we were still having acute sufferings. Whose interest is first? Mine or somebody else's?

An Honourable Member: You take somebody's.

Mr. Hooseinbhoy A. Lalljee: My Honourable friend says 'you will take somebody's'. What does that mean? Wheat from Australia can be despatched to other places but if India wanted it, it is lent to India only to be replaced as soon as possible. What is the meaning of that? It is not fair, not even humane.

We have got to consider seriously about distribution, but it is no use discussing that, unless and until the Government of India makes bold to take powers into their own hands. In this war situation I was pained to learn that in matter of food supply our Government of India was so helpless with its provinces. Sir, my Honourable friend mentioned some instances. One of them was that the Station Masters could also be prevailed upon to cancel the supply of wagons. Then, Sir, after a lot of discussion one thing leaked out, namely, that guilty provinces were being ruled under Section 93. Then after further discussion we found out by process of elimination that Bombay was not there, Madras was not there. U. P. and Bihar remained. All this trouble had arisen

when Bengal wanted food and the Government of India thought of purchasing from Bihar and the United Provinces. Now, Sir, the eminent high Governors of those provinces surely come to the Viceroy once a year on official visits; surely they put into action all the political movements that are directed by my Honourable friend the Home Member. Not only that; they also carry out broadcasting and propaganda work directed by my Honourable friend the Leader of the House. I find, Sir, that if a leaflet for propaganda goes out from the Central department at once meetings are held and speeches are made. But, Sir, orders, nay, requests to pass on some foodstuffs for a starving population near the war zone are not carried out. I cannot see the reason of this affront and why it is tolerated.

Sir, we have got to consider what other and superior powers are necessary. I believe, His Excellency the Viceroy still holds the powers of both the House of Commons and House of Lords; and I do not think they have been taken away. Therefore even if it comes to amending the Government of India Act, the powers are there. There are other ways and means too. First of all, you have got to make the provinces realize their duty—and if the provinces will still have that mentality, you must not and cannot help taking severe action. If my Government tells me anything I am in duty bound to believe that, and will certainly follow their advice. If my Provincial Government tells me to hoard a little, I will hoard a little more. That is human instinct—call it loyalty, if you like. But I will carry out their wishes. The Government of India have also got a propaganda Department. The Honourable Member-in-charge of the Foodstuffs cannot, I see, divulge important things for some reason or other or take action. Therefore, now, I feel my own Government is the best guide for me and I will act accordingly. I ask the Honourable Member for Food to impress upon the Government of India and insist upon them, as the Honourable the Finance Member does, to see that their orders are made effective throughout India. I refer him to Finance Ordinances and the Textile Orders.

Mr. Jamnadas M. Mehta: Question.

Mr. Hooseinbhoy A. Lalljee: Those orders are considered to be effective; in so far as the Provincial Governments are concerned, they must and will carry them out, and so are the orders of the Honourable the Home Member. I am dealing with Provincial Governments.

On this cloth control, I congratulate my Honourable friend, the Finance Member, for he has insisted upon cloth merchants to regularly declare their stocks, and if they do not do so, something will be done. Why don't you do that for grains all over India? People can wear clothes only when they have food in their stomach.

The Honourable Sir M. Azizul Huque: On a point of order. I think, cloth is not under the orders of the Honourable the Finance Member. He is giving too much credit to the Finance Member.

Mr. Hooseinbhoy A. Lalljee: I know. It is under my Honourable friend the Commerce Member.

The Honourable Sir M. Azizul Huque: There again my Honourable friend is incorrect. It is under the Honourable Member for Industries and Civil Supplies.

Mr. Hooseinbhoy A. Lalljee: That is all the same. Anyhow I am not going to deal with that any more, the time is short.

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

Mr. Hooseinbhoy A. Lalljee: I will just finish, Sir. My only appeal to Government is that they must centralize all power in themselves as regards food and they must create, if necessary, a body like the Eastern Group and have the representatives of all Governments on that. I would suggest that all the orders must come from the Central Government and they must be carried out throughout India so far as foodstuffs are concerned.

[Mr. Hooseinbhoy A. Lalljee.]

There is one last thing that I would like to point out. It is this. I have had a leaflet handed to me in which I find that the Ministers in Bengal have been always saying, or some of them, that there is no food shortage in Bengal. And last but not least, I find that Mr. Suhrawardy has stated very recently: "Is there any real shortage of food in Bengal? No, most certainly not." And this in spite of soaring prices! Therefore, I still contend that if there is a fair distribution under the control of a strong hand things will be better. Government is doing everything for the war. But the food question is just as important and my Honourable friend should insist

Mr. Deputy President (Mr. Akhil Chandra Datta): Your time is up.

Mr. Hooseinbhoy A. Lalljee: insist that necessary powers are given to him.

Mr. Kailash Bihari Lall (Bhagalpur, Purnea and the Sonthal Parganas: Non-Muhammadian): On a point of order, Sir. The Chair has the authority to regulate the discussion and is the sole judge to see whether the subject is debated from all points of view. May I submit that some impression has been created that Bihar . . .

Mr. Deputy President (Mr. Akhil Chandra Datta): What is your point of order.

Mr. Kailash Bihari Lall: That nobody has spoken from Bihar.

Mr. Deputy President (Mr. Akhil Chandra Datta): I over-rule this point of order.

Mr. N. M. Joshi: That is not true. Yesterday we heard a speech from Bihar.

Mr. Deputy President (Mr. Akhil Chandra Datta): Order, order. Dr. Banerjee.

Dr. P. N. Banerjee: Sir, I listened yesterday with rapt attention to the eloquent speech made by my honourable friend, Dr. Sir Azizul Huque, which was full of music, poetry and history. But the main burden of his song was that the Government of India was powerless, that the Government of India had done whatever it could do within its limited powers, and that the Government of India was unable to do anything more.

The Honourable Sir M. Azizul Huque: I think that is a very wrong inference. I never said that. All I said was that anything which has to be done is of a remedial nature; it takes a little time and this is not the time in which it can be done.

Dr. P. N. Banerjee: That was the impression left on my mind by the speech of the Honourable Member. Now, on this particular point we on this side of the House have fundamental differences with my Honourable friend and his colleagues sitting on the Government Benches. My Honourable friend took shelter behind the doctrine of Provincial Autonomy. My own view is, and that is the view of many of us sitting on this side of the House, that Provincial Autonomy in the proper sense of the term is not functioning at the present moment anywhere in India. The Provinces are under the control of the Central Government to a very large extent and the Central Government itself is a subordinate branch of the British administration. Therefore, it comes to this that there is only one government in the country and that is the British Government in India. We must brush aside from our minds all references to Provincial Autonomy and things of that sort.

Sir, I am sorry to have to say that my Honourable friend, although he comes from Bengal, has not been fully alive to the gravity of the situation which prevails in that Province. From every side of Bengal, from every district and every town, comes the news that Bengal is already famine-stricken. We hear accounts, harrowing accounts, of starvation from death, of people feeding even on carcasses, of wives and children being sold. Can any situation be worse than this? These accounts would melt even stones, but our Government sits unmoved and unaffected.

Sir, despite all the excuses which have been put forward by the Government, we hold that the Government is responsible for the present crisis. This crisis would not have arisen but for the want of foresight and vision on the part of the Government and for the wrong action which they subsequently took.

More than two years ago distinct signs of a coming crisis were visible but the Government of India was unable to read those signs and to take the precautionary measures to guard against them. When the Government woke up from its slumbers what did it do? The Government of India took ill-conceived measures which went very greatly to complicate the situation.

Speaking for Bengal, I should say that the trouble began with the denial policy of the Government. Stocks of rice were removed from several districts of that Province and were exported from that province—whether they were exported out of the country I do not know. Then what happened afterwards? No measures were taken to fill the gap which thus occurred. Then the Government of India took several measures inconsistent with one another so that, to use the words of Sir Nripendra Sircar, a former Member of the Executive Council, the Government policy changed every fortnight. Restrictions were placed at one time on the movement of food articles: the next moment these restrictions were removed. On top of that the prices were fixed without any reference to the control of supply. Now there were other factors which complicated the situation further. Food was exported from this country until very recently, and very little food was obtained from abroad, although such importation had been insisted on from all sections of this House. I understand that wheat was obtained from Australia; but as soon as the wheat position in the Punjab and Sind improved to some extent, this loan which had been obtained from Australia was paid back. Now, if the Government had retained this wheat in this country that would have helped to ease the situation in Bengal to a great extent. Now this was the policy of the Government—an inconsistent bungling and incoherent policy. Add to this, there was inefficiency and dishonesty on the part of many officers of the Government. What is the result of all this? The result of all this is that at the present moment we have arrived at a point where it is difficult to foresee what the end of it all will be. We find that the Government have persistently held the view that there has been no shortage of food in the country and this view has been expressed by all from the Secretary of State down to the tahsildar. But if there is no shortage of food in the country, what is this difficulty in obtaining food due to? It must be due to inefficiency on the part of the Government and the irrational policy which has been adopted by it. If we compare the position in India with the position in the belligerent countries which are actually at war, what do we find? They have safeguarded their food position. There is no country, no belligerent country, at the present moment where the food situation is so bad as it is in this country. Therefore, the Government stands condemned in the eyes of world opinion. I would request the Government of India to appeal to an international tribunal or refer it to the President of the United States of America, or the President of the Chinese Republic, or the head of the Russian Government. Let them pronounce a verdict on the present situation in India and we will be guided by that verdict.

But it is not my present intention to blame or condemn the Government. That is not my real object. If I refer to the past it is only because I want the Government to learn from the experiences of the past. My present object is to rouse the conscience of the officers of the Government, of the head of the Government, and to make them alive to their sense of duty. That is my present purpose. And in order to rouse their conscience, I express this view that if there is right feeling on the part of the Government, if there is right thinking on their part, and if there is resolute determination on their part to do the right thing, the situation can still be saved to some extent and loss of many lives may be averted. In that view of things I should like to make a few definite suggestions. Many Honourable friends of mine have already made suggestions

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and I agree with many of those suggestions, but I would like to put the suggestions made in this House in a more concrete and categorical form.

In the first place, it should be definitely recognised that there is food shortage in some parts of the country, particularly in Bengal. I do not think it is desirable to indulge any longer in any quibbling with regard to phrases or jugglery with regard to figures. What has to be admitted by the Government is that food is not available at ordinary prices in some parts of the country.

That having been recognised, the next step for the Government to take would be to assume the responsibility for making the necessary supply available in the deficit areas, particularly in Bengal. Thirdly, I urge that such supply should commence immediately. There should not be the slightest delay in making the supply, and such supply should be continued till the scarcity ends. In this connection I may mention that an Honourable Member of this House, Mr. Abdullah, is willing to offer a large quantity of wheat if the Government can avail itself of it. Only two hours ago I received a telephone communication from the Rice Merchants' Association of Lahore in which the President of that Association said that they were willing, the Rice Merchants' Association were willing to give us 2½ lakhs bags of rice immediately, and they have been willing to part with this quantity for the last ten days, but no facilities were given to them to take it to Bengal. He further told me that Mr. N. M. Khan who is the Food Controller in Bengal was here at that particular moment, is still here and is going back to Bengal empty handed because no facilities could be given to him to take charge of those bags of rice, 2½ lakhs bags.

The Honourable Sir Edward Benthall: At what price?

An Honourable Member: There is permit.

Dr. P. N. Banerjea: Permits and things of that sort—the whole machinery is so defective that it is not possible to take immediate action.

Sir Muhammad Yamin Khan: The Honourable Member wants to know at what price.

Dr. P. N. Banerjea: Fourthly, I would urge that the purchases should be made by the Government of India through the Provincial Governments, and the price to be paid should be reasonably moderate. Fifthly, I suggest that the Central Government must make adequate arrangements for overcoming the transport difficulties. I know there are many difficulties, and just at the present moment the breach on the E. I. Ry. near Burdwan has added to those difficulties. But if the Transport Member decides to give priority to the moving of foodgrains he will be able to overcome all these difficulties.

The Honourable Sir Edward Benthall: We have already done so.

Mr. Lalchand Navalrai: Nothing more is required then?

Dr. P. N. Banerjea: I am glad that the Honourable Member has done so. I do not know whether the measures taken by him have been adequate or not, but the public feeling is that the measures which have so far been taken have been extremely inadequate. More measures will have to be adopted in order that foodgrains may be moved from the Punjab and from Sind to Bengal with the least possible delay. If the breach in the railway line cannot be repaired within a short time, temporary bridges will have to be constructed and foodgrains may be taken through the loop line or the B. N. Ry. or the B. N. W. Ry. So, all these steps will have to be taken before the transport situation becomes completely normal. Sixthly, I urge that imports should be obtained from abroad, from Australia and, if possible, from other countries, because the supply which exists at the present moment in India is insufficient. Seventhly, I urge that the purchases made by the Government for military purposes and for the supply of food to its civil employees should be restricted to the immediate needs and should not be so large as to disturb the market to a great extent. In this connection, I am happy to find that the United States of America, a great country, a country which is in the vanguard of the civilised nations of the

world, has already set a good example. A communique has been issued by this great country to the effect that purchases should be made for the military forces only for a small period and no large stocks should be held. This brings me to the question whether already large stocks are held or not for military purposes and for feeding the civil employees of the Government. There is a feeling abroad that the military people have amassed large stocks and that a considerable portion of these stocks has deteriorated, because the stocks could not be used immediately. If that be so, I would urge that some portion of these military stocks and stocks reserved for civil employees should be released in order that the starving population may be fed. If necessary, this release should be on the basis of a loan so that as soon as the next crop is harvested that loan may be paid back.

Eighthly, I urge that there should be a Central Food Council to advise the Government of India in all its activities in regard to its purchase, fixing of the price, the movements of food articles and so forth. (*An Honourable Member:* "And a committee of the House".) This House ought to be represented on that Food Council. I further urge that this Food Council should meet at least once a week.

Ninthly, I come to the question of distribution. The Provincial Governments should adopt a fair and equitable basis of distribution and should work under the guidance of a Provincial Food Council consisting of representatives of all parties and interests. This Council should also meet once a week.

Tenthly, there should be food committees in every district and in the more important towns.

Eleventhly, I would suggest that the industrial concerns, commercial firms and tea planters must not be allowed to keep large stocks, that is to say, stocks beyond their immediate needs.

Twelfthly, I come to a very important point, and that is that Bengal should be declared a famine area and that steps should be taken to give effect to the Famine Code. A copy of this code, I hold in my hand. Already, the signs of famine as mentioned in this Code have been observed and the preliminary stages have already been passed. The next step is to start relief works throughout Bengal and to give gratuitous relief at the homes of the people who will not go out to the relief works. My friend Dr. Sir Zia Uddin suggests to me that rupees should not be given but that food should be supplied. I entirely agree with him that food must be supplied.

The Honourable Sir M. Azizul Huque: Who is to declare Bengal a famine area?

Dr. P. N. Banerjea: The Provincial Government, but under inspiration from the Central Government. There is no distinction, as I said. There is only one Government in the country and that is called the British Government in India.

Thirteenthly, in the urban areas of Bengal, rationing should be resorted to with the help of representative non-official committees and if possible, through the ordinary trade channels.

Fourteenthly, the maximum prices should be fixed for the principal food grains in the province and every necessary step should be taken to make these prices effective.

Lastly, I would urge that adequate assistance should be given to those voluntary relief organisations which are doing so much good work within their limited resources. Their work, I understand, is being hampered by the police and the Government of Bengal. My witness is my Honourable friend belonging to my party.

Now, Sir, this is a short-range policy. Although a short range policy is needed at the present moment and should be given immediate effect to, we require also a long range policy, because the war is not likely to end very soon and so long as the war persists we shall have to suffer from scarcity of food. Therefore, I suggest that simultaneously with the adoption of the short-range

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policy the Government should adopt a long-range policy by assisting the growth of more food. I am told that a food campaign has been started and has been in progress. But this is a mere press campaign and propaganda through pamphlets. The bulk of the people are illiterate and this sort of propaganda will not be of any help. I, therefore, wish to make some practical suggestions, in this connection. First, there should be the supply of sufficient quantities of good seeds to the cultivators. Then, there should be provision of adequate facilities for irrigation and drainage. There should be suitable advances to cultivators to expand their operations. The cultivators should be encouraged to bring under cultivation cultivable waste lands with the help of motor tractors. Lastly there should be adequate arrangements for the supply of manures and synthetic fertilisers.

If all these steps are taken, a great disaster may be averted. Sir, there have been many black chapters in the history of British rule in India. If you are not prepared to take adequate steps at the present moment, you will add another black chapter to that history.

Sir, I hope and trust that the Government will now rise to the height of the occasion and see to it that British rule does not come to an end in such dismal circumstances.

Nawabzada Muhammad Liaquat Ali Khan (Rohilkund and Kumaon Divisions: Muhammadan Rural): Mr. Deputy President, my Honourable friend, the Leader of the European Group, yesterday faithfully echoed the feelings of all the non-official Members of this House when he stated that the Government did not sufficiently appreciate the seriousness of the situation by not discussing this matter earlier and going on with other matters which were not of immediate importance. This is nothing new as far as the present Government is concerned. They are well known for doing the right thing at the wrong time. While people are dying of hunger, while people are crying for food, they are thinking of improving the University education in the country.

I would like to compliment my Honourable friend the Food Member on his lucid survey of the situation that exists in the country today. His, indeed, was a wail asking for co-operation and help from every quarter. When I listened to the speech of the Honourable the Food Member, I must admit that I had a feeling of depression. But in contrast to that came the speech of the Honourable Member for War Transport. He stated and gave us information that the situation was, indeed, not so bad. He reminded me of a person who was lost in a thick forest and was whistling to keep up his courage. It has been recognised by everyone in this House, not only in this House but also outside, that the food situation, which is facing the country today, is indeed a very serious one. It is said that it is no use dwelling on the past, but I feel that if we are to ignore the past altogether, we shall fail in appreciating the situation at present and making plans for the future. It cannot be denied by anyone that the Government of India as far as this question was concerned, failed completely when the war started in 1939. Every country that was well-organised, every country where the Government were not puffed up with a feeling of self-satisfaction tackled this problem at the very beginning. At first nothing was done. Even after Japan entered the war and after Burma, one of the chief countries from where food came to India, was lost, even then the Government did not take any effective action. The Honourable the Food Member has told us that it was only in December 1942 that a Food Department of this Government was set up. This, to my mind, is criminal negligence on the part of any Government and it is more than criminal negligence on the part of a Government which has not got the sanction of the people behind it. While the Government of India have taken every step for the prosecution of this war on the battle front, they have totally ignored the home front. And let me tell them that no battle has ever been won and especially nowadays no battle can be won by only fighting on the battlefields. If your home front

is not secure, in spite of all your armies, in spite of all your tanks and armaments, you will not succeed, and as far as the home front was concerned, it was totally ignored. That, to my mind, is indeed a position which has brought the present situation into existence.

Sir, a number of suggestions have been made. I do not think that there is any conceivable suggestion that has not been made to the Honourable the Food Member for relieving the distress. But this debate was not really intended for the purpose that the non-official Members should come forward with suggestions and place them before the Government. If that was the intention of this debate, if the Government wanted to know what were the suggestions that the non-official Members could offer, then it could have been done much better in a Committee. I understand that the object of this debate was to find out from the Government what concrete steps they were taking to meet the situation and what help they demanded from the non-official Members of this House to meet that situation. My Honourable friend, the Honourable Member for Food, will forgive me if I say that his speech is lacking in that respect. If I might describe the years from 1940 to 1943, they can aptly be described as an era of Conferences, disappointments and disillusionments. We have been told that one Conference was held at such and such time and another Conference was held at such and such time, and if you read the speech of the Honourable Member carefully, you will find that every time the decision of the Conference was different to what it was the last time. They accepted one proposal at one Conference and they rejected it at the next Conference. They met again and accepted the proposal that was made at the first Conference. This has been the position as far as the tackling of this problem is concerned. We were told that there was a very representative Conference convened of representatives from all interests. We were told that it met here in Delhi for nearly three weeks or more. No indication has been given to this House as to what have been the tentative suggestions of this Conference. And now I understand this Conference of experts is going to meet in Simla to write the report.

The Honourable Sir M. Azizul Huque: I think the Honourable Member is wrong. The Committee has concluded its deliberations and the report is being drafted. They have gone back to their homes and they are expected to meet in about five days' time.

Nawabzada Muhammad Liaquat Ali Khan: I may have misunderstood what I heard about this report. Perhaps the report is being written in Simla.

The Honourable Sir M. Azizul Huque: That is so.

Dr. P. N. Banerjee: The writers must keep their heads cool.

Nawabzada Muhammad Liaquat Ali Khan: I am sorry for making this mistake but it was from the members of this Conference themselves that I understood that they were going to meet in Simla to consider the report, not that I grudge them a few cool days of Simla. Not at all. But what I was saying is this, that the only justification that could be offered by the Government for delaying the discussion of this matter could be that the Government might be in a position to place certain data or certain conclusions of this Conference that was being held. That also, Mr. Deputy President, is not available to Honourable Members of this House. I really fail to see what is the object of this debate. The Government come before us, they do give us a historical background and a lucid survey of the position. But what is the good of this debate. How can non-officials assist the Government unless we know what their concrete proposals are. The proposals which have been made by Honourable Members of this House must have been placed before the Honourable Member for Food at one time or another. It is not that the non-official Members of this House derive inspiration from God Almighty which the Honourable the Food Member can not. The object of this debate has been completely frustrated. Everybody realises that the Food situation is serious. Everybody agrees that something is to be done, but it is the duty of the Government to tell us what it is that they intend to do. It has been

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said I think it was my Honourable friend Mr. Griffiths and some other Honourable Members also have stated that there should be a separate Food Member. Sir, this is another mentality of the bureaucratic regime which one finds difficult to understand. It is not the Member or the heads of these Departments that make things go. The whole structure is rotten. It would not make the slightest difference whether there is a separate Food Member or whether there are half a dozen Food Members. As far as we are concerned to state it in Persian:

"Mārā cheh azin Qissa keh khar amado buz raft",

which means, whether a donkey comes or a goat goes, that really does not matter. It cannot improve the situation.

An Honourable Member: Who is the donkey and who is the goat?

Nawabzada Muhammad Liaquat Ali Khan: To whomsoever the cap fits he will put it on. What I am saying is this that this does not really matter. We have discussed the matter for two days and somebody suggests there should be a separate Food Member. To my mind it seems that the present Food Member took a few months to reach where he is now. Now, a new Food Member will come and he must take another few months to grasp the situation. Because one thing is certain, that whenever there is a change, the new man, whoever he may be, will not accept the policy of the man who is going. Otherwise, he cannot justify this change. So, therefore it will take another three or four months and by the time the new Member is able to understand how the situation lies, another Session of the Assembly will be held and my Honourable friend Mr. Griffiths will put up a case for another new Food Member and contend that unless a new Member comes the situation will not change in the country. These methods of conferences, change of heads of Departments, change of Secretaries are very dear to the kind of Government that we have today. They have never solved the situation in the past and they never shall do so in future.

The Honourable the Food Member complained about the lack of co-operation from Provincial Governments. A great deal has been said on that point. To my mind, it seems that the Government of India are in that pitiable position that they do not get the co-operation of any one. The Provincial Governments do not co-operate with them, the political parties do not co-operate with them, the only people who seem to be co-operating with them, and even there, there is some doubt, are those who are taken into the fold of the Government of India. Sir, this is really a very serious situation that the present structure should fail at a time when there is the greatest need for co-operation. What is the reason for that? Is it that the Provincial Governments are devoid of all sympathy and of human feelings. Is that the reason? I am afraid I cannot accept that as the reason. There must be something wrong in the dealings of the Government of India with the Provincial Governments that they find they cannot co-operate. Then, Sir, my Honourable friend the Food Member also wailed about these hoarders. My Honourable friend the Leader of the European Group rightly said that these people who are really social curses should not be shown any mercy. But this benign Government is so merciful towards the culprits of this kind that they do not even mention their names. My Honourable friend asks public opinion to condemn these fellows, but we do not know who these fellows are. Who are they? Why are the Government so afraid of exposing one or two of them. I dare say it would be a lesson to others if they did. The machinery of the Provincial Government has failed because of the attitude of those who are at the head of these Governments. At present the only good record of an official which is appreciated by the people who are higher up is, how much money he has collected for war fund, not what steps he has taken to help the poor people, not what steps he has taken to relieve distress of the poor, but how much money

has he collected for war fund. The result of all this is evident. As has been pointed out, it is the experience of every non-official Member who is not living within the four walls of the Delhi Secretariat that whenever anybody is hauled up, he can always get his release by paying a little subscription to your war fund. It is a fact. People do not come forward to co-operate with you because they know full well that they will only be getting a bad name, when the Government will not be able to bring to book those fellows who are culprits in this respect. This to my mind, Sir, is another matter that needs drastic change in the policy of the Government.

Sir, there is one point, I do not know whether these figures are correct or whether we have not understood these figures correctly. I hope my Honourable friend the Food Member will correct me if I am wrong. We were supplied with certain figures. The statement gives the population and the surplus and deficit position of each Province in respect of principal cereals in 1943 as compared with the normal. Here is given a total of 42,392,000 tons as the production for the year 1943. There is another statement supplied to us where it is stated that the total requirement at 1 lb. of cereals per adult unit per day is 38,560,000. So this really leaves a surplus of nearly 32 lakh tons. Now all this time we have been told that there is a deficit, that India does not produce sufficient foodstuffs for the population of the country. But we have been supplied with these figures,—I do not know whether there is a misprint or we have not understood these figures,—I should like the Honourable the Food Member to explain why this discrepancy has arisen in the figures which have been supplied to us. Then there is another question. My Honourable friend said that when they removed these trade barriers somewhere certain actions were taken by certain people which did away with any benefit that might have accrued on account of the removal of these trade barriers. He told us that the station masters were stopped from sending the foodstuffs; he told us that all this happened in May and June when the trade barriers were removed; we are now in August and Government are still making inquiries. It seems to me that either there is a lack of co-operation between the various departments or there is that slowness in the movement of the Government for which it has earned a reputation. Sir, these are really very serious matters, that certain action is taken by the Government of India to relieve the distress of the people and certain people put obstacles in the way of the Government. Of course Government are not in possession of facts and so I do not know what they can tell us, but I should have liked to ask what action they propose to take in a matter like this; because, let me tell you that action such as this bring Government into discredit, and you cannot expect the illiterate people to have any regard for your authority when your orders in matters like this are not carried out. There are two propositions before the House; either there is a sufficient amount of foodstuffs in the country or there is not. If there is not sufficient foodstuffs I am afraid nothing can be done by any Government. If they carry foodstuffs from one province to another they will start starving the people of that province. So the only remedy for a position like that is that they must arrange for immediate import. You cannot solve this problem by carrying foodstuffs from one area to another. You might do it temporarily but if you want that this thing should not recur you must import foodstuffs. But if on the other hand, as has been contended by some Honourable Members, there is a sufficient amount of foodstuffs in the country,—and in this assertion of theirs they are supported by no less an authority than the Secretary of State for India who stated in the House of Commons, if I remember rightly, that there was no scarcity of foodstuffs so far as India was concerned; it was only a question of distributing it properly,—then it is really a more serious problem for the Government to tackle than in the other case. Sir, food is more important than anything else. People can forego other requirements of life but food is a commodity which they cannot do without. And in this respect, as I have tried to show, Government have been most negligent. It should have been their primary duty to tackle this problem; it should have been their duty to make plans from the very beginning, and in that respect they have failed

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that in January 1943 when the Government of India wrote to the Government of Bengal that there was a great shortage for civilian consumption, of vegetables—specially potato and onion—the reply came in the month of January from the Bengal Government that nothing need be done for potatoes and onions,—because there are plenty in Calcutta. Sir, in that letter in the month of January the Government of India promised to give financial assistance, assistance to get seeds and manures. The Government of India wanted to get a seed programme so that India could, if necessary, import from other countries. May I know, Sir, if there was such famine, as is represented to be, in August 1942, why this letter came from the Government of Bengal without any programme, without any estimate of seeds, and without a request for financial assistance? In the end it was said that nothing need be done because there were plenty of potatoes and onions in Calcutta. Not only that. May I say again on that very statement which is known to everybody, that Bengal had an estimated production of 10 million tons of rice in 1941-42? How is it that within six months the whole of that rice was exhausted to create famine conditions in the month of August, and specially when anybody, who is familiar with the economic situation knows that from about the end of August till the first week of September, at least the *Aus* crop, one-quarter of the total rice crop, is available in the market. Sir, these are facts which are at least such that makes me say that it is not a day too soon that Mr. Fazlul Huq should have now sent a frantic telegram.

Sir I will now deal with some of the other points which Sir Abdul Halim Ghuznavi placed before this House. Many suggestions have been made to me before and may I say also by Honourable Members during this debate. Sir, I took charge of this Department on or about the 3rd May, and since that date till today, we have been trying our level best to tide over the immediate difficulties. When Dunkirk happens, when Singapore falls, when there comes a retreat in the North African regions, surely, Sir, that is not the time to have an immediate enquiry to find out why in the past we made mistakes. We have a most serious problem to deal with today, and I do beseech Honourable Members to believe me, on behalf of the Department, that for the last three months, day and night, we have been working to see that a little more relief goes to the deficit areas. Moment after moment, not merely between the hours of 10-30 in the morning and 5 in the evening, but for much longer hours, everybody has been working and trying to do his best to meet the exigencies of the situation. Possibly a little breakdown here, possibly a little dislocation there: but the sum total is that some poor men may be starving in certain areas and they are constantly before us.

Sir, that is more or less my explanation; for the last three months we have been battling against heavy difficulties. We have not yet been able to plan and make a programme for the future, but we have taken steps. Whatever might be the view of the Nawabzada that public opinion cannot be mobilised in this country for various reasons, I at least belonging to the country should try my best to get public opinion with me in any measures that I may take to tackle the food problem of this country. I would not be true to the interests of the starving millions if I sit down in the Secretariat and draft a plan without consulting those whom I can, without getting an opportunity to know the facts of the case, without understanding the implications of the problem, without realizing the complications of the situation: and all this, believe me we have been doing; but it was not our fault that we could not, humanly speaking in consideration of the time factor do anything more and place a programme before you today. I do realize the futility of the debate, as my friend the Nawabzada has told me. But, Sir, even that futility sometimes gives some consolation when man is battling against tremendous difficulties. A little talk to a friend gives him a solace and comfort. It is from that spirit that I brought this motion before this House.

because I thought that we would be participants in the common weal and woe, and participants in any measure that we might recommend for the country.

Sir Henry Richardson has spoken about my being in charge of three Departments. I plead guilty to it. He has asked—which department has suffered. But this much I can assure him that it is not the Food Department. Every question has been disposed of as expeditiously as possible. I can also assure him on the floor of this House that for the last three months everyone in the Department has been doing the same thing.

Sir, I could not understand the point of view of Mr. Abdur Rasheed Choudhury that the hill tribes are the worst sufferers because vegetables are so cheap. Well, Sir, I am at least happy to find that there is some part in India where vegetables are cheap because the people will not pay the proper price for vegetables to the hill tribes even when they have to purchase rice at a high figure. He also questioned the sudden change into free trade. Sir, it was not a sudden change. It was a change which was forced upon the Government of India. It was a change which had to be accepted, and I for myself can assure you that though this decision was made almost simultaneously with my taking charge of my office, I am convinced that if free trade had not come we would not have been able to sit on the floor of this House even today. There would have been a complete crash of the civic life not only of Bengal, but of other parts of India. It may be that our estimates might have been wrong. It may be that now that the traffic police is in the corner, you find life so comfortable. But the manner in which that life has been built up is a factor which is often not noticed.

Mr. Joshi has referred to several things that I can or should do. Sir, I will never say what I can do. But this much I will say on behalf of the Government of India,—that but for the fact that during the last three months we were obliged first and foremost to supply the needs of the deficit provinces, as those needs were of the most urgent emergency, they would have prepared a scheme to put an end to this state of things. It is no use my saying that I should have the co-operation of this and that. I should prefer to await judgment when the real plan comes.

Mr. Haidar Imam has referred to free trade as putting up the selling price of rice to Rs. 40 a maund in Bihar. I myself was twice in one of the districts of Bihar after the introduction of free trade. I was there also before its introduction. I know definitely that prices went up from between Rs. 12 and 13 to Rs. 17 and 18, but not to Rs. 40. But we are between the devil and the deep sea. Criticism has come from the United Provinces that because there are barriers, the wheat price has gone up to Rs. 19: somewhere else the price has gone up because there is free trade. There seems to be doubt as to whether the fault lies with free trade or with the barriers. I think there are other economic reasons behind. In my speech I tried to give a picture of the factors which are responsible for the food situation in the country. The fault lay neither with the barriers nor with free trade.

I will not try to imitate the language of my friend Mr. Neogy. My talents do not permit me to do so. I will also not try to imitate the strong language which has been used by weaker persons. May I say that so far as the general food situation is concerned, the position in the year 1942-43 as compared with 1941-42 was that rice was about one million tons short: wheat was about one million tons surplus; and millets, of which there was a very large quantity, were said to be merely about 3½ to 4 million tons surplus. Much has been said about the 'Grow More Food' campaign results. I could not at least understand the point of view when Mr. Bhutto said that the 'Grow More Food' campaign had no appeal to the public. Probably he was so interested in the reduction of land assessment that he forgot the other side of the picture. There was definitely an increase of at least over a

[Nawabzada Muhammad Liaquat Ali Khan.]
completely. However, what has happened has happened. But for God's sake get a move on now and see that when the time comes for the next crop you are not found in the same mess in which you are today.

My Honourable friend the Food Member made an appeal, a very moving appeal, to public opinion for co-operation in this country. Sir, a Government that treats public opinion with contempt has no right to demand co-operation from that public. Have we not noticed on the floor of this House how the representatives of the people have been treated with contempt, how their opinions have not got the slightest effect as far as the actions of the Government are concerned? What right have they to appeal to public opinion to come to their rescue when they find themselves in a hole on account of their own actions? It is not that public opinion in the country has not been willing and has not offered at every stage and at every moment the fullest co-operation, but the Government have consistently and persistently refused that co-operation and treated it with contempt. And let me tell you this, Sir. You may win battles in all the battlefields of the world, but as far as the home front is concerned you will never be able to carry on successfully unless you can have the good will and the co-operation of the people of this country. You must admit that in those provinces where the Governments are functioning and where they are not ruled under section 93 there is more co-operation from the people than in those provinces where the rule of section 93 is in force. My Honourable friend Dr. Banerjea, suggested that there should be food committees in Bengal. I have been reading in the papers that there have been established during the last few months thousands of food committees. That shows that if there are representative persons in the Government with power and authority the people at large are prepared to place their faith in them. But as long as the Government of India is constituted as it is, it cannot command that co-operation, that confidence and that good will which is required at this moment. Therefore, Sir, if the Government of India are really anxious, if my Honourable friend is really honest when he appeals to public opinion, they should show some more regard and some more respect for the public opinion of the country.

The Honourable Sir M. Azizul Huque: Sir, I am now to reply in the course of an hour or so to points which have been referred to in two days of debate. I may therefore be excused if I am not able to reply to all the points,—not because I have not some answer, but because I may not have sufficient time.

Sir, I will begin with a reply to my Honourable friend Sir Abdul Halim Ghuznavi. He referred to the situation in Bengal being disposed of in a few sentences. And one or two other Honourable Members on this side have also

said the same thing. Sir, I have never considered that speech by itself is the best part of a man's performance, and I thought that it would be better if within the time at my disposal I narrate before the Honourable Members the steps that we have taken to meet the most difficult situation in Bengal. Sir, I might say at once that I yield to none in the House in my deepest feelings for the unprecedented sufferings of the province to which I have the honour to belong. My feelings are fully well known. Accustomed to hear many speeches, I thought that lucky are those who know when to refrain from saying all what they actually say. Sir, I will not say anything more on that point.

But, Sir, it has been a matter of almost tragic feeling within me that during the last two days' debate Honourable Members have made statements which will show as if the situation was solely due to the only factor which was spoken to by the Honourable Member himself. Sir Abdul Halim Ghuznavi said that huge quantity was lost by loss of Burma, that Burma rice fed half the labour population of India. I thought when categorical statements like these are made, there ought to have been some effort to understand the implication of the loss of Burma import. The total rice production of India is about 25 or 26 million tons and the total Burma import was only a million and a half. The

average imports from Burma to Bengal were 400,000 tons, but there were exports from Bengal to other parts; the net imports to Bengal were only 200,000 tons or thereabout. Sir, in the year 1941-42, the net import for Bengal, which may be considered as lost after loss of Burma, was only 224,000 tons as against the normal production of 8½ million tons, in other words 2 out of 8½ tons was lost.

But the next point is still more serious. An impression was created that huge quantities were lost by denial policy, as if the whole of Bengal was bled white by the effect of this denial policy. Sir, I leave it to the Honourable Members to judge when I state all the facts of this denial policy before this House. The total quantity taken under this denial policy was only 17,500 tons of rice and 20,000 tons of paddy. Converted all into rice it will come to roughly about 36,000 tons, against the production of that year of 10 million tons. Do remember that it was after the harvest of 1941 which was one of the biggest harvest. Against that ten million tons of production, the utmost which the denial policy affected was only 36,000 tons.

There is something more and that is the question of distribution. The Government of India was a hoarder, was a profiteer, was an institution which was out to see that the Bengal people are starved! But, Sir, how this amount was distributed? I have got exact figures of this denial policy. Out of 17,500 tons of rice, only 2,500 tons were sent to Ceylon and one hundred tons were purchased for the Defence Services. So, 2,600 tons only out of 36,000 tons of rice were taken by the Government of India either for the purpose of export or for the purpose of Defence Services. As regards rice, 4,000 tons were used for the District of Midnapur; 2,000 tons for the cyclone area of Bengal and 8,900 tons for the purpose of Calcutta and industrial areas. So far as paddy is concerned, not a single ton was purchased or sent out by the Government of India. 2,600 tons was used in the Bengal districts, 1,600 tons for cyclone areas of Bengal, about 500 tons for Calcutta and Industrial area. The rest was milled in Calcutta for Bengal purposes. Sir, that is the story of the denial policy about which a good deal of propaganda has been going on as if that is responsible for the present situation. I believe, my Honourable friend, Dr. Banerjea, will also admit that 2,600 tons which was sent out, the rest being used for the purpose of Bengal—cannot at least create the present situation.

Dr. P. N. Banerjea: I said that the trouble began with that.

The Honourable Sir M. Azizul Huque: But my trouble also begins with that.

My Honourable friend, Sir Ghuznavi, said that huge quantities were exported to Saudi Arabia and Persian Government in 1942. I do not know why he selected these two particular countries. Probably he has no objection if exports are made to Africa or Ceylon.

Sir Abdul Halim Ghuznavi: I objected to all exports of foodgrains from Bengal.

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

The Honourable Sir M. Azizul Huque: Sir, so far as Saudi Arabia and Persian Gulf are concerned, the total amount of rice and all foodgrains exported during the year 1942-43 was:

Behrein	6,143 tons
Arabia	32,318 "
Total	38,461 "

Then, Sir, he referred to the frantic telegram of Mr. Fazlul Huq. I am at least happy that he has become frantic to send the telegram now. I ask my Honourable friend to find out, when did Mr. Fazlul Huq realize—I should not have used his name—when did the late Chief Minister of Bengal realize that there was famine condition in Bengal in 1942? Was it in August 1942 as my friend says today? Will he get an answer from him as to why is it

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million acres under rice production as a result of the 'Grow More Food' campaign. The acreage increase under wheat was not much, but it was substantially about half a million acres. I am speaking subject to correction because I think there is some mistake in my typed copy, but in any case, the yield was at least one million ton surplus. Rice, in spite of the increase in acreage, was in deficit, not for the fault of the 'Grow More Food' campaign or of the Department presided over by my Honourable friend, Sir Jogendra Singh, nor because the landlords in certain parts did not co-operate, but because the weather conditions which are an inevitable factor in Indian production created this disastrous result. Sir, will Honourable Members be surprised to hear that there was a diversion of a little over five million acres of land from short staple cotton to maize and millet? It was the greatest result which has been achieved by the 'Grow More Food' campaign, namely, the diversion from a crop which was not necessary, which was not a food crop, to a crop which is a food crop. Under maize and millet,—there was an increase of about 7 million acres with a yield of 3.7 millions more, whereas 5½ million under short staple cotton was diverted to food crops. As regards the 'Grow More Food' campaign, I find that some of the Bengal Members said that this is very weak. I do not wonder, but I think those who come from the U.P. and Bihar, and Madras and Bombay, will support me that these provinces made very comprehensive arrangements right from the end of last year to encourage more vegetable production. Not only that, but if anybody is interested, I shall be able to tell him the total amount of money which the Government of India has paid to these provinces with a view to increasing vegetable production.

Several questions have been asked as to import of more food grains. I can assure Honourable Members that the question of getting imported food grains is being vigorously pursued. I am not able to say now, because we have not been able to know definitely, but let us remember that even supposing that we are able to get an assurance that we will get more imports, it depends upon various factors, shipping difficulties, the danger of the sea, distance. And it cannot be immediately available. It will take at least 2 months or 2½ months even if we are able to secure crops elsewhere just now. That is no solution of the immediate problem. The solution of the immediate problem must be explored somewhere else. That may be a solution for the future, but this much I can say that the question has been vigorously taken up for some time past.

I have been asked as to what my plan is. I have made it clear that the Long Range Planning Committee will soon recommend to us measures that should be taken,—and the Long Range Planning Committee is constituted not only of those persons who have actually tackled this problem but non-officials who are interested in the general economic problem of India. We are awaiting their report. The Food Conference was called on the 5th, 6th and 7th July, and at that Conference we decided about the immediate problem and the immediate programme. Here may I say that, as a result of that Conference, we have settled on a programme of supplying one million tons of foodgrains within the next few months, namely, from August to April—rice, maize and millets from August to November, and wheat from now up to March-April. And out of 926,920 we had allotted 441,000 tons to Bengal only. Considering that we have to meet the needs of provinces like Bombay, Travancore and Cochin, Madras and even other provinces, it cannot be said that we have not done our best to give a sufficient quota to Bengal within the supply as may be available to us. Several questions have been asked and particularly by my Honourable friend, Dr. Banerjea. It is very difficult to answer a question when he says an individual Member of this House is prepared to sell a lakh maunds of wheat to the Government of India. But generally I can say that as soon as we introduced the scheme we have been asked by a number of persons who are anxious to make a little profit at the cost of the provinces in deficit. We have been asked whether they

cannot take wheat to Bengal and sell it there. We said, if you arrange with the Government of Bengal and if the Government of Bengal accepts it—the quota of Bengal is 441,000 tons—we will give facilities for any food grains that may be available from any source. We have therefore authorised each province to negotiate if necessary with the surplus provinces. May I here acknowledge the fact that the Punjab Government has vigorously taken it up and I have just heard about two days ago that they are considering what more rice, apart from the revised basic quota, can be given to Bengal. I acknowledge also, whatever may be our difficulties, we would have been nowhere but for the part which the Punjab Government and the Sind Government have played in this matter. The whole situation would have gone completely out of hand if these two Governments had not given us the grains which they have supplied. My Honourable friend, Sardar Sant Singh, also referred to an individual case. I wish Honourable Members would refrain from making statements of that character, because the facts are these. A gentleman from Delhi had about 1,000 tons of damaged bajra and we were not prepared in view of the transport difficulties to send that damaged bajra to Calcutta, when we can send good bajra there. We have just given him permission that he can send the damaged bajra to some other place where they can mix it with other foodgrains and use it for human purposes. Where we can get good bajra we could not possibly allow the damaged bajra of my Honourable friend's client or of anybody else. May I also say that he wanted a price which the Government of Bengal was not willing to pay?

I have been asked a question about the future. As I said before, we are making all possible arrangements. But our experience has told us that unless all arrangements are complete and then only our policy is declared, there is a danger that speculators may take advantage of the position and try to make the best out of the policy of the Government to take action. If there had been no publication that free trade was going to be introduced, a certain number of people would not have gone suddenly to other provinces to purchase as much as they could, knowing that free trade would be introduced. I am, therefore, reluctant to speak anything as to what our programme is but I can assure you that we are doing our best. Speaking for myself, this may not be a legislature which is called a Parliamentary responsible legislature but I belong to this country. I was born in this country and I shall die in this country and my sympathies will always be with those brethren and sisters of ours who are suffering today.

Sir, it is not necessary for me to refer to the story of what things have been done in England. As has been pointed out, the very staff is such that they have been able to tackle this problem. Is it known that in England it was not in 1939 but long before that, in November 1936, that the President of the Board of Trade set up a department for the purpose of the control of foodgrains. In spite of that, rationing measures could not be introduced in England till the 8th January 1940. In view of that, I do hope that people will realise the difficulties of introducing rationing measures. My friend, Dr. Banerjea, says 'Why not declare Bengal a famine area. Why not distribute grains'. Somebody said, 'Not money but food grains should be distributed'. It is all very easy to say that. I ask Dr. Banerjea today 'Will he go to Bengal and take charge of the distribution? Will he do it'.

Dr. P. N. Banerjea: So far as the Famine Code is concerned, there is a method laid down in the Famine Code.

The Honourable Sir M. Azizul Huque: I am speaking from experience. I had once to administer the Famine Code. I have arranged myself the administration of the famine areas in a district and I know every bit of the work. I say that it is extremely difficult to arrange for famine relief on a vast scale for the whole province of Bengal. It is not an easy proposition and do remember that in the Government of Bengal there are men who have their interest in the soil, who are really determined to see that everything possible is being done. It is no use criticising them and saying 'Why has this not been done and why has that not been done in this province or that province', without knowing fully

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well the difficulties under which those provinces suffer. If tomorrow a rationing measure is to be introduced, supplies must be first assured and that is a question which must be the kernel of all our efforts, namely, how to bring supplies.

Dr. P. N. Banerjea: That was my suggestion.

The Honourable Sir M. Azizul Huque: I know that was your suggestion and there are other suggestions but I say that all these suggestions are sometimes washed away by the flood of the Damodar. It is the Damodar flood that sometimes stands against in spite of all our suggestions to the contrary. That is a factor that has to be taken into consideration, not by Dr. Banerjea on the floor of the House, but by the responsible Government of the province which has to administer the rationing measure. They are in the midst of the most difficult circumstances. I have not agreed with them in many matters, but I can say this much that there is a determined wish on the part of the Government to tackle this problem as best as they can. I may not be as intelligent as Dr. Banerjea.

Dr. P. N. Banerjea: You may be more intelligent.

The Honourable Sir M. Azizul Huque: It is, therefore, not necessary for me to reply to many of the suggestions made on the floor of the House, because the time will come when the House will get an opportunity to discuss all these measures. This is the time to find out how we can bring more supplies to the provinces. That is the main problem. The transport problem, the distribution problem and every other problem depend on whether we can bring food grains to the provinces.

Dr. P. N. Banerjea: We are all agreed on that point.

The Honourable Sir M. Azizul Huque: I hope you will agree only on that for the time being. I will hear your suggestions a little later when you and I will no longer see the spectre of dead bodies. I will be prepared to meet every point when the situation has improved.

I am sometimes surprised when I find that even when undeniable facts are placed they are not taken note of by some Honourable Members of the House. My Honourable colleague, the Honourable Sir Edward Benthall placed before you the position that in spite of the difficulties that have been placed on the whole transport organisation, due to war conditions, in spite of the fact that there has been a flood which has dislocated traffic in certain areas, Calcutta has been supplied, with at least one pound, and for the last few days with more than a pound of food grains from North India and it is not an easy proposition in these days to organise the purchase in the Punjab and to transport the stuff to distant Bengal. That fact should not be forgotten by those who think that we have brushed aside the question of Bengal in two sentences. Then, Sir, there is one mistake of fact and that was made by Mr. Neogy who is usually accurate with his figures. He said that only 39,963 tons had been supplied to Bengal. That is not a fact.

Mr. K. C. Neogy: I quoted from the Honourable Member's reply to my question.

The Honourable Sir M. Azizul Huque: I am not concerned in this House whether the statement was made by any Honourable Member or not. I am only concerned with the actual facts and I know it is not a fact. It is 153,943 instead of only about 40,000 which the Honourable Member quoted. This is the quantity that has been supplied to Bengal in the last few months.

Mr. K. C. Neogy: The inaccuracy is not mine.

The Honourable Sir M. Azizul Huque: My friend, Mr. Sant Singh spoke of the Sind Government making a profit. I wish he would not interfere with the responsibility of the provinces. After all, the Government of India on the fullest consideration of all the circumstances felt that it may be permissible

for one province to make a little profit with a view to keep the all-India price in a stabilising factor. If I know that one province has been able to keep the price of wheat at a fairly low level in that province, it is not my concern or that of the Government of India to interfere with their discretion, even though they may make a little profit. It will be the responsibility of the Provincial Legislature to find out as to why the agriculturists are not getting the benefit out of it. Taking the standpoint of all-India, I say there are difficulties. I do not say that there is not another side to the picture but I think that the picture has been fully considered and on a consideration of all these factors I thought that I should explain to Mr. Sant Singh that probably a little less interference with provincial responsibility in these matters is better in the interest of everybody.

I am not sure whether his complaint about the control of sugar comes from the same client who tried to sell *bajra* but in any case I do hope that matters of this kind will be brought to the notice of the Department by the Honourable Member and speaking on behalf of the Food Department, including the sugar section, I can assure him that any complaint of that nature will be fully investigated.

Sardar Sant Singh: Thank you.

The Honourable Sir M. Azizul Huque: I do not think I have the strong foot of my Honourable friend and I do not want to stray in that line but I do feel that when my friend discussed the question of Australian wheat being replaced he was not aware of the whole Indian economic position at that time. At that time, when the wheat came, we had a million tons surplus in the Punjab. At least, at that time, I am frank enough to admit that we did not consider that, as a long range policy, storage is a necessary element with a view to keep track over the future situation. Nobody could anticipate events and in spite of all the eloquence of my friend Dr. Banerjea I found throughout his speech in February last not a single reference that the Bengal situation is going to be out of hand. He was a distinguished Professor of Economics. He knows all the facts and yet he did not anticipate in the least manner. He did not even refer to Bengal then. Surely, you cannot blame the Government of India if they also could not anticipate. We have to learn the bitter lessons of life. The history of a country is created by a series of little incidents which play their part. Sir, it is not an easy matter to frame a programme but it is quite easy to criticise as to why Singapore has fallen after it has actually fallen but not before.

Dr. P. N. Banerjea: Government ought to have better information than the non-official Members.

The Honourable Sir M. Azizul Huque: I thought the Members of the Legislature are also free to get any information they required. If my learned friend would require any facts relating to economic statistics, I can say not only on behalf of the Food Department but on behalf of every Department of the Government of India that they will always be prepared to place them at his disposal. In fact, I was reading very carefully Dr. Banerjea's speech in February last. I find it can almost be placed in parallel lines with today's speech. The only new feature of his speech today is the question of referring to the arbitration of the President of the United States of America, Russia and China. I cannot say how it can be done but I will certainly pass it on to the Honourable Member-in-charge either of the Home Department or of the External Affairs Department for necessary action in the matter.

Dr. P. N. Banerjea: Are you prepared to face that tribunal?

The Honourable Sir M. Azizul Huque: When I have faced Dr. Banerjea, I can face anybody in the world.

I do not think it is necessary for me to take the time of the House any more except to touch upon the question about the ideal rationing. I do hope that Members will realise that it is calculated according to a principle by scientists. Just as the complexion and the features of men differ, so every man

LEGISLATIVE ASSEMBLY.

Wednesday, 11th August, 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.

COMPENSATION TO DEPENDENTS OF THE LATE PROFESSOR C. B. JOHRI.

299. *Mr. R. R. Gupta: Will the Honourable the Home Member be pleased to state what action Government propose to take to compensate the dependents of the late Professor Chandra Bhal Johri, M.L.A. Central?

The Honourable Sir Reginald Maxwell: The Honourable Member's attention is invited to my reply to Mr. Kazmi's question No. 324 on the 17th March, 1943. The facts there stated do not reveal any ground on which the dependents of the late Professor Chandra Bhal Johri would have any claim for compensation. The matter is, however, one which concerns the Government of the United Provinces and not the Government of India.

Mr. R. R. Gupta: Was he not arrested under Rule 26?

The Honourable Sir Reginald Maxwell: I believe that was the rule employed but the action was taken by the U.P. Government.

Mr. Lalchand Navalrai: Was the arrest made under the orders of the Central Government?

The Honourable Sir Reginald Maxwell: No, so far as I am aware.

Mr. K. C. Neogy: If the matter is one primarily for the Provincial Government why did the Honourable Member gratuitously give his opinion as to whether this merited payment of compensation or not? Was not that pure prejudice?

The Honourable Sir Reginald Maxwell: I was referring to the information which I had given to the House in reply to a question at the last Session.

Mr. K. C. Neogy: If the Honourable Member was not in a position to grant any compensation why did he go out of his way to express an opinion as to whether it is desirable to grant it or not?

The Honourable Sir Reginald Maxwell: What I said was that the House could judge from the information given in reply to the question at the last Session that there was no ground made out for compensation.

STATEMENT IN HOUSE OF COMMONS *RE* INDIA'S FINANCIAL HELP TO BRITAIN.

300. *Dr. P. N. Banerjea: Has the attention of the Honourable the Finance Member been drawn to Reuter's telegram, dated the 22nd July, 1943, published in the *Hindustan Times* of the 23rd instant, to the effect that "India's financial help to Britain was mentioned in the Commons today, Sir Stanley Reed (Conservative) said that the Chancellor of the Exchequer drew the attention of the House to the easement in British finance effected by the generosity of the Indian Government"? If so, in what different ways was this generosity shown by the Government of India to the British Government?

The Honourable Sir Jeremy Raisman: My attention was drawn to the Reuter's telegram concerned and on reference to London I have been informed that owing to an error in transmission "India" was wrongly substituted for "Canada" in the telegrams as published in this country. The reference in the Commons was actually to a statement by the Chancellor of the Exchequer regarding the easement in British finance effected by the generosity of Canada. The latter part of the question does not arise.

[Sir M. Azizul Huque.] has his own notion of that ideal rationing. There must be some supplementary food added to it. When we say an ideal diet of one lb. or 1½ lb., we admit that one is not dependent on that only. He has to take vegetables, he has to take fish, he has to take meat and milk and so many other things. We take all these things into consideration when we call it an ideal rationing. (Interruption) Sir, there are strong objections on the meat side as to why I mentioned the name of fish.

Dr. P. N. Banerjea: Being a Bengali, you are more interested in fish than in meat.

The Honourable Sir M. Azizul Huque: I am interested in both and I have also suffered from chillies and tamarind too. That is my explanation of the ideal food. As I said, it must not be understood to consist of foodgrains only. As my friend knows, these things are calculated in different ways.

To conclude, Sir, we have done our level best to keep control over the situation, but we cannot contend against factors which are uncontrollable. Still, at the risk of a bad simile, I will say that even when we are almost on the point of drowning in the mid-stream we are still contending against it. When we find that the despatch programme of 120 wagons a day was washed away by floods in one night, it is contending almost in mid-stream. We have to find out as to how to tide over the situation. I can assure you that expert advice as to whether the wagons could be diverted by the B. N. R. or by B. N. W. R., was at the disposal of the War Transport Department and to the best means of carrying goods. 190 wagons are really going now every day for the last two weeks and we are sending different kinds of foodgrains.

Mr. Hooseinbhoy A. Lalljee: A few for Bombay also.

The Honourable Sir M. Azizul Huque: I can assure the Honourable Member that we have done as much as we can for the Bombay people and it is established by the fact that today with rationing, everybody does not utilize the ration card and no difficulty has been felt so far.

Mr. Hooseinbhoy A. Lalljee: It is not quite correct.

The Honourable Sir M. Azizul Huque: It is a fact that everybody is not taking

Mr. Hooseinbhoy A. Lalljee: There is something else.

The Honourable Sir M. Azizul Huque: I will leave it to the Bombay people to say what that "something else" is. Anyway, the situation in January was so desperate that my friend knows that the Governor of Bombay had to come in a hurry to Delhi and special trains had to be arranged for sending grains. But today I am glad to say there has not been one complaint from anybody on the Bombay side that the Bombay situation is not under control. And I do hope and pray to God—and I think it is the Providence only that is the last comfort of everybody—that the situation in Bengal will also be under similar control at no distant date.

Nawabzada Muhammad Liaquat Ali Khan: May I ask a question from the Honourable Member? The Honourable Member has referred to the question of imports and has stated that it will take two or three months

The Honourable Sir M. Azizul Huque: I said it must take a little time.

Nawabzada Muhammad Liaquat Ali Khan: But the requirements are immediate. May I find out what is the view of the Honourable Member regarding the suggestion which was made that to meet the present situation the Defence Department may be asked to lend foodstuff and when you import some, it may be given back?

The Honourable Sir M. Azizul Huque: I say this with gratitude to the Army Department that there have been several occasions in Calcutta and other places when the Army Department lent their stock of wheat and other commodities for civilian consumption.

Dr. P. N. Banerjea: May I ask one question? I referred to two instances and one of them was in which a Member of this House is concerned, namely,

my Honourable friend Mr. Abdullah. He is willing to place at your disposal a certain quantity of wheat.

The Honourable Sir M. Azizul Huque: I would like to know the exact amount. It is no use saying a "certain quantity". I want to know if he has got physical stock, and, if so, how much and at what price? If he will report that tomorrow to the Department, I can assure you that within 24 hours steps will be taken for its purchase.

Dr. P. N. Banerjea: Then, there is another suggestion. The Merchants' Association of Lahore are willing to place at the disposal of Bengal 2½ lakhs of bags of rice immediately. Will you take them over?

The Honourable Sir M. Azizul Huque: That question has been before us and in the last Conference which was held on the 5th, 6th and 7th of July. We permitted each province, if necessary, to go to another province where there is a surplus and to get grains by private negotiations. On behalf of the Government of Bengal, a member of the I. C. S., who is the Wheat Commissioner, is actually at Lahore today not only to look to the transport question but also to negotiate with the Punjab Government whether, subject to the basic quota and subject to the commitments of the Punjab Government, more surplus grains can be available. I can say that so far as we are concerned we will always give the fullest assistance not only to the Government of Bengal or the Government of Bombay but to every Provincial Government if they are in deficit to go to any other province and find out the grains and, if possible, to make the necessary transport arrangements. But there is a danger and I hope my Honourable friend Dr. Banerjea will realise that supposing the people from Madras go to the Punjab, the people from Bombay go to the Punjab, the people from Bengal go to the Punjab, the people from U. P. go to the Punjab, because it is a surplus Province, it will again create economic dislocation. That is why we have to carefully watch what Province should or should not be allowed and in what circumstances. I can assure you that we will certainly not do anything which will not facilitate the supply of grains to deficit areas.

Dr. P. N. Banerjea: That is exactly why I suggest that the Government of India should take the matter in hand and negotiate with the Provincial Governments and take charge of that food and make it over to the Province of Bengal.

The Honourable Sir M. Azizul Huque: I hope my Honourable friend will realise what he means by taking charge of food.

Mr. President (The Honourable Sir Abdur Rahim): The debate on the motion is now closed. The Assembly will adjourn till tomorrow.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 11th August, 1943.

Mr. Jamnadas M. Menta: As the word "India" occurs twice in the quotation, was the error also made twice?

The Honourable Sir Jeremy Raisman: No, Sir. The position was that the Chancellor of the Exchequer had spoken of the generosity of Canada and the Canadian Government. Sir Stanley Reed apparently then asked that on some suitable occasion the Chancellor of the Exchequer should indicate the part played by India. As far as I can find, no reference was made by the Chancellor of the Exchequer to the part played by India.

NATIONAL WAR FRONT VOLUNTEERS IN PROVINCES.

301. *Mr. Ananga Mohan Dam: Will the Honourable Member for Information and Broadcasting be pleased to state:

(a) the total number of National War Front Volunteers in different provinces giving the number of Hindu and Muslim volunteers, separately;

(b) the number of Hindu and Muslim gauleiters (district leaders) appointed in the Surma Valley; and

(c) why a Hindu officer was not appointed as provincial organiser in the Hindu majority province of Assam?

The Honourable Sir Sultan Ahmed: (a) No figures are available. In most Provinces there is no formal enrolment to membership of the National War Front and no figures can therefore be given.

(b) The information is not available here. District Leaders are appointed by the Provincial Leader and those appointments are not recorded in this office. As the Surma Valley is mainly a Moslem area it is presumed that the leaders are mainly Moslems.

(c) When the National War Front was first organised in Assam, Honorary Lieutenant Abu Lais was placed in charge of the work in the Surma Valley and a Hindu officer was put in charge of the Assam Valley. After some months experience it was considered there was no need to keep the organisations distinct. Mr. Lais had been conspicuously successful in the Surma Valley and was therefore put in charge of the organisation in the Assam Valley also.

Mr. N. M. Joshi: May I ask whether it is not a fact that this word 'Gauleiter' is generally applied to Hitler's systems and whether there is any propriety or special necessity for using a word which shows that the organization is a Nazi one?

The Honourable Sir Sultan Ahmed: I have not used it. It is the Honourable Member who has used the word.

Mr. N. M. Joshi: Does this organization make use of this word?

The Honourable Sir Sultan Ahmed: I do not know.

Mr. Ananga Mohan Dam: Is the Government aware that the officer in question has a peculiarly strong communal bias?

The Honourable Sir Sultan Ahmed: I do not know.

Mr. Ananga Mohan Dam: Will the Government enquire about it?

The Honourable Sir Sultan Ahmed: I have not seen anything in it to justify any enquiry.

ENFORCING THE DELHI MUSLIM WAKF ACT.

302. *Maulvi Muhammad Abdul Ghani: Will the Honourable the Home Member please state:

(a) the last date by which the Delhi Muslim Wakf Act, 1943 (XIII of 1943), can be enforced; and

(b) what progress, if any, has hitherto been made by the Provincial Government for bringing it into force?

The Honourable Sir Reginald Maxwell: (a) 9th October, 1943.

(b) Rules under sub-section 2(b) of section 69 are under preparation and will be published shortly.

BEEF SUPPLY TO THE MILITARY AT CALCUTTA AND MUZAFFARPORE.

303 *Maulvi Muhammad Abdul Ghani: Will the War Secretary be pleased to state:

(a) who is the contractor at Calcutta and at Muzaffarpore (Bihar) for the supply of beef to the Military Department;

(b) the quantity of beef each of the contractors supplies daily or monthly for Military purposes;

(c) the number of cattle required to be killed for such supply at each of the centres per month or per day; and

(d) whether such contract has been given to any Hindu in centres other than Calcutta or Muzaffarpore?

Mr. C. M. Trivedi: Information to enable me to answer all parts of the question is not readily available. It is being obtained and will be laid on the table in due course.

Maulvi Muhammad Abdul Ghani: Might the attention of the Honourable Member be drawn to the newspaper *Dawn*, dated 10th April, 1943, in which the name of the contractor is given.

Mr. C. M. Trivedi: No, I have not seen it.

Mr. Govind V. Deshmukh: Was it not possible for Government to get information on a small item such as that mentioned, viz., who is the contractor at Calcutta and at Muzaffarpore?

Mr. C. M. Trivedi: I have that information with me. I can give it. The contractor in Calcutta is Messrs. Associated Livestock Farms Ltd., and the same firm is the contractor at Muzaffarpore.

Mr. Govind V. Deshmukh: May I know the names of the partners and shareholders of that firm?

Mr. C. M. Trivedi: The names of the partners are not known to Government.

MUSLIM ACCOUNTANTS, ETC., UNDER THE RESERVE BANK OF INDIA.

304. *Maulvi Muhammad Abdul Ghani: Will the Honourable the Finance Member be pleased to state the total number of persons serving as (i) Accountants, (ii) Account clerks, and (iii) clerks under the Reserve Bank of India and the number of those who are Muslims?

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.

HINDI AND URDU STAFF IN THE INFORMATION AND BROADCASTING DEPARTMENT.

305. *Mr. Lalchand Navalrai: (a) Will the Honourable Member for Information and Broadcasting be pleased to state with reference to the answer to part (b) of starred question No. 354, asked on the 23rd March, 1943, regarding the staff of his Department, the reason for appointing one gazetted officer for Hindi and four for Urdu and 13 and 38 subordinates, respectively, in the All-India Radio?

(b) On what basis is this recruitment made?

(c) How many Hindus and Mohammadans, separately, are employed on this business?

(d) Is the ratio in accordance with that fixed by the Home Department Resolution or not? If not, why not?

The Honourable Sir Sultan Ahmed: (a) As has been stated in reply to part (b) of Bhai Parma Nand's starred question No. 354 of the 23rd March, 1943, the staff in All-India Radio is not recruited for Hindi or Urdu programmes as such but for Hindustani programmes. The numbers given are of officers who have passed Matriculation or higher examination in Urdu or Hindi. The staff knowing Hindi are as capable of giving out programmes in Hindustani as those who have qualified in Urdu. The number of Hindi and Urdu knowing people does not represent the number of Hindus or Muslims, many Urdu knowing staff being Hindus.

(b) On merits.

(c) The attention of the Honourable Member is invited to the statement of communal composition, copies of which are placed in the library of the House.

(d) Yes. The second part of the question does not arise.

Mr. Lalchand Navalrai: If the recruitment is done on the merits, is it done by a committee or by an officer?

The Honourable Sir Sultan Ahmed: I am not sure but I think there is a selection committee.

Mr. Lalchand Navalrai: Then am I to understand that there is no communal ratio or proportion observed in the selection?

The Honourable Sir Sultan Ahmed: My reply to part (c) answers that question. It is done mainly on merits but there may be occasions when the communal proportion has to be maintained.

Mr. Lalchand Navalrai: If it is done on the merits why should there be any communal proportion?

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

DESIRABILITY OF RAISING SCALES OF PAY OF THE KEY PUNCH OPERATORS OF THE CENTRAL BOARD OF REVENUE.

306. *Mr. Jamnadas M. Mehta: (a) Is the Honourable the Finance Member aware:

(i) that the Key Punch Operators of the Supply Department and Medical Directorate, New Delhi, have been fixed on Rs. 50 per mensem in a grade of Rs. 45-2½-95 plus Rs. 5 as machine allowance, *vide* Government of India, Supply Department letter No. R-18 (67), dated the 20th July, 1943, whereas the Key Punch Operators of the Central Board of Revenue who are doing the same kind of work are still in the grade of Rs. 36-3-60-2-70; and

(ii) that the above disparity in the grades of the Key Punch Operators in the Departments of the Government of India in the same city for the same kind of work has created ill-feeling and discontent among the Key Punch Operators of the Central Board of Revenue?

(b) Do Government now propose to take immediate steps to fix the Key Punch Operators of the Central Board of Revenue also on Rs. 50 in a grade of Rs. 45-2½-95 plus Rs. 5 per mensem as machine allowance so as to alleviate their bitterness and discontent?

The Honourable Sir Jeremy Raisman: (a) (i) Yes.

(ii) This has been represented to me by the Honourable Member.

(b) The question of enhancing the scale of pay applicable to Punch Operators of the Central Board of Revenue is engaging my attention.

HINDUS AND MUSLIMS IN THE CENTRAL BOARD OF REVENUE.

307. *Khan Bahadur Shaikh Fazl-i-Haq Piracha: Will the Honourable the Finance Member please state:

(a) the number of gazetted officers in the Central Board of Revenue, and how many of them are Muslims;

(b) the number of non-gazetted staff in the Central Board of Revenue, and how many of them are Muslims; and

(c) how many appointments in the gazetted and non-gazetted staff of the Central Board of Revenue were made in the last four months, and how many of them were Hindus and Muslims, separately? (Separate figures may please be given in each case and class of services)?

The Honourable Sir Jeremy Raisman: (a) 22 officers of whom 2 are Muslims;

(b) 135 of whom 34 are Muslims;

(c) *Gazetted staff.*—7 temporary appointments were made in all and out of these 1 post went to a Muslim and 3 to Hindus;

Non-gazetted staff.—Out of a total number of 58 appointments—which were all temporary—14 went to Muslims and 40 to Hindus.

Sardar Sant Singh: Why was no Sikh appointed to any of these posts?

The Honourable Sir Jeremy Raisman: As that question was not put to me I am afraid I am not in a position to reply.

Sardar Sant Singh: The figures show that no Sikh was appointed and the Honourable Member knows.

Mr. President (The Honourable Sir Abdur Rahim): Unless the Honourable Member includes Sikhs among the Hindus, there is no question put to that effect.

Sardar Sant Singh: Sir, I may point out that the Sikhs are not included among the Hindus.

Mr. President (The Honourable Sir Abdur Rahim): Then there ought to be a specific question.

Sardar Sant Singh: Sir, on a point of order, Government have recognised Sikhs as a separate class for the services. Why should not the Honourable Member give an answer?

Mr. President (The Honourable Sir Abdur Rahim): I do not know if there is a general order to that effect.

Mr. H. A. Sathar H. Essak Sait: From the figures given does the Honourable Member realise that the proportion of Muslims is inadequate and is he doing anything to bring them up to the proper level?

The Honourable Sir Jeremy Raisman: I must point out that most of these appointments are made by deputation or special duty of officers or personnel who may be employed in the Central Departments of Income-tax or Customs or Central Excises. And in regard to such staff the communal proportions do not apply in the Central Board of Revenue, Communal proportions apply in the services from which they are drawn.

Sardar Sant Singh: How is the personnel of the deputation selected?

The Honourable Sir Jeremy Raisman: It is done on the basis of suitability for the particular tasks that have to be done.

Sardar Sant Singh: Who makes the selection?

The Honourable Sir Jeremy Raisman: The selection is made by the Members of the Board, as far as I am aware.

Maulvi Muhammad Abdul Ghani: May I know from the Honourable Member whether any direct recruitment was made under (a)?

The Honourable Sir Jeremy Raisman: As far as I can see, most of the officers are drawn from existing departments.

EXTENSION OF THE PUNJAB ENTERTAINMENT DUTY ACT TO DELHI PROVINCE.

308. *Mr. Muhammad Azhar Ali: Will the Honourable the Finance Member please refer to his answer to a supplementary question to starred question No. 227, asked on the 3rd March, 1943, regarding the extension of the Punjab Entertainment Duty Act to Delhi Province, *viz.*, "I am not sure what action could be taken but I will look into that", and state the result of his enquiry or the description of the action taken?

The Honourable Sir Jeremy Raisman: The Delhi Cinematograph Rules, 1943, have been amended in order to check the malpractices in regard to the sale of cinema tickets in Delhi complained of by the Honourable Member. The amendments which were notified in the Delhi Chief Commissioner's Notification, No. F. 8 (83)/42-General, dated the 2nd June, 1943, and published in the *Gazette of India*, dated the 12th June, 1943, are reported to have proved effective.

SCARCITY OF SMALL COINS IN BIHAR.

309. *Maulvi Muhammad Abdul Ghani: Will the Honourable the Finance Member be pleased to state:

(a) whether he is aware of the scarcity of small coins in the Bihar Province;

(b) the amount of small coins sent to Bihar since the 1st April, 1943; and

(c) if Government contemplate removing the acute shortage of small coins in Bihar by sending large consignments and making similar arrangements for small coins as is done in Delhi and New Delhi?

The Honourable Sir Jeremy Raisman: (a) Yes.

(b) Between the 1st April and 24th July, 1943, small coin to the total value of over Rs. 26 lakhs of rupees, were sent to Bihar.

(c) Yes. The process has already started and increasingly large supplies are being and will continue to be sent until the position has been finally restored.

Dr. Sir Zia Uddin Ahmad: Has the Honourable Member seen the notes issued by private individuals for four annas in order to serve the community in these days of shortage of small coins?

The Honourable Sir Jeremy Raisman: Yes, I know that tokens of that kind have had to be resorted to, but I must point out that the situation, taking the country as a whole, has very greatly improved and is continuing to improve.

Dr. Sir Zia Uddin Ahmad: Doesn't the issue of these notes indicate that there is a shortage of small coins?

The Honourable Sir Jeremy Raisman: It indicates that there is a shortage in circulation, but it does not indicate that the Government have not put out a sufficient quantity of small coins for the needs of the country.

Qazi Muhammad Ahmad Kazmi: May I know if it is not a fact that even now the situation continues to be the same everywhere?

The Honourable Sir Jeremy Raisman: My information is that in large parts of the country the trouble has very largely disappeared. I admit that there are parts where the situation is still unsatisfactory, but one cannot hope to produce complete improvement in the whole of a country like this in a short time.

Dr. P. N. Banerjea: What is the situation in Bengal? Is it not a fact that there is a very great scarcity of coins there?

The Honourable Sir Jeremy Raisman: I have not had complaints from Bengal recently.

Qazi Muhammad Ahmad Kazmi: So far as I know, even now there is difficulty in getting small coins at Railway stations; in fact, we feel the difficulty at Delhi Station and also at other stations. Is the Government taking any steps in this connection?

The Honourable Sir Jeremy Raisman: The Government has looked into the matter of Railways and Post Offices and has taken action to improve the situation. But I must point out that wherever it is the case that small coin is only given out and is not tendered by the public, you will soon reach the position at which you are unable to give further change. These offices start with a certain allotment of small coins at the beginning of the day. This supply is very soon exhausted and they have therefore, to refuse further change.

Dr. P. N. Banerjea: Have any copper pice coins been issued recently? If so, to what extent?

The Honourable Sir Jeremy Raisman: Strange as it may seem, many millions of these copper pice coins are issued every month. I must admit that I do not see them myself. The moment they are put out into circulation, they seem to go underground.

Qazi Muhammad Ahmad Kazmi: May I know if it is a fact that Post Offices and railway offices are supplied with a certain amount of change every day?

The Honourable Sir Jeremy Raisman: Yes, it is a fact that they start with an initial supply of small change, but, as I have pointed out, in places where it is one way traffic and no small change is tendered by the public, the office soon reaches the position where it is unable to give further change.

Mr. K. C. Neogy: Does the Honourable Member know that the utility of the new pice coin as a metal washer has been very much appreciated by the trade, and that the trade finds that type of washer to be very much cheaper than any other type of metal washer?

The Honourable Sir Jeremy Raisman: The Honourable Member is making a very amusing point. What I would like to know from him is precisely what he would like me to do so that we may keep the pice in circulation.

Dr. Sir Zia Uddin Ahmad: May I know whether the Honourable Member has considered the desirability of introducing currency notes of 2½ rupees as it was done during the last war?

The Honourable Sir Jeremy Raisman: That has been considered. We have in the past had a 2½ rupee note and our experience was that it was not successful.

MEMORIAL FROM RAWALPINDI PENSIONERS FOR THE GRANT OF DEARNESS ALLOWANCE.

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

(a) if it is a fact that Government have received a memorial from Rawalpindi on behalf of the civil and military pensioners drawing the attention of Government to the services rendered by them and requesting for the grant of dearness allowance on account of the hard prevailing conditions; and

(b) if the answer to (a) is in the affirmative, whether Government have given any consideration to the memorial; if so, with what result?

The Honourable Sir Jeremy Raisman: (a) Yes.

(b) The matter is now under consideration.

CORRESPONDENCE BETWEEN MAHATMA GANDHI AND THE HOME DEPARTMENT.

311. *Mr. R. R. Gupta: (a) Has the Honourable the Home Member seen the press report published in the morning papers of the 30th July, 1943, on Mr. Amery's statement in the House of Commons in reply to questions by Mr. Sorenson regarding the correspondence between Mahatma Gandhi and the Home Department of the Government of India?

(b) Does the Honourable Member propose to make a statement on the nature of the correspondence?

(c) Did Mahatma Gandhi's letters relate to the pamphlet published by Sir Richard Tottenham, the Additional Secretary of the Home Department?

(d) Was the correspondence placed before the Viceroy's Executive Council? If not, why not?

The Honourable Sir Reginald Maxwell: (a) Yes.

(b) to (d). Government are not prepared to disclose the nature or contents of communications received from Mr. Gandhi so long as he remains subject to the restrictions of which the public are already aware.

Mr. R. R. Gupta: May I know whether the Honourable Member has seen the press reports wherein Sir Muhammad Usman and Sir Sultan Ahmed have denied the existence of any letter from Mahatma Gandhi?

The Honourable Sir Reginald Maxwell: Is the Honourable Member referring to clause (d) of his question?

Mr. R. R. Gupta: Yes, Sir.

The Honourable Sir Reginald Maxwell: The Honourable Member must know that I am not entitled to give him any information regarding the manner in which any business has been transacted in the Viceroy's Executive Council.

Mr. R. R. Gupta: May I know whether in a matter of such importance the Honourable the Home Member does not think it necessary to take his colleagues—the Indian Members of the Executive Council—into confidence?

The Honourable Sir Reginald Maxwell: I cannot answer that question, yes or no, as I have explained in my previous answer.

Mr. R. R. Gupta: May I know whether even the Secretary of State has been informed about the nature of the correspondence which has passed between the Government of India and Mahatma Gandhi?

The Honourable Sir Reginald Maxwell: I am unable to disclose the contents of the official correspondence between the Government of India and the Secretary of State.

DEARNESS ALLOWANCE TO GOVERNMENT EMPLOYEES.

312. *Mr. Amarendra Nath Chattopadhyaya: (a) Will the Honourable the Finance Member be pleased to state the principle upon which is based the payment of Dearness Allowance to employees of Government in different Departments and undertakings? Is it based on the consideration of neutralising the effect of the highly increased cost of living of the employees?

(b) Have Government introduced a uniform rate of Dearness Allowance for all workers in a particular zone under whatever Department or undertaking they may serve? If not, what is the justification for different rates at one and the same place?

(c) Do Government now propose to level up Dearness Allowance scales in each particular part of the country after taking due notice of the actual rise in the cost of living in that part?

The Honourable Sir Jeremy Raisman: (a) The attention of the Honourable Member is invited to the Proceedings of the Standing Finance Committee meetings of the 8th March, 1941, the 19th September, 1942, the 8th February, 1943 and the 31st July, 1943, in which the scope and objects of the dearness allowance scheme as modified from time to time have been duly explained.

(b) No, Sir. In determining the rates it has been necessary to pay due regard to the capacity of the revenues concerned and, as between the Central and Provincial Governments, to the avoidance so far as practicable of mutual embarrassment.

(c) No, Sir. For the latest action taken by Government in this regard the attention of the Honourable Member is invited to the proceedings of the Standing Finance Committee at its meeting of the 31st July, 1943.

DESIRABILITY OF GIVING HIGHER WAGES TO COAL MINERS.

313. *Mr. Amarendra Nath Chattopadhyaya: (a) Is the Honourable the Finance Member aware:

(i) that the average income of a coal-miner is Rs. 10 or below, in a large majority of mines in Rannigunje, Jharia and Katras fields, and that in many cases no Dearness Allowance is paid, or, if at all, a very meagre amount is paid; and

(ii) that rice is sold at about Rs. 30 per maund in these parts?

(b) If not, do Government immediately propose to make a statutory provision for higher wages for miners?

The Honourable Sir Jeremy Raisman: The question should have been addressed to the Honourable the Labour Member.

INDIANISATION OF THE W. A. C. (I.).

314. *Mr. Hooseinbhoy A. Lalljee: Will the War Secretary please state:

(a) the extent to which the W. A. C. (I.) has been Indianised; and

(b) the number of officers and other ranks recruited to the W. A. C. (I.) up to the 30th June 1943 showing the communities as under:

	Officers.	Other ranks.
Europeans	..	..
Anglo-Indians	..	..
Anglo-Burmans	..	..
Indians	..	..

Mr. C. M. Trivedi: (a) Recruitment to the W. A. C. (I.) is, and always has been, open to all women who are British subjects irrespective of race.

(b) On the 1st of July, 1943, out of a total of 406 officers in the Corps, 307 were Europeans, 65 Anglo-Indians 3 Anglo-Burmans, 27 Indians. Out of a total of 5,614 Auxiliaries, there were 1,543 Europeans, 2,382 Anglo-Indians 156 Anglo-Burmans, 1,175 Indians.

Sardar Sant Singh: May I know whether the Honourable Member is aware that there are complaints of the W. A. C. (I.)'s being located in the neighbourhood of troops?

Mr. C. M. Trivedi: No, I have not heard of that, Sir.

Sardar Sant Singh: Will the Honourable Member enquire that in Delhi British troops are located in the neighbourhood where the W. A. C. (I.)'s are accommodated?

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

UNIFORM OF INDIAN WOMEN BELONGING TO THE W. A. C. (I.).

315. *Mr. Hooseinbhoy A. Lalljee: (a) Will the War Secretary please state on whose suggestion the uniform of the Indian women belonging to the W. A. C. (I.) was adopted?

(b) Have any responsible Indian women been consulted as to the type of uniform to be worn by the Indian women of the W. A. C. (I.)? If so, what are their names?

Mr. C. M. Trivedi: (a) The uniform of the W. A. C. (I.) is based on that worn by the Auxiliary Territorial Service in the United Kingdom, except that Indian ladies can wear saris instead of skirts.

(b) No, Sir, but modifications in the uniform to be worn by Indian ladies are similar to those decided for Indian ladies commissioned into the Indian Medical Service. I understand that the modifications for the uniform of Indian ladies in the Indian Medical Service were made after consultation with certain Indian ladies.

DESIRABILITY OF APPOINTING AN INDIAN WOMAN AS CHIEF COMMANDER OF THE INDIAN SECTION OF THE W. A. C. (I.).

316. *Mr. Hooseinbhoy A. Lalljee: Will the War Secretary please state if Government have ever considered the question of appointing an outstanding Indian woman who is conversant with the customs and traditions of the Indian women as Chief Commander of the Indian section of the W. A. C. (I.)?

Mr. C. M. Trivedi: There is no Indian section of the W. A. C. (I.) and the question of appointing an Indian lady as Chief Commander of such a section does not therefore arise. There are a number of Indian ladies in important positions in the Corps.

PENALTIES LEVIED IN CALCUTTA ON SALT TRADERS.

317. *Sir Abdul Halim Ghuznavi: (a) Is the Honourable the Finance Member aware:

(i) that difficulties are being experienced in Calcutta by salt traders, in view of penalties being levied under the Sea Customs Act to the extent of customs duty at double the rate on the shortage below or excess above four per cent; and

(ii) that penalty duty on excess outturn or excess shortage which is above or below four per cent. of the manifest quantity is demanded by the customs authorities, despite the satisfactory explanation by the Master of an inward coming vessel in Calcutta?

(b) Do Government propose to accept the Masters' explanations in such cases, in view of the present emergency conditions? If not, why not?

The Honourable Sir Jeremy Raisman: (a) (i) and (ii). Representations to this effect were made recently at a meeting of the Indian Chamber of Commerce, Calcutta, attended by the Customs Member of the Central Board of Revenue and by the Collector of Customs, Calcutta, and the matter was fully discussed.

(b) Each case is dealt with individually on its merits, due regard being paid to present emergency conditions. In at least two recent cases penalties adjudicated by the Calcutta Customs have on appeal been remitted by the Central Board of Revenue.

UNSTARRED QUESTION AND ANSWER.
PROHIBITORY ORDERS RE GRANT OF LEASES UNDER THE CANTONMENT LAND ADMINISTRATION RULES.

58. Mr. M. Ghiasuddin: (a) Will the Honourable the Defence Member kindly state if it is a fact that, with a view to regularising sites held under unspecified terms (old grants) in cantonments, leases in the form shown in Schedule VII to the Cantonment Land Administration Rules have been introduced by the Government of India after long deliberations with a deputation of house owners?

(b) Is it a fact that in certain cantonments the Military Estates Officers have refused to grant such a lease under instructions from the Government of India? If so, under what authority has such an embargo been placed prohibiting the grant of a lease sanctioned by Rule 27 of the Cantonment Land Administration Rules?

(c) What are the reasons, if any, that induced Government to issue such prohibitory orders against the grant of lease in the form shown in Schedule VII?

(d) What is the general principle that is followed by the Military Estates Officers with regard to the grant or rejection of applications for such leases?

(e) Is it a fact that Military Estates Officers have refused to grant leases in the form shown in Schedule VII in respect of sites capable of accommodating more than one bungalow? If so, is it not in direct contravention of condition III of the schedule in question?

(f) Do Government propose to withdraw the existing prohibitory orders?

The Honourable Malik Sir Firoz Khan Noon: (a) Yes.

(b) No.

(c) Does not arise.

(d) The general principles to be observed by Military Estates Officers in the grant of leases in Schedule VII are:

Leases should be restricted to 'Old Grant' sites of which no written evidence of title and for which no regular lease exist, sites which have been subdivided or which have been used for a purpose other than that for which they were granted, before the promulgation of the Cantonment Land Administration Rules, 1937, and concerning which no written evidence exists of the terms on which the land is held.

The intention apparent from the heading of rule 27, which refers to 'Old Grants', is that the rule should only apply to sites held for building purposes, and it is not the intention that a lease should be granted to enable a holder of a site irregularly held, or held without a lease for other than building purposes, to convert the site into a building site; nor, in view of the provisions of the lease, under which, if Government wish to acquire any building on the site for public purposes, the lessee may require them to acquire all buildings on the site, is it the intention that a lease, which gives unlimited scope to build without restriction, should be granted to enable a house owner who is in possession of a large site to exploit the same, at the expense of the general tax-payer and against all military interests and requirements by the erection of a large number of additional buildings.

(e) Yes. Government understand that in some cases leases have been refused by Military Estates Officers when the application is in conflict with the above principles.

(f) Government do not propose to alter their present policy. They are, however, always ready to consider on its merits any individual case brought to their notice by a house-owner when the Military Estates Officer has refused a lease.

MESSAGE FROM THE COUNCIL OF STATE.

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

"I am directed to inform you that the Council of State at its meeting held on the 10th August, 1943, agreed without any amendment to the Bill to amend the Reciprocity Act 1943, which was passed by the Legislative Assembly at its meeting held on Tuesday, the 3rd August, 1943."

The Honourable Sir Sultan Ahmed (Leader of the House): Sir, in view of the function to which a large number of Honourable Members of this House have been invited, may I request you to adjourn at one o'clock.

Mr. President (The Honourable Sir Abdur Rahim): Will the Honourable Member speak up?

The Honourable Sir Sultan Ahmed: In view of a function to which a large number of Honourable Members of this House have been invited, I would request you to adjourn at one o'clock and then meet again at 3 o'clock, if necessary. Any work of the House then left incomplete may be taken up after 5 o'clock.

Nawabzada Muhammad Liaquat Ali Khan (Rohilkund and Kumaon Divisions: Muhammadan Rural): Why? What is the reason?

The Honourable Sir Sultan Ahmed: Because of a function to which a large number of Members of the Assembly have been invited.

Nawabzada Muhammad Liaquat Ali Khan: You mean an eating function?

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): When people are starving!

The Honourable Sir Sultan Ahmed: Therefore we should not eat!

Mr. President (The Honourable Sir Abdur Rahim): As it would otherwise be inconvenient to a large number of Members of the House, the Assembly will be adjourned at 1 o'clock and will meet again at 3 o'clock. I believe that will meet the desire of the House.

Some Honourable Members: Yes.

Some Honourable Members: No.

Mr. President (The Honourable Sir Abdur Rahim): Very well.

SECRET SESSION.

Mr. President (The Honourable Sir Abdur Rahim): Before the motion in the name of the Honourable Sir Sultan Ahmed on the war situation is taken up, all the Galleries excepting those reserved for the Members of the Council of State will be cleared.

[Accordingly all the Galleries, excepting the Gallery reserved for the Members of the Council of State, were cleared.]

The remainder of the Morning sitting was in Secret Session and the Assembly discussed the following motion moved by the Honourable Sir Sultan Ahmed:

"That the war situation be taken into consideration."

The two amendments to the above motion on the Order paper, one* by Mr. Govind V. Deshmukh and the other** by Mr. Abdur Rasheed Choudhury, were ruled out of order by the Chair as being beyond the scope of the Motion.]

When the Assembly re-assembled after Lunch at Three of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) who was in the Chair adjourned the Assembly for want of a quorum till Eleven of the Clock on Thursday, the 12th August, 1943.

*"That the following be added at the end of the motion:
'and it be urged by the Government on the United Nations through proper channels that a declaration by them of the policy of racial equality and immediate withdrawal of disqualifications and restrictions put on Indians as regards entry, residence, travel and trade and franchise in their countries or their colonies or self-governing dominions are the surest and quickest measures of bringing the war in the Pacific Ocean to a successful end.'"

**"That the following be added at the end of the motion:
'with a view to impress the necessity of granting to India immediately the same political status as is enjoyed by other Allied Nations'."

LEGISLATIVE ASSEMBLY

Thursday, 12th August, 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.

TRANSFERRED STARRED QUESTIONS AND ANSWERS†.

(a) ORAL ANSWERS.

DESIRABILITY OF APPOINTING A MUSLIM AS DIRECTOR GENERAL OF ARCHÆOLOGY.

262. *Maulana Zafar Ali Khan: Will the Secretary for Education, Health and Lands kindly state when the present incumbent of the post of the Director General of Archæology is due to retire, and if it is proposed to appoint a Muslim to succeed him, in view of the fact that this post has never gone to a Muslim officer ever since the creation of the Department?

Mr. J. D. Tyson: The present Director General of Archæology in India is due to retire on the 21st October, 1944. The post of Director General is filled by selection and communal considerations cannot be taken into account.

Seth Yusuf Abdoola Haroon: May I know who are the members of the Selection Board?

Mr. J. D. Tyson: There is no Selection Board.

DESIRABILITY OF APPOINTING A MUSLIM AS DEPUTY DIRECTOR GENERAL OF ARCHÆOLOGY.

263. *Maulana Zafar Ali Khan: (a) Will the Secretary for Education, Health and Lands kindly state if it is a fact that the tenure of the present incumbent of the post of Deputy Director General of Archæology is due to expire in or about September 1943?

(b) Is it now proposed to appoint a Muslim officer to this post, in view of the fact that this post has been held by Hindus for about a decade? If not, why not?

Mr. J. D. Tyson: (a) Yes. On the 2nd September, 1943.

(b) The post of Deputy Director General of Archæology is filled by selection. The claims of all officers, including Muslims, will be considered before a final selection is made.

DESIRABILITY OF APPOINTING A MUSLIM AS CONSERVATION ASSISTANT, ARCHÆO-LOGICAL DEPARTMENT AT DELHI.

264. *Maulana Zafar Ali Khan: (a) Is the Secretary for Education, Health and Lands aware that the post of Conservation Assistant, Archæological Department at Delhi, fallen vacant by the demise of the permanent incumbent, has now been temporarily filled by a sub-overseer transferred from the office of the Archæological Superintendent, Agra?

(b) Is the sub-overseer temporarily appointed a qualified hand from any recognised Engineering College?

(c) Is he aware:

(i) that the work of the conservation of ancient monuments requires engineering training, skill and experience; and

(ii) that almost all the protected monuments in Delhi are Muslim ones including a large number of mosques and tombs, and owing to this fact does he propose to consider the desirability of appointing a Muslim subordinate to look after them?

†The question hour of the 10th August, 1943, having been dispensed with, these questions were transferred till to-day, *vide* page 575 of these Debates.—*Ed. of D.*

Mr. J. D. Tyson: (a) Yes.

(b) The sub-overseer who has been appointed to officiate in the vacancy is a permanent hand with 15 years service.

(c) (i) Yes.

(ii) The attention of the Honourable Member is invited to the replies given on the 25th March, 1941, to starred question No. 486 and the supplementary questions.

BREAKAGE OF GLASS SHEETS FIXED FOR PROTECTION OF MURAL PAINTINGS AT THE CENTRAL ASIAN ANTIQUITIES MUSEUM.

265. *Mr. H. M. Abdullah: (a) Is the Secretary for Education, Health and Lands aware:

(i) that the plate glass sheets fixed for the protection of Mural paintings at the Central Asian Antiquities Museum were removed by the Archaeological Department and buried underground; and

(ii) that almost all these glass sheets were broken to pieces due to the unscientific burial of them?

(b) Who are responsible for this treatment of the glass sheets, and what was the original price of these and their present market value?

(c) Are the glasses required for the protection of the paintings in future, and is it now possible to replace the broken glasses by new ones?

Mr. J. D. Tyson: (a) (i). Yes; the glass sheets were buried on the advice of the A. R. P. authorities to avoid danger to the public from glass splinters.

(ii) Most of the glass sheets were broken, probably owing to seismic tremors.

(b) The Assistant Archaeological Superintendent in charge of A. R. P. measures was primarily responsible. The original cost was Rs. 35,000. The present market value is not known.

(c) The glass is not essential for the protection of the paintings. It cannot be replaced at present as the glass is not available in the market.

REPAIRS OF PROTECTED MONUMENTS AT BIJAPUR.

266. *Mr. H. A. Sathar H. Essak Sait: Will the Secretary for Education, Health and Lands be pleased to state:

(a) which of the monuments at Bijapur are protected under the Protected Monuments Act;

(b) the expenditure incurred last year on their repairs;

(c) whether he is aware:

(i) that the Gol Gumbaz, the Ibrahim Rauza and the other monuments are in a most neglected condition today, that bits of plaster are falling down from the ceiling of the Gol Gumbaz, even endangering the lives of visitors, for whose protection the central portion of the floor of the Gumbaz has been fenced off, while nothing is done to repair or preserve the ceiling; and

(ii) that in the Ibrahim Rauza the unique perforated stone window panels of interlaced Arabic writings have been seriously damaged and some of them are missing; and

(d) if he proposes to issue orders immediately to effect necessary repairs for the better care of these monuments before further damage is done?

Mr. J. D. Tyson: (a) There are 109 monuments in Bijapur and its suburbs which are protected under the Ancient Monuments Preservation Act, 1904.

(b) The allotment made last year for maintenance of and special repairs to the monuments in Bijapur was Rs. 9,308. The amount of expenditure actually incurred is not available at present.

(c) (i). It is true that small bits of plaster have fallen from certain portions of the ceiling of the Gol Gumbaz and that the central portion of the floor of the Gumbaz has been fenced for the safety of the public as these small fragments fall from a great height. The monuments of special importance mentioned in the question have not been neglected but have been receiving special attention during recent years. In particular, the structure of the dome of the Gol

Gumbaz is reported to be safe. Estimates and plans for repairs to the ceiling of the dome were prepared but the work had to be postponed on account of the difficulty of obtaining the necessary materials in war conditions.

(ii) The Honourable Member apparently refers to the ceiling panels of the verandah which, standing without support over a span of some 12 feet, were endangered by the deterioration of the concrete terrace above. Here again work had to be postponed as the materials required were not obtainable. No panels are missing.

(d) Does not arise.

Mr. H. A. Sathar H. Essak Sait: With reference to the statement that repairs are postponed for want of materials, will the Honourable Member make inquiries whether this indefinite postponement is really doing very great harm to these valuable monuments?

Mr. J. D. Tyson: Yes, Sir. We will do that. I understand it is not likely to do so but I will make further inquiry.

Mr. H. A. Sathar H. Essak Sait: With reference to the reply to part (c) (ii) that no panels are missing, will the Honourable Member take it from me that one panel is missing. Will he make inquiries?

Mr. J. D. Tyson: I will make inquiries about it.

Mr. H. A. Sathar H. Essak Sait: With reference to the final part of the answer, will the Honourable Member see that further damage is not done to these valuable monuments and that something is done to get the necessary materials?

Mr. J. D. Tyson: If the immediate safety of the panels is involved, we will undoubtedly have to press for the necessary steel for these important monuments.

Mr. H. A. Sathar H. Essak Sait: They are stone panels, not steel.

Mr. J. D. Tyson: Yes, but I understand that the repairs will involve the use of a certain amount of steel rods.

Mr. Lalchand Navalrai: Can these materials be had in India?

Mr. J. D. Tyson: It is very difficult to get steel at all except for war purposes.

Sir Muhammad Yamin Khan: He is referring to the panels in stone?

Mr. J. D. Tyson: I think that the fixing of these things requires steel.

PROCEDURE OF PURCHASING INDIAN WOOL BY THE UNITED KINGDOM GOVERNMENT.

267. *Seth Yusuf Abdoola Haroon: (a) Will the Honourable the Commerce Member be pleased to state whether it is a fact that His Majesty's Government are the only overseas buyer of Indian wool?

(b) Is the Honourable Member apprised of the unanimous opinion of the Indian wool producers and traders that the present system of shipment of Indian wool to Liverpool on consignment basis is prejudicial to the Indian wool trade interests, more so in the present emergent conditions inasmuch as the Indian sellers have to bear heavy commission charges of the local non-Indian commission houses, and further they get full payment for their goods after an unduly long time, i.e., after the disposal of their goods in Liverpool?

(c) Do Government propose, in consultation with the trade, to buy wool on behalf of His Majesty's Government in India themselves from the actual shippers, and pay for it at controlled prices fixed for Liverpool plus the subsidy less expenses up to destination?

(d) What are the reasons for not adopting the system of supplies to the United Kingdom mentioned in (c) above in place of the present system of shipment on consignment basis?

(e) Is it a fact that His Majesty's Government have agreed to purchase the entire wool clips plus one clip more of Australia, New Zealand and South Africa after the termination of the war?

(f) Is it a fact that His Majesty's Government are not agreeable to accord a similar treatment to Indian wool even on the face of the position in (e) above?

(g) What steps have the Government of India taken so far in persuading His Majesty's Government to accord equal treatment to Indian wool on par with the wool of the Dominions mentioned above in the matter of procedure of purchasing Indian wool?

The Honourable Sir M. Azizul Huque: (a) Broadly speaking, the United Kingdom is now the only regular export market for Indian wool.

(b) Government are aware that some exporters are dissatisfied with the working of the present system of shipment of wool to Liverpool on a consignment basis through Commission Houses in India.

(c) and (d). The presumption that His Majesty's Government themselves buy Indian wool is incorrect. The trade is still conducted through "private channels, and there can be no question therefore of the Government of India buying wool on behalf of His Majesty's Government.

(e) Yes.

(f) and (g). Indian wool is of a quality different from Australian and South African wool and His Majesty's Government do not require the entire exportable surplus of Indian wool.

Seth Yusuf Abdoola Haroon: Does the Honourable Member know that there is great dissatisfaction among the sellers?

The Honourable Sir M. Azizul Huque: If the sellers send us a memorandum pointing out their grievances, I will certainly look into the matter.

SAFEGUARDING OF INDIAN WOOL TRADE INTERESTS.

268. ***Seth Yusuf Abdoola Haroon:** (a) Will the Honourable the Commerce Member be pleased to state whether he is aware of the deteriorated position of the Indian wool interests due to the curtailment of the annual quota of shipment of Indian wool to Liverpool to 36,000 bales, against the average annual shipment of about 1,25,000 bales?

(b) What steps have Government taken to represent the matter to His Majesty's Government, with a view to substantially raising the quota to the annual average shipment figure?

(c) Are Government aware that the present holders of the monopoly of the export of the Afghan wool to the United States of America were not in the trade prior to the war, and that this wool was handled by the established Indian wool exporters who have now been deprived of this trade?

(d) If the answer to (c) is in the affirmative, what measures have they taken to safeguard the Indian wool trade interests?

The Honourable Sir M. Azizul Huque: (a) Yes.

(b) The matter was represented to His Majesty's Government but they have stated that demands in the United Kingdom requiring the use of Indian wool do not at present justify any increase in the quota of 35,000 bales for 1943, having regard to the need for conserving shipping space.

(c) and (d). Government have no information but are making enquiries.

Seth Yusuf Abdoola Haroon: Will the Honourable Member lay a statement on the table after making inquiries?

The Honourable Sir M. Azizul Huque: At the next Session, if a question is put, I will certainly do so.

SAFEGUARDING OF INDIAN WOOL TRADE INTERESTS.

269. ***Seth Yusuf Abdoola Haroon:** (a) Will the Honourable the Commerce Member be pleased to state whether Government are apprised of the fact that in the absence of the high priority of shipment of Indian wool to the United Kingdom even the small quota of Indian wool to Liverpool is finding serious difficulty in regard to shipping space?

(b) Are Government aware that the loss of the Liverpool market for Indian wool since the entry of the United States of America into the war has seriously aggravated the position of the Indian wool taking into consideration the fact that the United Kingdom who is now the only buyer of Indian wool have failed to take Indian wool even to the extent of its normal average annual off-take?

TRANSFERRED STARRED QUESTIONS AND ANSWERS

(c) Have Government represented to His Majesty's Government to safeguard the Indian wool trade interests against the precipitate fall in prices that generally result after the end of hostilities by calling upon the Wool Control Board in Liverpool to maintain the control rates *plus* the subsidy for Indian wool for at least two years after the termination of the war, and to apply these control rates and the subsidy also to the quotas in India which have not been shipped to Liverpool before the end of the war, and also to the quotas in transit to Liverpool before the end of the war?

(d) Are Government aware that, in view of the heavy stocks of Indian wool accumulated in the country, the importation of foreign wool (Australian, Iranian and Afghan) into India goes to worsen the situation and should be forthwith stopped?

The Honourable Sir M. Azizul Huque: (a) and (b). Government are aware that actual shipments during the past few months have fallen short of expectations.

(c) His Majesty's Government's Wool Control do not themselves buy Indian wool but have merely fixed *maximum* prices. The maintenance of these prices will be dependent on the general policy of His Majesty's Government in regard to the measure of control which they may consider desirable or possible after the war but it is obvious that the continued maintenance of *maximum* prices cannot afford any protection to shippers, should there be a precipitate fall in prices after the war.

(d) Imports of Australian wool are of a quality not available in India and are restricted to the minimum required for Government purposes. Imports of Persian and Afghan wools are very small.

INDIAN WOOL TRADE.

270. ***Seth Yusuf Abdoola Haroon:** (a) Will the Honourable the Commerce Member please give figures of Indian wool of the following qualities used by (A) Indian Mills, and (B) hand weaving looms, for (i) manufacturing cloth for wearing purposes, and (ii) for manufacturing blankets, etc.

1. Black and grey, and 2. White and yellow? (The figures may kindly be given of different types and different uses, separately).

(b) Were prices realised for Indian wool in Liverpool at recent distributions much below the control prices, and have Government taken any action urging the authorities in the United Kingdom for a careful examination of the parcels of Indian wool before assessment, with a view to ensuring for such Indian wool full control prices *plus* subsidy?

(c) Is it a fact that Indian wool recently exported to Basra for being delivered to Russia and other foreign countries fetched higher prices than the control prices *plus* subsidy for Indian wool in Liverpool? If so, why have Government not taken steps to distribute the excess over the control price to the dealers in India, as was done in the past in case of supplies to France?

The Honourable Sir M. Azizul Huque: (a) and (A). The estimated quantity of Indian wool used by the mills for manufacture of blankets for the requirements of the Defence Services is twenty million pounds per annum.

(B) The estimated quantity of wool utilised annually by the Hand-loom Industry is: (i) two million five hundred thousand pounds for the manufacture of cloth for the use of the Defence Services; and (ii) eight million pounds for the manufacture of blankets for the Defence Services.

It is not possible to give the figures asked for regarding the quantities of (i) black and grey and (ii) white and yellow wools used in the manufacture of the above, without making detailed enquiries from the manufacturers.

(b) No wools have been sold at other than scheduled prices *plus* appropriate subsidies.

(c) The reference is presumably to certain quantities of wool recently exported by Messrs. Cox & Kings Limited, but the position is not analogous to the sales to French buyers in the early stages of war. In the present instance, the wool

was offered by shippers as a direct sale to the purchasers in India and was not diverted from the Liverpool auctions under the authority of the U. K. Wool Control. The Government of India are therefore unable to interfere in the question of profits, if any, made by resale of the wool in question.

DAMAGE TO GHULAM MOHIUDDIN KHAN'S GARDEN.

271. *Maulvi Muhammad Abdul Ghani: (a) Will the Secretary for Education, Health and Lands please state if it is or it is not a fact that there are several complaints of excesses by the Land Acquisition Collector of the Improvement Trust, Delhi in respect of the zamindars' properties?

(b) Is it or is it not a fact that an old historical Mughal garden known as Ghulam Mohiuddin Khan's Garden has been destroyed by the authorities of the Trust?

(c) Is it not a fact that the destruction of the said garden is partly due to the letter of the Superintendent of the Trust who has on behalf of the Chairman asked the police not to intervene, and to let the contractors cut down the valuable fruit-bearing trees?

(d) Was the Superintendent properly authorised by the Chairman to write such a letter? If so, why did he not first enquire about the facts stated by the owner of the garden?

Mr. J. D. Tyson: (a) No.

(b) A portion of the garden, which is a fruit garden of no special historical importance, was acquired lawfully for public purposes. Apart from the cutting down of trees there has been no destruction of any property.

(c) and (d). The letter, for which the Chairman of the Trust accepts responsibility, was quite properly written to the Police to inform them that certain people who had lawfully purchased in auction the right to cut and remove trees from the land acquired by the Trust should not be interfered with when they went to cut the trees. It was necessary to inform the Police of the facts because the previous owners had asked the Police to prevent the auction purchasers from removing the trees.

Maulvi Muhammad Abdul Ghani: Is it not a fact that at the first stage the contractor had the possession of about 2 *bighas* and later on he took over the possession of 11 *bighas* and removed the trees from the acquired land?

Mr. J. D. Tyson: I think if my Honourable friend will wait that question will come up automatically under question No. 279.

DAMAGE TO GHULAM MOHIUDDIN KHAN'S GARDEN.

272. *Maulvi Syed Murtuza Sahib Bahadur: (a) Will the Secretary for Education, Health and Lands be pleased to enlighten the House regarding the result of his enquiry about Ghulam Mohiuddin Khan's Garden, as promised during the last session of the Assembly?

(b) Is it a fact that four months have elapsed but the authorities of the Delhi Improvement Trust and the Land Acquisition Collector have not so far redressed the grievances of the owner of the garden? If not, why not?

(c) Is it not unconstitutional that the Collector was authorised to acquire only two *bighas* and sixteen *biswas* of land according to the copy of the award while he has actually taken possession of more land than authorised? If so, under what law of the Land Acquisition Act has the Collector done so, and why did he order the cutting down of trees beyond the acquired area without any information of the owner?

(d) Who is responsible for it?

(e) What action do Government propose to take against those who are responsible for the loss and destruction of the garden in question?

(f) Is it not a fact that the Delhi Improvement Trust is not functioning well, and that there are several complaints of the zamindars and landlords against the Land Acquisition Collector as stated in the *Watan*, local Daily Vernacular Paper, of the 30th April, 1943?

(g) Do Government propose to make an impartial enquiry into the public grievances against the Land Acquisition Collector and the Delhi Improvement Trust, and to enlighten the House?

Mr. J. D. Tyson: (a) to (e). I understand that no land has been acquired in excess of the area which was from the beginning intended and notified for acquisition, and no trees were cut down from land not actually acquired. In the acquisition proceedings the area of 4 *bighas* was by mistake computed as 2 *bighas* 16 *biswas* and compensation was calculated on this incorrect figure. The owner of the land had ample opportunities to get the mistake rectified during the course of the enquiry, but he failed to attend in spite of notices issued by the land acquisition officer. He also failed to apply for the reference of the award to the court under section 18 of the Land Acquisition Act. When the error was discovered, the land acquisition officer made a supplementary award allowing compensation for the whole of the 4 *bighas*. In addition to this area of 4 *bighas* the owner claims an additional area 4 *bighas* 10 *biswas* which according to the revenue records is Government property. In order that a decision on this dispute may be obtained, land acquisition proceedings have been instituted in respect of this additional area.

(f) and (g). Government have no reason to think that the Delhi Improvement Trust is not functioning well. They see no grounds for instituting any special enquiry. If specific complaints are made to the authorities concerned they will be fully investigated and necessary action will be taken. As regards the allegations made in the *Watan* of the 30th April, it is understood that the Trust is submitting a report on the subject and the action to be taken will be considered when the report is received.

Maulvi Syed Murtuza Sahib Bahadur: May I know if it is not a fact that the owner of this garden has been in possession thereof for the last so many years?

Mr. J. D. Tyson: I do not think there is any dispute as to the ownership of the main bulk of the garden.

Maulvi Syed Murtuza Sahib Bahadur: Including the portion in dispute?

Mr. J. D. Tyson: The portion in dispute consists of a long strip including a water course. Part of that strip is recorded in the revenue records as "under Government" and part of it is recorded as "under the co-sharers of the garden".

Maulvi Syed Murtuza Sahib Bahadur: Is it not a fact that this water course itself is included in the said garden?

Mr. President (The Honourable Sir Abdur Rahim): Is there any litigation going on about it?

Mr. J. D. Tyson: There is a dispute as to the ownership of 4 *bighas* and 10 *biswas* and in order to clear that up, the Trust, though they believe it to be Government property, have instituted land acquisition proceedings and the matter of title will, therefore, be settled automatically.

Mr. H. A. Sathar H. Essak Sait: Is it not a fact that the acquisition proceedings were started only recently and for the last 300 years the property was taken to be the property of the owner of the garden?

Mr. J. D. Tyson: The revenue records show it as the property of Government.

Mr. President (The Honourable Sir Abdur Rahim): The matter is being investigated in court?

Sir Muhammad Yamin Khan: Is it shown as Nazool property

Mr. President (The Honourable Sir Abdur Rahim): Order, order: It is a matter for the court to decide.

PROVISION FOR EXEMPTING FINE ON IMPRISONMENT SERVED IN LIEU THEREOF.

273. *Mr. T. T. Krishnamachari (on behalf of **Mr. R. R. Gupta**): (a) Will the Honourable the Law Member be pleased to state if he has in view any amendment of the relevant provision of the Criminal Procedure Code so that when a criminal has served a sentence of imprisonment in lieu of fine he may be let off the fine?

(b) If he does not contemplate any such amendment, why not?

The Honourable Sir Asoka Roy: (a) No.

(b) The Honourable Member's attention is invited to the proviso to sub-section (1) of section 386 of the Code of Criminal Procedure from which he will observe that under the existing law the offender not only may be let off, the fine if he has undergone the whole imprisonment awarded in default of payment of fine but that the Court is required not to issue a warrant for the recovery of the fine in such circumstances, unless for special reasons to be recorded in writing it considers it necessary to do so. No question therefore arises of promoting an amendment in the sense suggested by the Honourable Member.

Mr. Lalchand Navalrai: May I know if the Honourable Member is aware that there have been certain questions and Resolutions with regard to this amendment of the Criminal Procedure Code, namely, with regard to the fine after the imprisonment is suffered, and is the Honourable Member prepared to have this section amended?

The Honourable Sir Asoka Roy: I am not prepared to have the section amended.

Mr. Lalchand Navalrai: What are the reasons for saying so?

The Honourable Sir Asoka Roy: Because I consider the amendment of the section is wholly unnecessary. I think the law as it exists is working quite satisfactorily and is not operating harshly.

Mr. Lalchand Navalrai: Does the Honourable Member know that the public opinion is against it?

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

Mr. Lalchand Navalrai: I am asking for the reasons.

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

SURVEY OF HYDRO-ELECTRIC POSSIBILITIES IN INDIA.

274. *Mr. T. T. Krishnamachari (on behalf of **Mr. R. R. Gupta**): (a) Will the Honourable Member for Labour be pleased to state if Government have directed a survey of Hydro-electric possibilities in this country? If so, when was the survey last carried out, and by whom?

(b) Do not Government consider that, in view of the generally accepted policy of conservation of India's better class coal resources, hydro-electric developments should be actively encouraged, particularly in the United Provinces, the Punjab and the Central Indian States, which are situated away from the sources of India's coal supply? If so, in what form do Government propose to encourage such development?

(c) What is the installed generating capacity of the State Hydro-electric schemes developed by the United Provinces and the Punjab Governments, Native States like Mysore and Travancore, and the Tatas in Bombay, and what is the unabsorbed load available from these schemes at present?

(d) Does the Honourable Member propose to lay on the table a statement showing from their latest data the possible head works site of the new hydro-electric schemes in India, together with the power likely to be obtained from each of the generation schemes?

(e) Have Government thought out any possibility of converting Railways to be driven electrically in those localities where cheap power can be obtained?

The Honourable Dr. B. R. Ambedkar: (a) A brief survey of major hydro-electric possibilities throughout India was made about the end of 1941 by the Electrical Commissioner with the Government of India.

(b) Promotion of hydro-electric schemes is primarily the concern of Provincial Governments and States. The Central Government is, however, fully alive to the desirability of hydro-electric development and the post-war organisation of the electricity supply industry including hydro-electric development is engaging the attention of the Reconstruction Committee of Council.

(c) and (d). During war-time it is not in the public interest to publish the information asked for. In any case, as already stated, the promotion of hydro-electric schemes is primarily the concern of the Provincial Governments and States.

(e) Yes, the question has been considered from time to time and is always kept in view, but the availability of cheap power is only one of the factors which would determine the conversion of a particular section to electric traction.

TEA WAITING SHIPMENT UNDER CONTRACTUAL OBLIGATIONS AFTER THE BAN ON PRIVATE EXPORTS.

275. *Sir Abdul Halim Ghuznavi: Will the Honourable the Commerce Member please state:

(a) the amount of tea waiting shipment under the contractual obligations entered into by Indian traders at the time of the imposition of ban on the private exports of tea in December 1942;

(b) whether special licences were given to such exporters whose contractual obligations were pending at the time of the imposition of restrictions on the private exports of tea; if so, what the amount of tea is which was thus allowed to be exported, and what the time given to them was to effect such exports;

(c) whether Government are aware that in case of those merchants who were not allowed to effect shipments under their contracts they have entered, into for exports, they have suffered enormous losses;

(d) the amount of tea which was loaded on ships before the imposition of ban on exports of tea under the contractual obligations, but was compelled to be unloaded by Government;

(e) what has happened to these quantities of frustrated shipments;

(f) whether the Government of India have taken any steps to give any relief to such exporters whose shipments are frustrated and who have thereby suffered losses; and

(g) whether Government propose to assure that private exports of tea to countries other than the United Kingdom will be allowed with a view to fulfilling the pending contractual obligations entered into by the Indian exporters of tea before the imposition of the ban on the private exports of tea?

The Honourable Sir M. Azizul Huque: (a) Government have no information.

(b) Restrictions on exports to Iraq were imposed in April, 1942, to Persia in July, 1942 and to other countries on the 15th September, 1942. Concessions were granted to enable shipment of stocks held by shippers against pre-restriction contracts, and time for shipment was allowed until the 15th December, 1942. I am not in a position to disclose the actual quantities exported, as the information is treated as confidential, but for certain destinations, notably Iraq and Persia, the shipments permitted under the concessions were considerably in excess of the average annual exports to the respective countries.

(c) Government have received some representations on the subject.

(d) Information is not readily available. I should like to make it clear however, that the teas ordered to be unloaded were teas found on country craft in the Bombay harbour more than a month after the last date on which exports on private account could legally have been made.

(e) Government have no information.

(f) and (g). In view of the notice given to the trade of Government's intention to impose a prohibition on exports on private account and of the time given to complete shipments against pre-existing contracts and in view also of the very large quantities exported before the 15th December, 1942, Government consider there is little justification for a general concession of the nature suggested.

Mr. Lalchand Navalrai: Why was the private export of tea prohibited at all?

The Honourable Sir M. Azizul Huque: That is a question which I am not prepared to answer in reply to a supplementary question. That is a question of general policy.

Sir Abdul Halim Ghuznavi: May I ask, Sir, that when the tea is exported and loaded in the ship, the shipper has no responsibility for the goods leaving the port? When he has obtained bills of lading, that completes the shipment whether the ship leaves the port or not. That is not his concern.

Mr. President (The Honourable Sir Abdur Rahim): What is the Honourable Member's question?

Sir Abdul Halim Ghuznavi: The question is under what rules of law

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

PROVISION OF STEAMERS FOR ENABLING THE SCINDIA STEAM NAVIGATION COMPANY TO CARRY ITS COASTAL TRADE CARGO QUOTA.

276. *Mr. K. C. Neogy: (a) Will the Honourable the Commerce Member be pleased to state whether one of the objects which the Government had in view in appointing the Indian Shipping Adviser was to ensure that each company is able to carry its allotted quota of the coastal trade according to the existing Tripartite Agreement? If so, did each of the three Lines, namely the British India, the Asiatic and the Scindia, forming the Conference Lines, carry cargo according to their respective quotas in the coastal trade in 1941 and 1942? If not, why not?

(b) Is it a fact that both the British India and the Asiatic Steam Navigation Companies were able to carry cargo in the coastal trade, according to their quota, in the years 1941 and 1942, because the British Ministry of War Transport placed a number of steamers at their disposal to enable them to do so, while neither the Government of India, nor the British Ministry of War Transport supplied a single steamer to the Scindia Company to help that Company in carrying cargo, according to its quota in the coastal trade?

(c) Is it a fact that the British Ministry of War Transport supplied 158 steamers to the British India Steam Navigation Company since the outbreak of the war till the 18th September, 1941, to enable that Company to carry cargo, according to its quota, from Burma ports to India, while not a single steamer was given to the Scindia Company for that purpose?

(d) Is it a fact that the British Ministry of War Transport supplied 92 steamers to the British India, and 25 steamers to the Asiatic, during the year 1942, to enable those companies to carry cargo, according to their quotas in the coastal trade of India, while not a single steamer was given to the Scindia Company during that period?

(e) If the answer to (c) and (d) be in the affirmative, what steps do Government propose to take to provide the Scindia Company with such number of steamers as might enable that Company to carry cargo, according to its quota, in the coastal trade?

The Honourable Sir M. Azizul Huque: (a) and (b). The reply to the first portion of part (a) is in the affirmative. In 1941, the quota carryings of the British India and Scindia Steam Navigation Companies were short of their respective shares by 28,480 tons and 916 tons, respectively, while those of the Asiatic Steam Navigation Company were in excess of their share by 29,396 tons. In 1942, however, the Asiatic Steam Navigation Company carried 16,314 tons and the British India Steam Navigation Company 30,264 tons in excess of their respective share of quota carryings. While the two British Companies were allocated steamers by the Ministry of War Transport, the shortage of carryings by the Scindia Steam Navigation Co. was chiefly due to the requisitioning of a large number of their vessels by Government and also partly to the fact that Scindias did not after about May, 1942 insure their ships against war risks in the Bay of Bengal and preferred to employ their free ships exclusively on the West Coast.

(c) and (d). Government have no precise information regarding the number of ships allocated to the British India and Asiatic Steam Navigation Companies by the Ministry of War Transport for the purpose for which they were allocated. So far as they are aware, no ship has been allocated to the Scindia Steam Navigation Company.

(e) In view of the acute shortage of shipping, Government have not been able to secure any additional shipping for the Scindia Steam Navigation Company and in present circumstances it does not seem possible to ensure the carrying of cargo by the Company in accordance with the quota.

Mr. T. T. Krishnamachari: May I know if any attempt has been made by Government to see that this disparity which the Honourable Member revealed is in any circumstances mitigated?

The Honourable Sir M. Azizul Huque: So far as I am aware the question was taken up.

Mr. K. C. Neogy: What steps have the Government taken for the purpose of securing the necessary additional shipping for this company?

The Honourable Sir M. Azizul Huque: That is too general a question. As I have already explained, in one year they carried below quota, in another year they carried over the quota. There is the other factor that there was no insurance against Bay of Bengal risks.

Mr. K. C. Neogy: With reference to part (b), I merely want to know the kind of action that the Government have so far taken for the purpose of assisting this company?

The Honourable Sir M. Azizul Huque: I will not be in a position to answer this question off-hand. I know that the question was taken up.

Mr. T. T. Krishnamachari: In view of the fact that Government have acquired quite a lot of ships belonging to this company, may I ask whether it is not an obligation on the part of the Government to see that the company's rights are really looked after?

The Honourable Sir M. Azizul Huque: We are looking to the rights of the company quite well.

Mr. T. T. Krishnamachari: Is it merely a categorical assertion in this House or is it backed up by actual facts? The House would like to have information on this point?

The Honourable Sir M. Azizul Huque: We are doing something more than mere statement in the House.

STEPS FOR DEVELOPING INDIAN MERCHANT NAVY AND SHIPBUILDING INDUSTRY.

277. *Mr. K. C. Neogy: (a) Will the Honourable the Commerce Member be pleased to state if Government have taken note of the following statement made by Mr. N. R. Sarker, when he presided as the Commerce Member of the Government of India at the Prize Day Function of the I. M. M. T. S. "Dufferin" in December last, namely:

"But one cannot help feeling that had adequate steps been taken in time to promote the development of an Indian mercantile marine and an Indian Navy, our country would have been in a position to play a much larger and a more effective part in overcoming Axis aggression. Whatever may have been the difficulties in the past, I hope the lessons of this war will not be lost upon us and that every effort will be made to help the development of Indian shipping and Indian shipbuilding industry?"

(b) If the answer to (a) be in the affirmative, what steps have been taken, or are proposed to be taken by Government to develop a merchant navy owned, controlled and managed by Indians, worthy of India's large maritime trade, in pursuance of Government's past promises and assurances in this connection?

(c) What steps have Government taken, or propose to take, to develop Indian shipbuilding industry for building ocean-going ships, and what help have Government given, or propose to give, to enable any Indian Company to build ocean-going ships in India, particularly in view of the admitted fact that there is a great dearth of shipping in India and India needs ships immediately for carrying on efficiently its war efforts in all directions?

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LEGISLATIVE ASSEMBLY

[12TH AUG., 1943]

The Honourable Sir M. Azizul Huque: (a) Yes.

(b) The attention of the Honourable Member is invited to the reply given to starred question No. 545 by Maulana Zafar Ali Khan on the 28th March, 1940, and to part (b) of starred question No. 239 by Mr. Akhil Chandra Datta on the 3rd March, 1941.

(c) Existing shipyards in India are given full assistance needed to maintain a full output of small naval craft etc. It is not possible in war conditions to develop the building of large merchant ships. The shipbuilding industry will be included in Government's consideration of plans for Post-War Industrial Reconstruction.

FAILURE TO INVITE FOOD COMMITTEE MEMBERS TO THE FOOD CONFERENCE.

†278. ***Mr. Muhammad Nauman:** (a) Will the Honourable the Food Member be pleased to place on the table the names of the individuals together with their designations who were invited to the Food Conference held in the month of July at Delhi?

(b) Is it a fact that Members of the Central Assembly on the Commerce Department Committee, who are also members of the Food Committee, were not invited to this Conference?

(c) What is the reason for this elimination?

The Honourable Sir M. Azizul Huque: (a) A statement is laid on the table.

(b) Yes.

(c) The Conference was restricted to official representatives of the Central Government, the provinces and the States.

Third All-India Food Conference held in New Delhi, on 5th, 6th, 7th and 8th July, 1943.

LIST OF REPRESENTATIVES.

Government of India.

- (1) The Hon'ble Sir Azizul Huque, C.I.E., D.Litt., Chairman.
- (2) The Hon'ble Sir Jeremy Raisman, K.C.S.I., C.I.E., I.C.S.
- (3) The Hon'ble Sir Edward Benthall.
- (4) The Hon'ble Sir Joginder Singh.
- (5) Major General E. Wood, C.I.E., M.C., Secretary to Government of India, Department of Food.
- (6) Mr. M. S. A. Hydari, C.S.I., C.I.E., I.C.S., Secretary to Government of India, Department of Industries and Civil Supplies.
- (7) Mr. J. D. Tyson, C.B.E., I.C.S., Secretary to Government of India, Department of Education, Health and Lands.
- (8) Mr. H. D. Vigor, O.B.E., Food Adviser, Department of Food.
- (9) Sir Theodore Gregory, D.Sc., Economic Adviser to Government of India.
- (10) Lt.-Genl. T. J. Hutton, C.B., M.C., Secretary War Resources Committee.
- (11) Mr. N. C. Mehta, I.C.S., Sugar Controller for India, Department of Food.
- (12) Mr. J. V. Joshi, O.B.E., Deputy Economic Adviser to Government of India.
- (13) Lt.-Col. R. R. Burnett, O.B.E., Deputy Secretary, Political Department.
- (14) Col. R. H. Stubbs, Deputy Director, Supplies (Quarter Master General's Branch).
- (15) Mr. A. A. Phillips, V.D., Controller of Railway Priorities, War Transport Department.
- (16) Mr. W. H. J. Christie, O.B.E., I.C.S., Deputy Secretary, Government of India, Department of Food.
- (17) Mr. N. T. Mone, I.C.S., Deputy Secretary, Government of India, Department of Food.
- (18) Mr. R. L. Gupta, I.C.S., Joint Financial Adviser (Food).
- (19) Mr. N. G. Abhyankar, M.Sc., Under Secretary, Government of India, Department of Food.
- (20) Mr. A. Hilaly, I.C.S., Under Secretary, Govt. of India, Department of Food.
- (21) Mr. A. R. Vyas, Information Officer, Government of India.

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

Regional Commissioners (Food).

- (1) Major General G. de-la P. Beresford, C.B., M.C.
- (2) Rai Bahadur Col. Dinanath, C.I.E.
- (3) The Hon'ble Mr. Justice H. B. L., Braund, Bar.-at-Law.
- (4) Mr. J. B. Ross.
- (5) Khan Bahadur Sir Abdul Hamid, C.I.E., O.B.E.

Provinces and Administrations.

- (1) The Hon'ble Mr. H. N. Chakrabarty, Minister (Assam).
- (2) Mr. K. W. P. Marar, I.C.S., Director of Food Supplies (Assam).
- (3) The Hon'ble Mr. H. S. Suhrawardy, Minister, Civil Supplies (Bengal).
- (4) Mr. N. M. Aiyar, C.I.E., I.C.S., Director of Civil Supplies (Bengal).
- (5) Mr. E. C. Ansorge, C.S.I., C.I.E., I.C.S., Adviser (Bihar).
- (6) Mr. R. A. E. Williams, I.C.S., Secretary (Bihar).
- (7) Mr. H. F. Knight, C.S.I., C.I.E., I.C.S., Adviser (Bombay).
- (8) Mr. A. D. Gorwala, I.C.S., Supply Commissioner (Bombay).
- (9) Sir Geoffrey Burton, K.C.I.E., I.C.S., Adviser (Central Provinces).
- (10) Mr. H. S. Kamath, I.C.S., Director of Food Supplies (Central Provinces).
- (11) Sir Hugh Hood, K.C.S.I., C.I.E., I.C.S., Adviser (Madras).
- (12) Mr. W. Scott-Brown, C.S.I., C.I.E., I.C.S., Civil Supplies Commissioner (Madras).
- (13) Mr. J. H. Thompson, I.C.S., Secretary to Government, Revenue Department, and Director of Food Supplies (N. W. F. P.).
- (14) Mr. G. H. Emerson, I.C.S., Deputy Secretary (N. W. F. P.).
- (15) The Hon'ble Raja of Parlakimedi, Premier (Orissa).
- (16) Mr. C. S. Jha, I.C.S., Secretary, Supply Department (Orissa).
- (17) The Hon'ble Sir Chhotu Ram, Minister (Punjab).
- (18) The Hon'ble Sardar Baldev Singh, Minister (Punjab).
- (19) Sir William Roberts, C.I.E., M.L.A., Price Controller (Punjab).
- (20) Mr. N. M. Buch, O.B.E., I.C.S., Director of Food Supplies (Punjab).
- (21) Mr. E. N. Mengat Rai, I.C.S., Assistant Price Controller (Punjab).
- (22) Mr. J. C. Bolton, I.C.S., Secretary, Finance and Director of Civil Supplies (Sind).
- (23) Mr. R. F. Mudie, C.S.I., C.I.E., O.B.E., I.C.S., Chief Secretary (United Provinces).
- (24) Mr. L. P. Hancox, O.B.E., I.C.S., Secretary, Civil Supplies (United Provinces).
- (25) Mr. S. Khurshid, I.C.S., Chief Commissioner (Ajmer-Merwara).
- (26) Rai Sahib Mr. Jawahar Lal Rawat, Director, Food Supplies (Ajmer-Merwara).
- (27) Capt. I. S. Chopra, I.P.S., Assistant Political Agent (Baluchistan).
- (28) Mr. K. Chengappa, B.A., Chief Commissioner (Coorg).

Indian States.

- (1) Sir C. P. Ramaswami Iyer, K.C.S.I., K.C.I.E., C.I.E., Dewan (Travancore).
- (2) Mr. Narayana Iyer, Director, Food Supplies (Travancore).
- (3) Capt. H. C. Dhanda, Commerce Minister (Indore).
- (4) Rai Bahadur S. V. Kanungo, Assistant Director, Food Supplies (Indore).
- (5) Sir Joseph Bhore, K.C.S.I., K.C.I.E., C.B.E., C.I.E., Economic Adviser (Bhopal).
- (6) Mr. H. Dayal, I.C.S., Under Secretary to the Resident (Kathiawar).
- (7) Lt.-Col. C. P. Hancock, C.I.E., O.B.E., M.C., Resident (Eastern States).
- (8) Capt. A. C. K. Maunsell, Assistant Resident, Eastern States (Eastern States).
- (9) Mr. W. V. Griegson, Revenue Minister (Hyderabad).
- (10) Mr. G. M. Qureishi, Secretary, Planning Department (Hyderabad).
- (11) Rajyaratna S. V. Mukerjee, Revenue Minister and Director of Food Supplies (Cutch).
- (12) Mr. A. V. Mehta, Price Controller (Cutch).
- (13) Mr. A. F. W. Dixon, C.I.E., I.C.S., Dewan, (Cochin).
- (14) Mr. M. A. Sreenivasan, Minister, Industries and Civil Supplies (Mysore).
- (15) Mr. R. S. Mane Patil, Revenue Member (Baroda).
- (16) Sir Frederic Anderson, Revenue Minister (Bahawalpur).

- (17) Khan Bahadur Mian Abdul Aziz, C.B.E., Chief Minister (Kapurthala).
 (18) Mr. R. G. Rajwade, Director of Food Supplies (Gwalior).
 (19) Khan Bahadur H. A. Hashim, Deputy Revenue Minister (Rampur).
 (20) Mr. Meredith Worth, I.C.S., Secretary to Resident, Rajputana States (Rajputana States).
 (21) Mr. A. V. Ramanathan, Dewan (Bharatpur).
 (22) Kunwar Gajendra Singhji, Secretary (Kota).
 (23) Dr. M. S. Mehta, Revenue Minister (Marwar).
 (24) Major General Amar Singh, Army and Defence Minister (Jaipur).
 (25) Khan Sahib A. A. Kheri, Director of Supplies (Jaipur).
 (26) Mr. K. B. L. Seth, I.C.S., Chief Minister (Alwar).
 (27) Kunwar Raghubir Singh, Home Minister (Alwar).
 (28) Sir Donald Field Kt., C.I.E., Chief Minister (Jodhpur).
 (29) Mr. Udairaj, Price Controller (Jodhpur).
 (30) Kunwar Prem Singhji, Revenue Minister (Bikaner).
 (31) Mir Maqbool Mahmood, Secretary to H. H. The Chancellor (Chamber of Princes).

DAMAGE TO GHULAM MOHIUDDIN KHAN'S GARDEN.

279. *Mr. H. A. Sathar H. Essak Sait: (a) Will the Secretary for Education, Health and Lands be pleased to state whether he made enquiry promised in reply to the supplementary questions under starred question No. 384, asked in the Assembly on the 25th March, 1943, on the subject of the Ghulam Mohiuddin Khan Garden, Delhi? If so, what was the result of that enquiry?

(b) Is the Honourable Member aware (i) that in the first instance the owner was paid compensation only for 2 *bighas* and 16 *biswas* even though the owner complained that trees were cut from more than 11 *bighas*, (ii) that subsequent to the question in the last Assembly the error was admitted to the extent of an additional area of 3 *bighas* and some *biswas*; (iii) that later in July this year a further error was admitted, the area now admitted to have been acquired being 4 *bighas* and 10 *biswas* over and above the original 2 *bighas* and 16 *biswas* for which compensation was paid; and (iv) that the complaint of the owner still continues that very valuable trees have been allowed to be cut by the contractor very much beyond the area which is now admitted to have been actually acquired?

(c) Does the Honourable Member propose to order a thorough enquiry into this whole matter by a competent independent officer not connected with the Delhi Improvement Trust?

Mr. J. D. Tyson: (a) to (c). The attention of the Honourable Member is invited to my answer to question No. 272 just now given by me.

Mr. H. A. Sathar H. Essak Sait: Will the Government place the report of the enquiry, whatever enquiry was held, on the table of the House?

Mr. J. D. Tyson: No enquiry is being held.

Mr. H. A. Sathar H. Essak Sait: The Honourable Member said in answer to a previous question that some enquiry is going on. He said that some enquiry was going on with regard to land acquisition.

Mr. J. D. Tyson: I will report the decision of the Tribunal to the House.

ALLEGATIONS AGAINST ADMINISTRATION OF THE DELHI IMPROVEMENT TRUST.

280. *Mr. H. A. Sathar H. Essak Sait: (a) Will the Secretary for Education, Health and Lands be pleased to state whether he has seen the article in the *Watan*, an Urdu Newspaper of Delhi, dated the 30th April and the *Dawn*, dated the 2nd July, dealing with the administration of the Delhi Improvement Trust and making grave allegations against certain officials of the Trust?

(b) In view of the detailed information given in support of the grave allegations of corruption and favouritism, etc., made in the article in the *Watan*, does the Honourable Member propose to order a thorough enquiry in this matter by some impartial judicial officer, and to lay the report on the table of the House?

Mr. J. D. Tyson: (a) Government have seen the press reports referred to by the Honourable Member.

(b) Government do not propose to institute an enquiry. If there are grievances specific complaints can be made to the authorities concerned who will take such action as may be necessary.

Mr. President (The Honourable Sir Abdur Rahim): These matters ought to be investigated by the Court and not by the House.

Mr. H. A. Sathar H. Essak Sait: This is with regard to Press article. I heard my Honourable friend saying that an enquiry was being held with regard to what appeared in *Watan*.

Mr. J. D. Tyson: We understand that a report on the allegations made in the paper *Watan* is being forwarded through the usual channels by the Trust.

Maulvi Muhammad Abdul Ghani: Sir, I do not propose to ask Questions Nos. 281 and 282.

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member's intention is, by withdrawing these two questions, he should be allowed to put questions Nos. 285 and 286, that cannot be allowed. It has been ruled that if an Honourable Member has more than five questions, he can only ask the first five questions and not the others.

BEEF SUPPLY TO THE MILITARY AT CALCUTTA AND MUZAFFARPORE.

281. *Maulvi Muhammad Abdul Ghani: Will the Education Secretary be pleased to state:

(a) the number of cattle slaughtered for the supply of beef for military purposes at Calcutta and at Muzaffarpore (Bihar), separately, daily or monthly as the case may be; and

(b) whether Hindu gentlemen are taking contracts for the supply of beef to the Military Department?

Mr. J. D. Tyson: The question should have been addressed to the War Department.

BEEF SUPPLY TO THE MILITARY AT CALCUTTA AND MUZAFFARPORE.

282. *Maulvi Muhammad Abdul Ghani: Will the Honourable the Food Member be pleased to state:

(a) the names of contractors to whom contracts have been given for the supply of beef to the military at Calcutta and at Muzaffarpore (Bihar);

(b) the quantity of beef supplied by such contractors at Calcutta and at Muzaffarpore;

(c) the number of cattle slaughtered for such supply at each of the said centres; and

(d) whether such contracts have been given to Hindu gentlemen in other parts of India?

The Honourable Sir M. Azizul Huque: The question should have been addressed to the War Department.

UNIVERSITY GRANTING CONCESSIONS TO STUDENTS JOINING WAR SERVICE.

283. *Maulvi Muhammad Abdul Ghani: Will the Secretary for Education, Health and Lands be pleased to state:

(a) the names of Universities in India which have consented to give certificates, degrees and diplomas to their students of final year classes to encourage suitable youths to join war service and the conditions of such certificates and degrees;

(b) whether the Aligarh and Benares Universities have done anything towards giving such encouragement to their youths; and

(c) the steps taken by Government regarding the introduction of the compartmental system of examination and the giving of permission to B.A. or B.Sc. plucked students to appear as non-collegiate students after their first failure as promised during the discussion of the last Supplementary Demands

on the 20th March, 1943, together with the results and progress hitherto made in that direction?

Mr. J. D. Tyson: (a) So far as the Government of India are aware, the Punjab University only have framed "special regulations" to permit the award of "War degrees" and these regulations are printed on pages 422-428 of Part I of the Punjab University Calendar for 1941-42. It is understood that the Nagpur University also are considering a similar question. Most Universities have agreed to relax their regulations in favour of students whose courses have been interrupted by war service.

(b) The Aligarh Muslim University have under consideration the question of granting special facilities to candidates taking up war work; but the necessary ordinances have not yet been framed. The Government of India have no information regarding the action taken by the Benares Hindu University in the matter.

(c) As promised by me in March last, relevant extracts from the Debates of the Legislative Assembly dated the 20th March, 1943, relating to the system of compartmental examinations were forwarded to the Aligarh Muslim and the Benares Hindu Universities in May 1943. The system of compartmental examinations will also be referred, for consideration and opinion, to the Examinations Committee of the Central Advisory Board of Education when it next meets.

Mr. Lalchand Navalrai: Is the Honourable Member aware that the U.T.C. of the Benares Hindu University was stopped some months ago? If so, has it been restored or will it be restored?

Mr. J. D. Tyson: I submit that has nothing to do with this question.

Maulvi Muhammad Abdul Ghani: May I know how long the Aligarh Muslim University will take to frame these ordinances?

Mr. J. D. Tyson: That question could be better addressed to the learned Vice-Chancellor of the University who, I see, is just entering the House.

TRANSPORT OF FOODGRAINS TO BENGAL FROM BIHAR, ORISSA AND ASSAM.

284. ***Maulvi Muhammad Abdul Ghani:** Will the Honourable *the Food Member be pleased to state:

(a) the quantity of different food grains transported to Bengal from Bihar, Orissa and Assam and the component parts of the North and East Regions during the period since the food embargo has been removed;

(b) the prices of different foodgrains transported before the removal of the ban from every such part and the prices of different foodgrains before the 17th July, 1943;

(c) whether any protest or objection was made against the removal of the provincial ban on foodgrains, by Provincial Governments; if so, by which Government and the contents thereof; and

(d) whether Government are prepared to compensate the losses in payment of prices by the people of every such part? If not, why not?

The Honourable Sir M. Azizul Huque: (a) The information required is not available.

(b) A statement is laid on the table.

(c) Yes, by some Provincial Governments but as it has now been decided to restore control, it is not considered desirable to furnish details.

(d) The question of compensation by Government for variation in prices under free trade conditions does not arise.

Statement showing the wholesale prices of rice (which was the principal foodgrain moved from the Eastern Region into Bengal) prevailing in certain centres in Bihar, Orissa and Assam before the introduction of free trade in the Eastern Area and during the week ending the 14th July, 1943.

	Week ending 12th of May, 1943.		(In rupees per maund).		Week ending 14th of July, 1943.	
	Rs.	P.	Rs.	P.	Rs.	P.
Bihar	8-12	to 9-4	23-0	to 25-8		
Orissa	6-8	to 13-5	11-0	to 26-12		
Assam	20-0		30-8			

TRANSFERRED STARRED QUESTIONS AND ANSWERS

Statement showing the wholesale prices of foodgrains prevailing in certain centres in the Eastern Region before and after the free trade scheme was introduced.
(In rupees per maund.)

Name of Centres.	Wheat (White (Punjab).	Rice (Coarse).	Jowar.	Bajra.	Gram.	Wheat (White (Punjab).	Rice (coarse).	Jowar.	Bajra.	Gram.
(Week ending 12th May, 1943.)										
Bihar—	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
1. Patna	12 10 0	10 0 0 (M).	..	..	7 8 0	22 0 0	32 0 0 (M).	..	..	16 0 0
2. Darbhanga	9 12 0 (Red).	9 3 0	..	..	8 0 0	18 0 0 to 20 0 0 (Red).	24 8 0 to 25 8 0	..	..	13 0 0 to 13 8 0
3. Purnea	11 0 0 to 12 0 0	8 12 0 9 4 0	..	..	9 10 0	13 8 0 to 16 0 0	23 0 0 to 24 0 0	..	..	13 0 0 to 14 0 0
(Week ending 17th May, 1943.)										
Orissa—	..	6 8 0	..	..	..	..	11 0 0	..	..	..
1. Cuttack	..	13 5 0	..	..	..	..	26 12 0	..	..	..
2. Sambalpur	..	8 0 0	..	..	..	..	13 5 0	..	..	..
3. Khardar Road	..	..	..	..	..	..	..	..	..	..
(Week ending 15th May, 1943.)										
Assam—	..	20 0 0	..	..	..	..	30 8 0	..	..	..
(Fortnight ending 15th May, 1943.)										
Eastern States—	..	..	..	..	..	..	..	..	..	..
1. Kasarana*	9 0 0	8 8 0	..	..	..	9 8 0 to 11 8 0	9 4 0	..	..	10 8 0
2. Kores	8 6 6	6 12 11	..	..	7 10 2	8 6 5	6 12 11	..	..	8 0 0
3. Sakti	..	10 8 0	..	..	..	..	18 0 0 to 20 0 0	..	..	..
4. Khaigarh*	9 2 3	9 2 3	..	..	8 4 2	11 12 0	12 5 0	..	..	9 4 5
5. Bastar*	..	4 0 0	..	..	..	..	4 0 0	..	..	..
6. Chhuikhadan*	10 0 0	7 15 11	..	..	8 4 0	10 0 0	7 15 11	..	..	8 4 0
7. Kanker*	..	5 5 4	..	..	..	..	(F) 6 6 5	..	..	..
8. Raigarh	..	(R) 9 0 0	..	..	..	16 0 0 to 18 0 0	12 0 0 to 14 0 0	..	..	12 0 0 to 13 0 0
9. Udaipur (State)	..	(R) 4 3 4 to 5 0 0	..	..	(R) 5 5 4 to 6 6 6	..	(R) 5 0 0 to 5 11 5	..	..	8 0 0 to 8 14 3

* Excluded from the free trade scheme. (M) Medium. (F) Fine. (R) Retail. (H) July quotation not available.

* Excluded from the free trade scheme. (M) Medium. (F) Fine. (R) Retail. (H) July quotation not available.

Maulvi Muhammad Abdul Ghani: May I know whether the Government of Bihar made a protest?

The Honourable Sir M. Azizul Huque: It is not usual, Sir, for correspondence with the Provincial Governments to be disclosed.

Maulvi Muhammad Abdul Ghani: I want to know whether it is a fact that they protested.

The Honourable Sir M. Azizul Huque: I have absolutely steered clear of all such questions and I will do so even now.

LICENSEES FOR SUGAR SALE IN DELHI AND NEW DELHI.

†285. ***Maulvi Muhammad Abdul Ghani:** Will the Honourable Member for Industries and Civil Supplies be pleased to state:

- the number of persons granted wholesale licenses for the sale of sugar in Delhi and New Delhi and the number of Muslim licensees;
- the conditions on which such licenses are issued;
- the penalties for breach of conditions by such licensees;
- the number of licensees punished for breach of terms of licenses and the number of such Muslim licensees involved; and
- the number of Ward shops licensed to sell sugar in Delhi and New Delhi, and the number of such shops run by Muslims?

The Honourable Sir M. Azizul Huque: (a) Nine; none is a Muslim.

(b) A copy of the licence form ("Form A") is laid on the table which gives the information.

(c) Any contravention of the terms of the licence constitutes a contravention of the Delhi Sugar Dealers Licensing Order, 1942, and is an offence under sub-rule (4) of rule 81 of the Defence of India Rules.

(d) No wholesale licensee has been punished for breach of the terms of his licence; does not arise.

(e)

	Total number of licensed ward shops.	Muslims.
Delhi Urban Area, excluding New Delhi	400	157
New Delhi	112	2

SCHEDULE FORM A.

[See Clause iv (a).]

No. _____

Licence for purchase, sale or storage for sale in wholesale or retail quantities of Sugar.
(Free of all Fee.)

Subject to the provisions of the Sugar Control Order, 1942, and to the terms and conditions of this license, _____ is/are hereby authorised to purchase, sell, or store for sale, in wholesale, quantities all or any of the undermentioned sugars :—

2. The licensee shall carry on the aforesaid business at the following place(s) :—

3. The licensee shall maintain a register of daily accounts for each of the sugars mentioned in paragraph 1 showing correctly—

- The opening stock on each day;
- the quantities received on each day showing the place of origin;
- the quantities delivered or otherwise removed on each day showing the places of destination if consigned to places outside the district; and
- the closing stock on each day.

4. The licensee shall, in respect of each of the quality or form of sugar mentioned in paragraph 1, submit to the Price Controller in Delhi so as to reach him not later than the fifteenth day of each month, a true return in Form C of the Schedule to this Order, of stocks, receipts and deliveries of the sugars during the preceding month.

5. The retail licensee shall not in any one transaction, sell any of the sugars mentioned in paragraph 1, in quantities exceeding one maund to any person who does not hold a licence under the Sugar Control Order, 1942, issued by the Price Controller in Delhi.

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

6. The licensee shall issue to every customer a correct receipt or invoice as the case may be giving his own name, address and licence number, the name, address and licence number (if any) of the customer, the date of transaction, the quantity sold, the price per maund and the total amount charged, and shall keep a duplicate of the same to be available for inspection on demand by any authorised officer of Government.

7. The licensee shall prominently display at each of the places mentioned in paragraph 2 a correct list written in the language of the locality, of the prices of all sugars in which he deals.

8. The licensee shall give all facilities at all reasonable times to any authorised officer of the Government for the inspection of his stocks and accounts at any shop, godown or other place used by him for the storage or sale of any of the sugars mentioned in paragraph 1 and for the taking of samples of such sugars for examination.

9. The licensee shall comply with any directions that may be given to him by the Price Controller in Delhi in regard to the purchase, sale, or storage for sale, of any of the sugars mentioned in paragraph 1.

Signature of the Price Controller in Delhi

Dated the 1942.

NOTE.—(1) Both the wholesaler and retailer must obtain licences.

(2) The retailers shall be exempt from submitting the return in Form C. They shall also be exempt from the condition laid down in paragraph 6.

(3) (For issuing department only). Write across each licence the word—wholesale or retail—as the case may be in Red bold letters and sign underneath.

EXTENSION OF TIME FOR EXHAUSTING HOARDED COTTON TEXTILES STOCKS.

†286. ***Maulvi Muhammad Abdul Ghani:** Will the Honourable Member for Industries and Civil Supplies be pleased to state:

(a) whether the Government of India are aware of the agitation of interested dealers in textile cotton goods for extension of time to exhaust their hoarded stocks of textile goods beyond 31st October, 1943; and

(b) whether Government have consulted the representatives of consumers regarding such extension?

The Honourable Sir M. Azizul Huque: (a) Yes.

(b) Yes.

CONTEMPLATED RETURN OF CERTAIN LAND NEAR SHAHDARA RAILWAY STATION BRIDGE TO FORMER OWNERS.

287. ***Mr. Muhammad Azhar Ali:** (a) Will the Honourable Member for Education, Health and Lands please state the date on which the Director, Public Health Department, visited last the building known as Harsaran Niwas, opposite the Terminal Tax Office, near Shahdara-Saharanpur Railway Goods Office, Shahdara, and with what result regarding its drainage?

(b) Who (Municipality or Central Public Works Department) is responsible for the healthy condition during rains of the land lying on both sides of the road connecting the Town of Shahdara with the Grand Trunk Road and leading to buildings?

(c) Is it a fact that the land lying west of the road from the Grand Trunk Road to the Railway Bridge, Shahdara is in the possession of the Central Public Works Department, who has planted and maintain trees on both sides of the said road?

(d) If the reply to part (c) is in the affirmative, will he please further state whether it is proposed to return the said land to the former owners and with this view some trees are cut down and uprooted? If so, why?

(e) Do Government intend to finally acquire the land or retain its possession till the end of the war? If not, why not?

Mr. J. D. Tyson: With your permission, Sir, I shall answer questions Nos. 287 and 288 together.

The information is being collected and will be laid on the table of the House in due course.

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

CONTEMPLATED RETURN OF CERTAIN LAND NEAR SHAHDARA RAILWAY STATION
BRIDGE TO FORMER OWNERS.

†288. *Mr. Muhammad Azhar Ali: (a) Will the Honourable Member for Labour please state the reasons for the uprooting of trees planted by the Central Public Works Department along the west side of the road connecting the Town of Shahdara with the Grand Trunk Road?

(b) Is it contemplated to return the land on the West side of the said road lying between the junction of the Grand Trunk Road and the boundary of the Shahdara Railway Station Bridge?

(c) What is the nature of the benefit the Government will derive from the said return of that land?

INCLUSION OF CERTAIN DETAILS IN THE REPORT ON THE WORKING OF THE
PAYMENT OF WAGES ACT.

289. *Mr. Muhammad Azhar Ali: (a) Will the Honourable Member for Labour please state if it is a fact that the Report on the Working of the Payment of Wages Act on Railways does not indicate the particulars of the applications presented to and disposed of by the authorities appointed under the Payment of Wages Act?

(b) If the reply to part (a) be in the affirmative, does he propose to take steps for the inclusion of the particulars of the applications with a review thereon in the next reports? If not, why not?

The Honourable Dr. B. R. Ambedkar: (a) At present what the Honourable Member suggests is a fact.

(b) I shall consider the suggestion.

SULPHUR MINED IN BALUCHISTAN AND FIRMS SUPPLIED WITH SULPHURIC ACID
MANUFACTURING PLANTS.

290. *Mr. T. T. Krishnamachari (on behalf of Mr. R. R. Gupta): (a) Will the Honourable the Labour Member be pleased to state the quantity of sulphur mined in Baluchistan by the Utilisation Branch of the Geological Survey of India, and the total amount so far spent in such mining operations?

(b) Is it a fact that the deposit of sulphur in the present site of mining in Baluchistan, available for further exploration, is small? In any case, what is the estimated tonnage of the unworked deposit at the moment?

(c) Is it a fact that the Department of Supply has notified the sugar mill concerns in India that no supply of sulphur can be arranged for the mills in connection with the next crushing season? If so, what is the reason for such a notice being given to the sugar mills? If no such notice has been given, how were supplies of sulphur secured for the sugar mills in the last two crushing seasons, and how is it proposed to arrange the supply during the next?

(d) Is it a fact that a large quantity of sulphur dioxide (SO_2 gas is wasted as a by-product in connection with the operation of copper smelting furnace in India? If so, is it a fact that such gaseous waste can be easily converted into sulphuric acid? Did Government examine the possibility of such a source of supply of sulphuric acid, and, if so, with what result?

(e) Is it a fact that since the outbreak of the war, the Department of Supply imported a number of sulphuric acid manufacturing plants? If so, what is the number of such plants, and how have they been disposed of? Do Government propose to lay on the table a statement showing the firms to whom such plants, if any, have been made available, and the special reason for which the plants were supplied to them in each case?

The Honourable Dr. B. R. Ambedkar: (a) It is not in the public interest to state the quantity of sulphur mined. The total amount so far spent on Baluchistan Sulphur Operations is Rs. 11,85,000.

(b) No. It is not in the public interest to disclose the estimated tonnage of unworked deposits.

†For answer to this question, see answer to question No. 287.

(c) No. Supplies of sulphur for the sugar industry during the last crushing season were met partly from American imports and partly by depletion of reserve stocks. Sugar mills are being supplied with Baluchistan sulphur ore which they will refine individually or alternatively have refined at a central plant set up with Government sanction and the resultant pure sulphur will be used in the sugar mills during the crushing season. Any deficit on estimated requirements will be met from American imports arranged by the Supply Department.

(d) Sulphur dioxide is produced as a by-product during the smelting of copper in India. It occurs in the flue gases in a highly diluted form with other gases and its efficient conversion into sulphuric acid is difficult. The possibility of using this source of supply for production of sulphuric acid and sulphur was examined very early in the war but was not proceeded with as the processes called for the import of complicated and expensive machinery with technical personnel and even then successful recovery was problematic.

(e) No. Full information regarding the proposed import of plants from America was given by the Honourable the Supply Member in answer to unstarred question No. 47 on 4th August, 1943.

LEAD MINE IN JAWAR IN UDAIPUR STATE.

291. *Mr. T. T. Krishnamachari (on behalf of Mr. R. R. Gupta): (a) Will the Honourable the Labour Member please state if it is a fact that a lead mine is being worked in Jawar in the Udaipur State by the Utilisation Branch of the Geological Survey of India? If so, what is the amount of money spent so far in the working of this mine, and what is the average percentage of lead and zinc occurring in the ores extracted from this mine?

(b) Have Government any information of lead deposits occurring in any other part of India, and, if not, what fraction of India's lead requirements is likely to be met from Jawar source alone?

The Honourable Dr. B. R. Ambedkar: (a) Yes. A sum of Rs. 6½ lakhs has been spent up to the end of June 1943. The average percentage found in exploration up to date is 2 per cent. lead and 8 per cent. zinc.

(b) Yes, the most likely occurrences known at present are at Chauth-ka-Barwara in Jaipur State.

WOLFRAM DEPOSITS DISCOVERED IN A BENGAL DISTRICT.

292. *Mr. T. T. Krishnamachari (on behalf of Mr. R. R. Gupta): Will the Honourable the Labour Member be pleased to state if it is a fact that some wolfram deposits have been discovered by the Geological Survey of India in a Bengal District? If so, what is the quantity of wolfram so far won from this source, and how has it been disposed of?

The Honourable Dr. B. R. Ambedkar: Yes. During war-time it is not in the public interests to disclose the quantity of wolfram won. The ore is disposed of through the Supply Department (Directorate-General, Munitions Production).

DESIRABILITY OF INSTALLING A SYNTHETIC OIL PLANT IN INDIA.

†293. *Mr. R. R. Gupta: (a) Will the Secretary for Education, Health and Lands be pleased to state if, in view of the suspension of supply of mineral oil, specially motor spirit, from Burma, Government have considered the advisability of ensuring some supply of India's mineral oil from an Indian synthetic source? If so, what is the result of their examination?

(b) Are Government prepared to assist a private enterprise to install a synthetic oil plant in this country? If not, why not?

Mr. J. D. Tyson: (a) and (b). The question should have been addressed to the Honourable the Supply Member.

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

RESEARCH IN THE MANUFACTURE OF PAPER PULP, PLASTICS AND ARTIFICIAL SILK.

†294. *Mr. R. R. Gupta: Will the Honourable Member for Industries and Civil Supplies be pleased to state what the present position is of research undertaken by the relevant official agencies in regard to:

- (i) the suitability of an Indian forest product as the basis of mechanical paper pulp;
- (ii) the suitability of a cellulose material of Indian origin to serve as the basis for the manufacture of plastics in this country; and
- (iii) the suitability of material of Indian origin to serve as the basis for the manufacture of artificial silk in this country?

The Honourable Sir M. Azizul Huque: The information is being collected and will be laid on the table in due course.

PRODUCTS MANUFACTURED BY LICENCEES FOR EXPLORATION OF PROCESSES PATENTED BY DIRECTORATE OF SCIENTIFIC AND INDUSTRIAL RESEARCH.

†295. *Mr. R. R. Gupta: Will the Honourable Member for Industries and Civil Supplies be pleased to lay on the table a statement showing the quantity and value of various products manufactured by various firms holding licences from Government for the exploration of processes patented by the Directorate of Scientific and Industrial Research?

The Honourable Sir M. Azizul Huque: Sir, I lay a statement on the table, giving the information available. I may add for the information of the Honourable Member that several other processes, in addition to those mentioned in the statement have been leased out to firms, but no mention is made of them in it because production not having commenced, or just commenced, no figures are available at this stage.

Statement showing the quantity and value of various products manufactured by firms holding licences for the exploitation of processes patented by the Directorate of Scientific and Industrial Research.

Serial No.	Process.	Quantity marketed.	Estimated value. Rs.
1.	Air Foam Solution	50,000 gallons.	4,50,000
2.	Anti-gas cloth	41,83,500 yards.	73,21,200
3.	Barium Chloride	30 tons.	5,000
4.	Bhilawan Stoving Enamel and allied products	1,800 gallons.	18,000
5.	Glass substitute	2,20,000 sq. yds.	8,04,400
6.	Identity discs	8,00,000 Nos.	16,000
7.	Potassium Chlorate	25 tons.	2,79,500
8.	Solid fuel	3,000 lbs.	3,000
9.	Vegetable Oil Blends as Lubricants:		
	(a) Lubricating oil	25,000 tons.	2,24,00,000*
	(b) Army Gear oil	40,00,000 gallons.	1,20,00,000*
	(c) Axle oil	24,000 tons.	43,20,000*
			4,76,17,100

*Estimated total value of blended oil.

SUPPLY OF QUININE AND MANUFACTURE OF OPIUM ALKOLOIDS.

296. *Sir Abdul Halim Ghuznavi: (a) Is the Secretary for Education, Health and Lands aware that a higher percentage of mortality has been recorded owing to malaria in Bengal for want of quinine?

(b) Are Government arranging for the import into India of Java quinine through some neutral country to cope with the present quinine shortage? If not, why not?

(c) Do Government contemplate allotting quinine to the quinine amputee manufacturing concerns to be sold through public bodies and authorised dealers at a much lower rate? If so, when will the manufacturing concerns get the quinine from Government? If not, why not?

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

(d) Do Government also contemplate giving permission to the private manufacturing concerns to manufacture opium alkaloids under the supervision of the Excise Department, in view of the inability of the Government factory at Ghazipur to supply even an insignificant percentage of the demands of such concerns for medicinal purposes? If not, why not?

(e) Are Government aware that private manufacturing concerns in the United Kingdom are allowed to manufacture opium alkaloids in spite of the International convention?

(f) Are Government making arrangements for the import of codeine, morphine etc., from either the United Kingdom or the United States of America on behalf of the Indian Chemical Manufacturers' Association for distribution amongst its members for medicinal preparations?

Mr. J. D. Tyson: (a) No.

(b) As Java is under enemy occupation it is not possible to arrange the import of quinine from that country.

(c) Arrangements are being made with manufacturers for the manufacture of quinine in injectable form from quinine supplies made available by the Government of Madras and for controlled distribution at controlled prices.

(d) and (f). The subject matter concerns the Finance Department and the question may be addressed to the Honourable the Finance Member.

(e) Government have no information.

Sir Abdul Halim Ghuznavi: Is it a fact that Government have sufficient quinine in reserve to meet India's requirements for the next five years?

Mr. J. D. Tyson: No, Sir; not at the normal rate of consumption.

Mr. K. C. Neogy: Is it the policy of the Government of India to try and make India self-supporting in the matter of quinine, having regard to experience?

Mr. J. D. Tyson: I shall require notice of such a question as regards long-term policy.

FUNCTIONS OF THE LABOUR WELFARE ADVISERS AND LABOUR ADVISERS.

297. *Mr. Amarendra Nath Chattopadhyaya: (a) Will the Honourable the Labour Member please state the functions of the Labour Welfare Advisers and Labour Advisers appointed in the Labour Department?

(b) How many such officers have been appointed so far?

The Honourable Dr. B. R. Ambedkar: (a) The functions of the Labour Welfare Adviser and his Deputy and Assistants are to report to Government and advise on all such matters relating to the welfare of industrial labour in India as Government may direct.

The duties of the Labour Adviser were to advise on all important matters of labour legislation and administration, and in particular the manner in which labour problems that were under consideration or might arise had been or were being dealt with in England.

(b) There is one Labour Welfare Adviser, one Deputy Labour Welfare Adviser and 7 Assistant Labour Welfare Officers.

One Labour Adviser was appointed from December 1942 to June 1943.

There is at present no Labour Adviser.

Mr. Amarendra Nath Chattopadhyaya: Will they advise on dearness allowance?

The Honourable Dr. B. R. Ambedkar: No, Sir.

Mr. T. T. Krishnamachari: Does the Labour Adviser, of the Honourable Member, as distinct from the Labour Welfare Adviser, represent the employees' interests.

The Honourable Dr. B. R. Ambedkar: Not at all, Sir.

STEPS FOR ELIMINATING IMMEDIATE CAUSES OF INDUSTRIAL DISPUTES.

298. *Mr. Amarendra Nath Chattopadhyaya: (a) Will the Honourable the Labour Member please state what effective steps for eliminating the immediate causes of industrial disputes to ensure the unhampered war production have been taken so far, both in the Government's own war-factories and in private factories engaged wholly or partly on war-orders?

(b) Have Government decided to adopt an all round policy of having all disputes referred to the adjudication before workers are compelled to go on a strike?

(c) Do they propose to advise all Provincial Governments to do so?

The Honourable Dr. B. R. Ambedkar: (a) Government have attempted to secure fair conditions for labour both in their own factories and in private employment. Where disputes arise the methods of conciliation and adjudication are available.

(b) and (c). No. The general policy of Government is to resort to adjudication if and when the method of conciliation has failed. The present machinery for the settlement of disputes has been evolved in consultation with Provincial Governments and general uniformity of practice has already been achieved.

SHORT NOTICE QUESTION AND ANSWER.

HAVOC CAUSED BY RECENT FLOODS IN AJMER-MERWARA:

Rai Bahadur Seth Bhagchand Soni: (a) Will the Honourable the Home Member please state whether Government are aware of the great havoc caused by the recent floods in the district of Ajmer-Merwara?

(b) Are figures available of the loss of human life, property and cattle?

(c) What relief measures have Government taken or propose to take?

The Honourable Sir Reginald Maxwell: (a) Yes.

(b) The loss of life in Ajmer-Merwara is estimated to be about 3,000; no accurate estimate of loss of property is yet available but it is feared that the figure runs into several lakhs. The area affected is about 150 sq. miles. In that area cultivation has suffered severe damage, tanks have been breached, soil and cattle have in places been washed away and the crops have been destroyed. The figures of loss of cattle are not yet available.

(c) Food, clothing and lighting requisites have been provided for the sufferers; a scheme has been put into force under the direction of an officer on special duty to ensure regular supply to the affected areas. Depots equipped with one month's supply of food and clothing have been established in each affected village. Emergency shelters are being made by the provision of *sirki* huts. A Central Relief Committee has been constituted with necessary sub-committees to co-ordinate and conduct relief operations on an organised basis and to collect funds. A second officer has been placed on special duty to investigate the extent of loss of life and property and to report what measures are necessary to enable the sufferers to rehabilitate themselves. Prompt steps were taken to remove dead bodies of men and animals and to clean and disinfect wells. This work was practically completed within two days of the occurrence of the floods. As rotting grain in the shops was likely to endanger public health, Bijainagar town with a pre-flood population of about seven thousand which suffered very heavy damage in life and property was completely evacuated after arrangements had been made to provide accommodation for those who had no friends or relatives to go to, the Railway authorities having kindly agreed to permit the evacuees to travel free of charge. The Public Health Commissioner proceeded to the scene of floods to decide what further measures were necessary in the interest of public health. Arrangements are being made for the despatch of extra medical staff and drugs and medicines. The Government of India have authorised an expenditure of one lakh of rupees for immediate relief and will determine further financial assistance on receipt of full reports of requirements and detailed proposals from the Chief Commissioner.

I am sure the House will appreciate that in face of a calamity of these dimensions the energies of the local administration should first be concentrated on affording immediate relief to the stricken population rather than on furnishing a detailed picture of the damage caused and it will therefore not be possible for me at this stage to enlighten the House further either on the extent of damage or on the plans for relief. I may, however, assure the House that both the Government of India and the local administration are

keenly alive to the requirements of the situation and are determined to do their utmost to bring relief to the sufferers and to restore normal conditions. I also take this opportunity of thanking on behalf of the Government of India and, I am sure on behalf of this House, all those, both officials and non-officials, who assisted in the prompt and effective organisation and distribution of relief to the victims. In particular, I have it from authorities both official and non-official that the assistance rendered by the military authorities at Nasirabad and the Staff and students of the Mayo College has been invaluable and is deserving of the highest praise.

Mr. Lalchand Navalrai: May I know what was the cause of these floods—was there a breach in the canal or the river? And what steps did the Government take to avert this calamity?

The Honourable Sir Reginald Maxwell: The floods were caused by rain.

Mr. Lalchand Navalrai: And what did the Government do?

(No answer was given.)

MOTION FOR ADJOURNMENT.

FAILURE OF GOVERNMENT TO SECURE ATTENDANCE OF GOVERNMENT MEMBERS FOR CONSTITUTING A QUORUM IN THE ASSEMBLY.

Mr. President (The Honourable Sir Abdur Rahim): I have received from Mr. Siddique Ali Khan a notice of a motion for the adjournment of the House in order to discuss a definite matter of urgent public importance, *viz.*, the failure of Government to secure the attendance of Government Members in time to help in constituting a quorum to hold the afternoon meeting of the Secret Session on the 11th August, 1943, thereby depriving the House of the most valuable privilege of eliciting full information about the war situation and discussing the same.

I understand that 21 members were actually present. Is that correct?

Some Honourable Members: Yes, yes.

An Honourable Member: Eighteen.

Mr. President (The Honourable Sir Abdur Rahim): I understand 21 members were present, and contrary to the usual practice no bell was rung.

As regards this motion, is it the case of the Honourable Member that it is the duty only of Government Members to attend the House in time, or is it not equally the duty of elected Members?

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadian Urban): Elected members were present.

Mr. President (The Honourable Sir Abdur Rahim): Were all elected Members present?

Nawab Siddique Ali Khan (Central Provinces and Berar: Muhammadian): Twenty of them were present; that is to say all, except one, were elected Members.

Sir Muhammad Yamin Khan (Agra Division: Muhammadian Rural): Sir, may I point out that on a similar occasion, Mr. President Patel once gave his ruling that on an occasion when it is an official business before the House, it is the duty of the Official Benches to keep up the quorum.

Mr. President (The Honourable Sir Abdur Rahim): Was there any adjournment motion moved?

Sir Muhammad Yamin Khan: No, Sir. When he was adjourning the House because of inadequate quorum, the official Members said that it was the duty of the non-official Members to be present and Mr. Patel then ruled that it was the duty of the Government Benches to keep up the quorum because the business before the House was official.

Mr. President (The Honourable Sir Abdur Rahim): I do not think the House would like me to hold that it is the duty of Government Members and Members nominated by Government alone to attend the House regularly and in proper time, and that an equal duty does not devolve on the Members who have been elected by constituencies. If I were to lay down any such

[Mr. President.]
ruling it would mean that the constituencies need not look to their elected Members to attend the Assembly and carry on the business of the House. I should be very loath to lay down any such ruling. I hold that the motion is out of order.

The next motion is to the same effect. Therefore that is also out of order.

Sardar Mangal Singh (East Punjab: Sikh): Sir, I have to say

Mr. President (The Honourable Sir Abdur Rahim): You are not required to say anything in this connection. I have given my ruling.

Dr. P. N. Banerjee: Without hearing.

Dr. Sir Zia Uddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): May I know if the House will have a chance to discuss this matter on some other official day?

The Honourable Sir Sultan Ahmed (Leader of the House): Sir, if there is a general desire of the House that it should be done I will get into touch with His Excellency the Commander-in-Chief, and if he is free, there will be no difficulty.

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): When?

The Honourable Sir Sultan Ahmed: I cannot answer that question without consulting the Commander-in-Chief.

(Several Honourable Members interrupted.)

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

The Honourable Sir Sultan Ahmed: Nobody regrets more than we do that the House was deprived of an opportunity of continuing the debate on the war situation.

Mr. K. C. Neogy: Whose fault was it?

The Honourable Sir Sultan Ahmed: It is the fault of some one who did not ask the bell to be rung.

Several Honourable Members: No, no.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): There is no provision for the ringing of the bell.

Dr. P. N. Banerjee: That is not obligatory.

The Honourable Sir Sultan Ahmed: I was in the company of Sir Yamin Khan, Sir Zia Uddin Ahmad, Sir Henry Richardson, and others.

Mr. K. C. Neogy: You had no business to be away as the Leader of the House.

Mr. President (The Honourable Sir Abdur Rahim): The only question now is whether Government should provide another opportunity to the House to continue the discussion.

The Honourable Sir Sultan Ahmed: If there is a general desire of the House to do it I will get into touch with His Excellency the Commander-in-Chief.

Mr. K. C. Neogy: We do not want any debate. We do not want any further insult and indignity to the House.

The Honourable Sir Sultan Ahmed: If that is so, then there is no need to go any further.

Sir Muhammad Yamin Khan: May I ask for your ruling on a point. It is the duty of the person who is in the Chair to see that the proceedings are properly conducted, and when it is said that somebody did not ask for the bell to ring, is it not a reflection on the Chair?

Dr. P. N. Banerjee: Why should there be any reflection on the Chair?

Mr. President (The Honourable Sir Abdur Rahim): It has always been the practice so far as I have been in this House and in the Chair to have the bell rung. But it is not obligatory on the Chair.

(Opposition Benches: Hear, hear.)

But it is the practice.

(Government Benches: Hear, hear.)

Mr. Akhil Chandra Datta: I would have acted illegally if I had not adjourned the meeting when a counting was demanded by a Member. The

standing Order is peremptory. It does not give any discretion to the Chair. Therefore, the question of ringing the bell does not arise at all. It was an official day. The motion was a Government motion. The Leader of the House was not present: the Mover was not present: none of the Government Members were present. The whole thing is unfortunate.

Mr. K. C. Neogy: The Leader of the House owes an explanation to the House and he owes an apology to the Chair. It was he who suggested that the luncheon hour should be extended.

Dr. P. N. Banerjee: There was discourtesy on the part of the officials to the House.

Mr. President (The Honourable Sir Abdur Rahim): I am only concerned with the adjournment motion. That I have held is not in order.

Mr. H. A. Sathar H. Essak Sait (West Coast and Nilgiris: Muhammadan): Sir, I was raising a point of order. When the Leader of the House was making his statement he cast a reflection on the man occupying the Chair.

Mr. President (The Honourable Sir Abdur Rahim): It is impossible for me to follow what the Honourable Member is saying.

Mr. H. A. Sathar H. Essak Sait: In answering my friend here, the Honourable the Leader of the House said that the fault was with the gentleman who occupied the Chair. (*Government Benches*: "No, No.") He said that the fault was on the gentleman who did not order the ringing of the bell.

Dr. P. N. Banerjee: Will the Leader of the House make clear what he did say?

Mr. President (The Honourable Sir Abdur Rahim): He did not say that it was the fault of the Chair. I heard what he said.

The Honourable Sir Sultan Ahmed: What I said was this: That if there is a general desire of the House to have a continuation of the debate on the war situation I will get into touch with His Excellency the Commander-in-Chief and if he is free that can be arranged. Then the question was put to me: Whose fault was it? I said that it was certainly not ours. It was due to the failure of the bell not having been rung.

Mr. K. C. Neogy: He must withdraw it. Withdraw.

The Honourable Sir Sultan Ahmed: I will not.

Mr. Akhil Chandra Datta: The Leader of the House should know the Standing Orders on the subject.

Mr. President (The Honourable Sir Abdur Rahim): The House will proceed with the Resolutions.

Mr. K. C. Neogy: Unless the Leader of the House apologises for the language used by him, we are not going to be here.

(Mr. K. C. Neogy and Pandit Lakshmi Kanta Maitra were then seen to walk out of the Chamber.)

Mr. President (The Honourable Sir Abdur Rahim): Resolution No. 1. Khan Bahadur Shaikh Fazl-i-Haq Piracha.

Khan Bahadur Shaikh Fazl-i-Haq Piracha (North-West Punjab: Muhammadan): Sir, I do not want to move the Resolution.

RESOLUTION RE PILGRIMAGE TO THE HEDJAZ.

Nawab Siddique Ali Khan (Central Provinces and Berar: Muhammadan): Sir, I move:

"That this Assembly recommends to the Governor General in Council that arrangements for pilgrimage to the Hedjaz may be made for the year 1943, in the same manner as it was done in previous years, and that shipping should not be the monopoly of one company."

Sir, I am sure that the Honourable Members of this House know that the performance of the Haj is a sacred religious duty incumbent upon those Muslims who are able to undertake the journey. Sir, there are two routes from India to Hedjaz: one is the sea route and the other is the land route. The pilgrims from India prefer to go by sea route as it is most convenient and much cheaper than the land route. The number of Hajis visiting Hedjaz is

[Nawab Siddique Ali Khan.]

always fluctuating. From the statistics which are in my possession I can say, Sir, that the average number of Hajis per year comes to about 14,000, and the record number of Hajis visiting Hedjaz in the year 1927 was 26,500. As the House is well aware, war broke out in the year 1939. In the years 1939, 1940, and 1941 ships were provided for the transport of Hajis to Hedjaz.

12 Noon. It must be remembered that during this period the allied nations were facing disaster after disaster. Last year the Government issued a communique saying that in view of the danger from enemy action by sea and land no ships could be provided for the Hajis. In the previous years also the danger existed, but facilities were given to Hajis to perform the Haj. Last year a deputation of the All-India Muslim League under the leadership of Mr. Abdul Hamid Khan, M.L.A. of Madras waited on the predecessor of the present Honourable Member in charge of Indians Overseas. The Honourable Member said that there were four difficulties which could not be surmounted. The first one was shipping difficulty, the second one was transport difficulty on the land route, the third difficulty was the high cost, and the fourth one was the shortness of time as the Haj was to be performed after six weeks. So long as the war lasts there is bound to be danger on seas and land, but due to the splendid victories gained in the Middle East, North Africa, Sicily, the South Pacific and other fronts, the danger is not so much as it was in the previous years. The four pleas which were raised last year could not be raised this year, as by the kindness of the United States of America under the Lease-Lend Bill 200 ships have been given on loan as the Premier of England stated the other day in the House of Commons, and motor cars and motor accessories are also supplied in plenty under the same contract.

A communique which was issued yesterday by the Government of India is before me. I believe that some prominent Muslims and Members of the Haj Committee were invited by the Honourable Member to advise him with regard to the Haj question. The words of the communique which was issued yesterday are: "The Government of India have again decided this year that they cannot permit Haj sailings". Here I must say with due respect to my Honourable friend, that the House was shabbily treated by issuing this communique one day before the discussion of the same question in this House. Before giving us a chance to express our views on this most important subject which directly concerns the Muslims of India he issued this communique. I understand that the Honourable Mr. Guzdar, Minister of Sind, moved a resolution which was unanimously adopted by the non-official Muslims present at the Conference. I understand that he moved that arrangements for at least 4000 pilgrims should be made and that convoys be provided for the protection of the pilgrim boats as is done in the case of steamers carrying prisoners of war for exchange and wounded persons in Red Cross steamers. He emphasised that convoys should be provided as was done in the years 1939, 1940 and 1941 for the protection of pilgrim ships. I have every reason to believe that the Government have made up their mind not to permit the Hajis to perform pilgrimage this year. I must say that this decision is most disappointing, hasty and regrettable. Sir, if it is feared that there are enemy submarines in the Arabian Sea, I will ask the Government to give adequate protection to the pilgrim ships, as was done in the past years. The Axis radio stations have repeatedly said year after year that the pilgrim ships can go to Hedjaz without any fear of molestation from them. The Doctor may laugh but that is a fact. I am quite sure that they dare not touch the pilgrim ships. If they do so, the entire Muslim world will rise against them and the British Government or the Government of India will get an opportunity of canvassing Muslim opinion against the Axis powers.

Before I conclude my speech I wish to ask Government, (1) as to whether it is prepared in view of the unanimous advice given day before yesterday by the distinguished Muslims of India who came from different provinces and the unanimous demand of the Muslim Members of the Haj Committee and the

unanimous demand of the Muslim Members of this House—whether they are prepared to reconsider their decision. The second question is as to when the Government will appoint a Special Haj Officer to look after the interests of the Hajis. The third question is, as to when the Government will act on the recommendation of Mr. Rahim with regard to the working of the Port Haj Committees. Finally, I will ask the Government to reconsider their decision and warn them not to play with the religious sentiments of 100 million Mussulmans of India for whom we the Muslim Leaguers have every right to speak and that right has once again been established beyond a shadow of doubt very recently by the smashing victories which we won in the stronghold of the Frontier Gandhi.

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

"That this Assembly recommends to the Governor General in Council that arrangements for pilgrimage to the Hedjaz may be made for the year 1943, in the same manner as it was done in previous years, and that shipping should not be the monopoly of one company."

There is an amendment in the name of Mr. Essak Sait.

Mr. H. A. Sathar H. Essak Sait (West Coast and Nilgiris: Muhammadan): I am not moving it.

Syed Ghulam Bhik Nairang (East Punjab: Muhammadan): I rise to support the Resolution moved by my Honourable friend Nawab Siddique Ali Khan. It is really lamentable that, being fully cognisant of the fact that this Resolution was coming on before the House for consideration today, the Government of India acted, as it seems to me, in indecent haste in issuing the Press Communique which appeared in the papers today, announcing not only their apprehension that they may not be in a position to make the necessary arrangements for the Haj sailings this year but giving it out as a decision of the Government of India not to permit Haj sailings. I do not know who drafted this most unhappily and unfortunately worded communique on behalf of the Government. One could understand an announcement by the Government of India of the apprehensions which they entertain in view of certain circumstances which were within their knowledge but not within the knowledge of the public or in view of certain unwelcome developments which they fear might exist later on. One could understand it if they meant merely to prepare the public mind for something unsavoury but something which may be looked upon as inevitable under the circumstances. Nothing of the sort. They announced an autocratic decision and that too after there had been a conference called by the Honourable Member for Indians Overseas day before yesterday. He was informed definitely what Muslim sentiment and Muslim desire on the subject was. He was told in unmistakable terms that the stoppage of the Haj traffic last year had caused the deepest resentment throughout Muslim India and that the thing should not be repeated this year. He was also told that, on the basis of so many items of news appearing in the Press from day to day under Government censorship, the public believed, unless, of course, reports in the Press to that effect were false, that the Allies were gaining victory after victory in all theatres of war, that Britain was regaining the temporarily disturbed supremacy in the seas, that the submarine danger was almost entirely a thing of the past. All these items of news appearing in the press from day to day have led the public to believe that the Government of India is most certainly in a position to make the necessary arrangements for the Haj traffic this year and let me say, Sir, that their belief and contention is that it is one of the duties of the Government to make those arrangements. They cannot shirk their duty. They cannot absolve themselves of their responsibility by saying 'we have decided not to permit the Haj'. Standing in the way of the Haj traffic in that way is most unwarrantable and, I may say, most unwise and unstatesmanlike. It conveys a very bad impression to the entire Muslim public of the scanty regard this Government has for the most delicate religious susceptibilities of the vast Muslim community in India. It shows their neglect of the duty which they owe to all sections of the Indian community. What is it that stands in their way if they are asked to arrange for, say, just 4 steamers to ply from the ports of Bombay and Karachi (Leave

[Syed Ghulam Bhik Nairang.]

alone Calcutta, for the Bay of Bengal is infested by Japanese submarines) to take the pilgrims to Jeddah and bring them back, under proper convoy protection if necessary. We are told, and it is a fact, that thousands and thousands of troops are transported every day across the seas, that hundreds of thousands of tons of munitions and other essential war supplies are transported across the sea every day. Mishaps do occur now and then but they are rare and do not occur every day. If all that can be arranged and if the entire sea traffic is not held up, where is the difficulty in arranging for four pilgrim steamers to cope with the very modest number of pilgrims which was proposed in the Resolution of the non-official Members handed to the Honourable Member for Indians Overseas day before yesterday? It was said in that Resolution that at least 4,000 pilgrims should be allowed to proceed for the Haj. This is a very modest number looking at the very large number of pilgrims who proceed to the Hedjaz for their Haj in normal times. If an arrangement could be made for them in the earlier years of this war—1939, 1940 and 1941—, where is the difficulty in making arrangements now? Surely, in those years the war conditions were very much worse than they are now. We are informed from all quarters that the war situation is now definitely favourable to the Allies and surely the necessary arrangements can be made.

On certain occasions in putting forward excuses on behalf of Government, we are told that it would be against the injunctions of the Islamic law itself to embark on a pilgrimage to the Hedjaz under the existing circumstances. We are treated to quotations from the Holy Quran and told that the Holy Quran itself says:

Wa lá tulqú bi aidikum ilattahluka

which standing by itself and without reference to the context means: Do not throw yourself with your own hands towards destruction. That is the literal translation. But this text is torn from the context. The entire *Ayat* is:

Wa anfiqú fi sabillilláhi wa lá tulqú bi aidikum ilattahlukati wa ahsinú. Innálláha yuhibbulmuhsinin.

And it will be interesting to know what it really means. The most authoritative commentaries on the Holy Quran which I had the advantage of consulting this morning give the meaning of that text which is very different from that which is assigned to it in discussions of this kind. Now, this is a text which enjoins on the Musalmans the necessity of making monetary contributions to the cause of Jihad. The meaning of the *Ayat* is: Spend your money in the way of Allah and do not throw yourself with your own hands in the way of destruction, and do good, for Allah loves those who do good. All the ancient and modern commentators—the most ancient commentator is Ibní Abbas, who learnt the Holy Quran at the feet of the Holy Prophet himself, and then we have Huzaifa, Ikrama and Hasan—agree that this means spending of money for purposes of Jihad and conveys a warning that if money is withheld on such occasions, it amounts to rushing with open eyes towards destruction because, unless the Muslim nation and Islam are protected by carrying on Jihad, the community will be destroyed and that is self-destruction. That is the meaning of it. But now we are told that this means that you must not rush towards destruction and you must not expose yourself to danger. If such a meaning were imported and read into this text, it would mean that we should carry on, on the basis of this text, a propaganda against enlisting in the army, because that is also exposing oneself to death and danger. We can say: Do not enter the army because the enemy is very fatally armed and you will expose yourself to the certainty of being killed; avoid enlisting in the army. To quote such texts and read into them such meanings is really absurd. The position remains that this text does not apply to the case of Hajis; it applies to the case of Jihad. It really means, do not grudge spending money on the cause of Jihad, otherwise you will be guilty of committing national suicide. This is exactly what we say today. Make your monetary contributions to the

war effort because you have to save your country and your hearth and home. If you do not do so, you will be rushing towards destruction and the enemy will come upon you and destroy you. That is the meaning.

Anyhow, what I want to say is that there is no excuse for the Government of India which can be accepted for their decision not to permit the Haj in the light of the information which the public is constantly receiving about the Allied victories and their command of the seas. By standing in the way of the Haj in that way, the Government is exposing itself to the very serious charge that it is interfering with the religion of Musalmans. I hope better sense will prevail and wisdom will dawn on the Government of India and it will withdraw, re-consider and revise the so-called decision which has been announced in the press communiqué. I hope the Government will accept this Resolution and try its very best to make all necessary arrangements for the Haj.

Khan Bahadur Shaikh Fazl-i-Haq Piracha (North-West Punjab: Muhammadan): Sir, I rise to support the Resolution just moved by my Honourable friend Nawab Siddique Ali Khan. The performance of Haj is one of the most essential obligations enjoined upon every Muslim capable of undertaking the journey and we would be failing in our duty to the Mussalmans in general and to the Mussalmans of India in particular if we do not give full and true expression to the ideas that are agitating their minds at this time. The Resolution under consideration is a very simple one and in our view it is absolutely non-controversial. We had entertained the hope that it would receive the unanimous support of all sections of the House, but the attitude of the Government leaves us sadly disappointed.

Sir, I was astonished to see in yesterday's *Statesman* a communiqué purporting to have been issued on behalf of the Government of India expressing their inability to make arrangements for the Haj in the current year. Sir, the issue of this communiqué on the eve of today's debate is nothing but a direct insult to this Honourable House. Government had ample notice of this Resolution, for it appeared on the Agenda paper as far back as the 6th of August. The indecent haste which Government have shown in publishing their decision can only mean that they were not anxious to hear the views of, or to be influenced by the wishes expressed by, this Legislative Assembly. In their Press communiqué the Government have been at pains to point out that they had explained their difficulties and had conveyed their decision to the Standing Haj Committee and other representatives of the Muslim community who were specially called into consultation on this problem. They have deliberately refrained from telling the public the advice that they received from the Standing Haj Committee and the other Muslim representatives invited by them. I think I am disclosing no state secret when I say that it was the unanimous opinion and keen desire of all non-official members present that arrangements should be made for the Haj in the current year at any cost. The members of the Committee were clearly given to understand that their recommendation would receive the most careful consideration. But it is quite obvious now that Government had no such intention for their communiqué must have gone to the Press sometime before the Standing Haj Committee concluded its deliberations at 6-30 P.M., on the 10th of August.

As far as arrangements for the Haj are concerned, this is not the first occasion that Government have flouted Muslim public opinion and made a farce of the discussions both in this House and in the Standing Haj Committee. I have been a Member of this Honourable House and of the Standing Haj Committee for the last 13 years but I can recollect no occasion on which Government have implemented the Resolutions passed by this House or by the Standing Haj Committee itself in making arrangements for the Haj regular, comfortable and inexpensive. Even the recommendations made by the Haj Enquiry Committee in the year 1929 and by the Special Haj Officer in the year 1942 remain unfulfilled. To give an example, a Resolution was moved in 1940 in this Honourable House to appoint a Haj officer in the Government

[Khan Bahadur Shaikh Fazl-i-Haq Piracha.]

Secretariat to attend to the complaints of Hajis and to supervise the arrangements for the Haj, and was accepted by the Government. Two years have elapsed but the Resolution has not been implemented so far, even when a strong recommendation was made by Mr. Rahim in his Special Haj Enquiry Report. So is the case with many other recommendations about which I dealt with at length in my speech at the time of the consideration of the Special Haj Enquiry report on 12th of April last. There has been a repeated demand of the Muslim Members of this House against the unjustified Kamran dues charged from the Hajis every year and of an enquiry into it, but that was never cared for. Sir, arrangement for the Haj is the only religious matter affecting the Muslims of India for which Government has assumed responsibility. I must say that it has failed miserably in carrying it out. The lame excuses given in the Government Press communique yesterday are in line with the excuses they have been making on previous occasions. It is public knowledge that the war situation has shown a marked improvement during the last twelve months. The Allied Fleets are in complete control of the Mediterranean and the Red Sea route to India. We seldom hear these days of the appearance of Japanese or German submarines in the Western Indian ocean. In fact no sinkings of ships in this region have been announced in the Press during the last six months or more. Large convoys of ships carrying stores and men have been coming in and going out from the ports of India. In the face of these facts, it is hard to believe that the sailing of three or four ships to the Red Sea for the Haj pilgrimage would be attended by extraordinary dangers. But even if dangers existed, the Muslims who have died in thousands fighting for their King and country would not hesitate to risk their lives for performing their religious obligations to the Almighty God. If this is the only reason for the Government's decision, it is high time they disabused themselves of these ideas. If arrangements for the Haj are made in spite of any dangers and difficulties that exist, the Muslims of India would be too thankful to the Government rather than to blame them, and the Hajis would accept all the consequences that a journey to the Hedjaz might entail. The improvement in the war situation and the large ship building programme of the Allies should have relieved a good deal of shipping for the Indian ocean. Surely it is not beyond the resources of the Government of India to release three or four small ships to carry the Haj pilgrims to Jedda. I understand that the Scindia Steam Navigation company are prepared to make arrangements for the Haj if Government would only release some of their ships for this purpose. Will the Honourable Member in charge please tell this House why this generous offer cannot and has not been accepted. If the sea route is not safe, cannot arrangements be made for the pilgrims to travel overland through Iran and Iraq which countries are quite safe at present, as far as the war is concerned. I have come to know from a reliable source that a large number of lorries are available at Karachi, in Iraq and Iran which owing to the past successes of war in North Africa and elsewhere are there without any transport business of the Government. These lorries can very well be used for the Haj traffic to carry Haj pilgrims for some days at least.

The Government of India are in duty bound to make every effort to arrange for the Haj pilgrimage for the Muslims of India. They cannot fulfill this duty by keeping Saudi Arabia quiet by means of financial subsidies and economic assistance, however justified these steps may be in themselves. War or peace can make no difference to the belief and the religious obligations of a Muslim. In fact, the greater the danger the more meritorious is the performance of the Haj pilgrimage. Let not the Muslims of India feel that their dearest wishes are ignored and their religious susceptibilities wounded by the callous indifference of Government towards their demand for regular arrangements for the Haj.

Sir, the history of Islam shows that a *jehad* is permissible to enforce this right and in fact the Crusades were fought to secure access to the Holy Places.

I am sure the Government will realise the seriousness of the situation and will retrace their steps and avert the great ill feeling among the Muslims of India that their decision not to make arrangements for the Haj in the current year is bound to arouse.

Sir, I think I have said enough to convince the House of the urgent necessity for making arrangements for the Haj pilgrimage. I would now crave their indulgence for a minute or two regarding the other aspects of the Resolution. The step-motherly treatment shown by the Government towards Indian owned shipping companies working on the Haj line is well known to this House and requires no repetition. Suffice it to say that by encouraging cut throat competition and by discriminatory treatment all the Indian owned companies except the Scindia Steam Navigation Company have been driven out of the trade and even in the case of the Scindia Steam Navigation Company, they were placed at a disadvantage in being allowed to carry a smaller percentage of pilgrims on the occasion of the last Haj in comparison with the British owned Mughal line in spite of the fact that their pilgrim ships are far better than those of the Moghul line for the convenience and comforts of the pilgrims. Sir, I would urge that in future Government will be pleased to allow and encourage the Indian shipping companies to come forward and enter the Haj pilgrim carrying business to the best interest and comfort of the pilgrims. This matter has always been the subject of discussion on the floor of this House and I do hope that the Honourable Member for Indians Overseas will take this into consideration.

Before I sit down, Sir, I would once more commend to the House and to Government the Resolution moved by my Honourable friend Nawab Siddique Ali Khan and to revise their decision.

Sir Abdul Halim Ghuznavi (Dacca cum Mymensingh: Muhammadan Rural): Sir, I am the Chairman of the Port Haj Committee of Calcutta. I received a notice to attend a meeting of the Haj Committee some time in the beginning of this month, and the meeting was fixed by the Honourable Member in charge for the afternoon of the 10th instant. It was an urgent meeting and I was asked to be present. In that meeting I found that similar invitations had been issued to the Chairmen of the Port Haj Committees at Karachi and Bombay, who were also present. The members of the Central Port Haj Committee were also present and, in addition to these, several other influential Muslims were invited also and they were present. We had a long discussion and it was the unanimous view of all Muslims present that Government should arrange for the Haj this year. The Honourable Member Dr. Khare in winding up the debate said that after getting the unanimous views expressed in the Committee meeting, they would now decide what to do. This was on the evening of the 10th. In addition to that you have to remember that this Resolution was tabled for the 6th August but could not be taken up on that day. Still in spite of all this the Honourable Member issued a communique which was certainly prepared long before this meeting was held; it went to the press even before we have been sitting and discussing the position. I consider this an insult to the Committee,—calling them and discussing a matter on which they had already made up their minds. We discussed the matter till 6 o'clock on the evening of the 10th; early next morning we read this communique in the papers. There was no mention even of the conference; they only said that they had decided to give up the Haj this year. What was the harm if the communique was issued on the 13th after hearing our views here, instead of on the 11th? Why could they not say to us then that Government had already made up their mind? Did they consider our views in the brief time that they had after that meeting? Surely that is absurd and so it is clear that all these meetings and our views, etc., end only in a farce. If they had decided not to give us the privilege of the Haj this year it was no use sending for us and asking for our views. But if on the other hand they had really a mind to listen to our views they should have consulted

[Sir Abdul Halim Ghuznavi.]
the departments concerned whether they could change their mind and give us the one or two boats that we asked for. After all we only asked for four thousand pilgrims being taken this year. As the Honourable Member must be aware, so far as Muslims are concerned, death or no death they are prepared to go to the Haj; it is incumbent on them to perform it even once during their lifetime.

Then, Sir, I will state what happened last year. Mr. Aney, the then Member in charge sent for us but most of us could not come. I was here by mere accident and attended the meeting. He explained to us the difficulties and we all agreed that the Haj should be postponed. But when we went back to our own places, we were severely taken to task by the Muslims. They said: "What right had you to say that there should be no Haj? Your duty was to tell Government that there must be sailing for Haj; it is for the pilgrims to go or not, but that you should have told them that they must arrange for Haj sailing. If they decide that even death is preferable, they will go and face it". Sir, after agreeing not to have the Haj last year we later found that there was no trouble whatever in the Red Sea or in the Indian Ocean although we were given such long stories that owing to the Japanese menace the ships could not go safely. Why cannot you take these ships in convoys which you are doing in other cases every day? You must arrange anyhow to have the Haj; otherwise I give you a warning that the Muslim community will never forgive you for not allowing it.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): I am afraid the most deplorable decision of the Government to stop the Haj this season has placed them in a very desperate predicament. All sorts of arguments have been put forward by the Honourable Members who have spoken on this Resolution up to the present moment showing that the Government in stopping the Haj this season has disregarded the feelings of the Mussalmans of India and has done a very impolitic and unstatesmanlike thing. I should like to tell them that the plea that the sea-route is unsafe and the Mussalman pilgrims—men, women and children—might lose their lives is untenable. It is very kind of the Government to show so much solicitude for the lives of the pilgrims, but it does not lie in their mouth to say so when hundreds of people are dying of starvation in Bengal and they have done nothing for them. The Government ought to know, they must remember and they must realize that to stop the pilgrimage this season on the plea of danger leads definitely to the conclusion that they have made up their mind to stop the Haj so long as the war lasts. A most responsible person—the Commander-in-Chief of the Naval Forces of America—has reminded us that the war might go on till 1949. So does the Government mean that all this time there will be no Haj. Evidently they are so inclined. In 1939, 1940 and 1941 the seas were considered safe enough for pilgrimage while disaster upon disaster was raining upon the Allies, but now that the Pacific Sea according to the Government is comparatively safe, the Atlantic is safe from the attacks of U-Boats, and the Mediterranean Sea is no longer what it was in the early stages of the war, when the whole of Northern Africa is in the grip of the Allies, when Sicily has been very nearly captured, you cannot allow even 4,000 pilgrims to go from Karachi to Jadda. When it is possible for the Government to land safely hundreds of thousands of troops on enemy territory, how cannot it be possible for four thousand men to be transported from here to the Hedjaz. It is possible. It is their duty to find means for the transport of these Hajis. My Honourable friend Nawab Siddique Ali Khan referred to an alternative route to the Hedjaz over land by means of lorries. There is another alternative: by air. You spend millions and millions of rupees on war propaganda, and if in order to earn the goodwill of the Mussalmans of India you spend a few lakhs of rupees on transporting four thousand Hajis to Jadda, what will you lose? You will earn the gratitude of the Mussalmans of India. But I feel you don't mean to earn the goodwill

and gratitude of the Mussalmans of India. You are irresponsible, autocratic. You speak of freedom and freedom for all humanity and you act like this. I do not know what to think of you and by what terms to talk of your conduct. Sir, Dr. Khare is laughing.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Why should not he laugh?

Maulana Zafar Ali Khan: But he laughs long who laughs last. Don't you interfere in the religion of the Mussalmans. They can bear everything but they cannot bear this. Everybody tells us that there are two millions of soldiers fighting for the honour of Great Britain in North Africa, in Sicily, in Middle East and of these two million nearly one million are Mussalmans of India. What are they fighting for and shedding their rich blood? For British Imperialism?

Sir Muhammad Yamin Khan: Arrangements have been made to take them there.

Maulana Zafar Ali Khan: If you have made arrangements for them, how cannot it be possible for you to take four thousand people there. Where there is a will there is a way. You can do what you like if you really want to do it. Evidently you don't mean to do it and you don't want to do it. But let me warn you that when ten crores of Mussalmans—and I hope and trust that 30 crores of other Indians will join them—will call upon you to have some respect for their feelings and if still you persist in refusing, to meet their wishes the consequences of that refusal will be tremendous. Sir, I end my speech with these words and I hope it is not yet too late for the Government to withdraw from the decision that they have taken.

Mr. N. M. Joshi (Nominated Non-Official): I move that the question be now put.

Mr. President (The Honourable Sir Abdur Rahim): Mr. Kazmi.

Qazi Muhammad Ahmad Kazmi (Meerut Division: Muhammadan Rural): Sir, I am one of those who had the honour of attending that confidential Conference the invitations for which were sent by the department under sealed covers and marked 'confidential'. We thought probably the Government had got something very serious to tell us and they were going to take us into confidence in the matter. Sir, I have been seeing the methods of this Government and I think that the methods of Government cannot be improved even under the administration of Dr. Khare. Whoever is the gentleman put in charge, the old methods continue. What was the confidential information which was communicated to us in that Conference? Probably I may have been charged with divulging that confidential communication, but I am pleased to find that that confidential communication has been given out by the Government themselves in that communiqué. There was nothing more than that. The matter had been decided prior to the holding of the Conference and the poor president of the Conference appeared to be as helpless as ourselves regarding the decision. That meeting was not at all intended to ascertain our opinion or to get the benefit of our consultation on behalf of the Mussalmans of India, but was only intended to communicate the decisions which the Government had arrived at and to persuade us to help the Government in supporting those decisions. This exactly was the position. What happened at the Conference was that when we came to a unanimous decision that arrangements should be made for the Mussalman public for going to the pilgrimage, the Conference was regarded as a failure and the President in a note of despair said: "We have heard you and now we will decide". He did not want to be worried any more with the observations of the enthusiastic members who thought that they were being taken into confidence by the Government. This attitude of the Government reminds me of the story of a gentleman who was once stopping at my house. He had nothing to talk about with the owner of the house but he wanted to show that he had something to talk. He told the owner of the house: Sir, I

Qazi Muhammad Ahmad Kazmi

want to talk something very confidential to you. The owner of the house thought he may have something confidential. He was taken ten paces from the gathering and then the guest brought his mouth quite near the ears of the host and spoke in a voice which was audible to all the gathering. He said: "I am very thankful to you for inviting me to your place. The latrine in your house is a very nice one". After having communicated that he said that that was the only thing he wanted to say. This is the sort of confidential information that is imparted to us and very often the public will find that the Governor General takes the trouble of issuing ordinances to the effect that these bits of information should not be communicated to anyone. What has really happened is the same as occurred in the last year when I happened to be one of those gentlemen who attended that confidential Conference, we were given exactly the same information. We told the Government that we were not in the know of things and it is for the Government to decide. This time again the same thing was repeated and to our utter astonishment the Government members appeared to be as little aware of the real situation as we were. They only acted upon the advice and information given to them by somebody who could not be cross-examined. They had to abide by the decision of some person not a party to the Conference. Isn't it a fact that even now merchant shipping is engaged in the transport of goods from this place to Arabia? Isn't it a fact that even today we are sending goods other than war materials to those countries? Have the Government really considered the situation? We asked whether they had enquired of the companies as to whether they would be able to give any boats to carry the pilgrims. The answer was that they had not. Obviously they could not, because all the boats that used to be employed for the conveyance of pilgrims have been taken over by the military. Now are the military prepared to relieve one or two of those boats for the pilgrimage for a short time? That was the concession that ought to have been asked of the military authorities. Isn't it a fact that all of them are in the custody and under the control of the military authorities? They are not being used on land but on sea which is said to be infested with submarines. I want to tell them that it is not by alleging that Government took some persons into confidence and then publishing a communiqué that Muslim public opinion will be satisfied.

In this connection, I would just ask the Honourable Member responsible for this communiqué as to the exact meaning of one of the words used. He said: "They have informed Muslim leaders and the Members of the Standing Haj Committee of the circumstances and considerations which have weighed with them". Now, to whom does the word "them" refer to—the Members of the Committee or to Government? If to the Members of the Committee then it is incorrect. I say that the considerations and reasons given by Government did not weigh with the Committee Members at all. I say that that Conference and the debate in this Assembly becomes a simple farce if that is the fact that everything had been decided prior to that, and I think it is only in the fitness of things that the Government should even now reconsider their position and not abide by the communiqué and their decision already arrived at, but once more try to get some arrangements made for the pilgrims.

Maulvi Syed Murtuza Sahib Bahadur (South Madras: Muhammadan): I happened to be one of those Members who had the honour of being invited to the Conference just made mention of. Not only this, Sir, but we had the occasion of having been invited to another conference held by Mr. Aney. We got very short notice last year. Syed Ghulam Bhik Nairang and myself were a little late. Some decisions had already been taken by the conference. When we got home we were pounced upon by the Muslim public as to how it was that we signified our consent to a mischievous decision arrived at by the Government. Sir, we were placed in a very awkward position. Then we had to

explain the circumstances under which we were not in a position to reach the conference in time because of short notice.

Now, Sir, with regard to the Conference which was held under the presidency of the present Member for Indians Overseas, much has been said by previous speakers. There were also present Muslim representatives of the Government. Their position we fully realize. They are not really speaking as the representatives of the Muslim community. They are the representatives of the Government. They had to echo the same view as the Member in charge. We were not convinced. Even now, Sir, we are of the strong opinion that these dangers are only sentimental. They are not real. Even granting that they are real, when the Muslim public, because of their religious fervour, are prepared to risk their lives for this act, I do not see any justification on the part of the Government to stand in their way. Sir, Dr. Khare, as a non-Official Member was on a previous occasion our colleague. He was then moving very closely with us. Even now we are friends, but the treatment meted out to us by holding that Conference only the day before yesterday, and receiving the communiqué to the effect that Muslims could not have the Haj this year has been rightly stressed upon by my Honourable friend, Maulana Zafar Ali Khan. Are we to be under the impression that because this war continues, as has been anticipated by some experts, Muslims should lose their Haj which is incumbent on those who are financially and physically able to perform the journey? Are they to be prevented by the Government? Is it not interference in religious duties of Mussalmans by the Government? It cannot but be resented from the bottom of our heart. In these circumstances we are obliged to observe that the recommendation made by Mr. Rahim, I.C.S., in his splendid report has been ignored by the Government. If such things which are incumbent on us are to be interfered with and if our demands are to be ignored in this way, can they expect anything like contentment or affection from the Muslim community? I warn them that they cannot and should not. So, the Government, particularly the Member in charge assisted by the Muslim Members, should see their way to prevail upon other Members of the Government to revise their so-called decision which has been arrived at hastily and unconstitutionally also, I may say. With these few words I resume my seat.

Mr. Kailash Bihari Lall (Bhagalpur, Purnea and the Sonthal Parganas: Non-Muhammadan): I rise to support this Resolution. In supporting it I do urge upon the Government that it is an innocent one. It simply says that the Muslims should be allowed to go on Haj just as they used to go in previous years. I have heard that a communiqué has been issued by the Government that this year perhaps there will be no Haj performance by the Mussalmans. I do not know what the reasons are, because I have not seen the communiqué myself . . .

An Honourable Member: It may be the war!

Mr. Kailash Bihari Lall: Yes, it may be the dangers of the war, or scarcity in shipping arrangements due to war. In either case, when those who are bent upon performing the Haj think that it is a religious duty there ought to be no objection on the part of the Government. Besides, in advancing my reasons I beg to remind the Government that we have no other training except only in religious performances. You cannot expect from us any other standard of life than we are habituated to. It comes very ill from your mouth to say, the whole world is in the throes of a struggle, the whole world is engaged in the factories producing war materials and thinking of war and engaging in war and we are simply thinking of performing the Haj. But what else have you taught us to do? Even those of us who are eager to take part in this war or those who have declared their intention are rotting in jail. I may tell you from my own personal experience. While I was in jail I was simply counting beads of Rama and reading Ramayana and Gita, and there cannot be any other thought uppermost in our minds. So far as industries are concerned, so far as any other kind of activity is concerned there has been no scope for us excepting taking the name of God and thinking of God and scriptures, or

[Mr. Kailash Bihari Lall.]

reading scriptures and thinking of performing this Haj or that pilgrimage. We are habituated to that.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can resume 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. Kailash Bihari Lall: Had I been given two minutes more, I would have finished my speech before Lunch but I shall now continue for a few minutes more and press my points further. As I was saying, we in this country think that life is of no use unless we take to religious persuasion and we find the same idea in this Resolution, namely, carrying out the religious persuasion. There is nothing else besides that. The Government objection, as I have already stated, may be due to the dangers of war or the scarcity of shipping arrangements of what use we have been left to be? If it be the dangers of war, we see that those who want to perform the Haj are prepared to face them and we do not know how far the shipping companies are prepared to take the risk.

I am told by some of my friends that the second part of the Resolution which deals with the point that shipping should not be the monopoly of one company is specially meant to give a hint that because some company has been practically getting the monopoly and they want to preserve their monopoly that this device has been made out by the Government I cannot vouch for this presumption but there may be some truth in it. I am informed that there is an Indian shipping company which is prepared to take the responsibility for carrying the pilgrims. Now, so far as scarcity of shipping is concerned, as I have already said, we cannot think in terms of what other people in the world are thinking and so we can be excused if we think of asking for air ships even for the performance of the Haj. If there be some objection to that, then I may be reluctantly obliged to observe that there is interference with the religious performance of the communities in India. In this matter, I may console my Muslim brethren also. They have seen the fate of their Hindu brethren in regard to the Kumbh Mela and Sonapur fair. They must also be prepared to take their fair percentage in this matter. In that sense, I am prepared to support this Resolution and tell the Government that their policy is not the right one on the grounds I have suggested. I would also like to tell my Muslim brethren that they should draw a lesson from such incidents.

The other day my friend Maulana Zafar Ali Khan was suggesting that the Government of India was composed of communal elements. There are four Knighted Muslims on the Government Benches. The Government consists of a fair number of Muslim representatives. Now, can they not draw a lesson that this point has been thoroughly discussed from the Muhammadan point of view. If not, are they prepared to revise their opinion that there is a communal element in the Government of India. However, I do not wish to press this point further. It is only by way of pointing out to my Muslim brethren what the position is. It may be in the interest of human life that Government have been obliged to take this step. We have yet to hear from the Government representative what their motive is in stopping the Haj. If it is due only to the dangers of war, it does not stand to reason. If the pilgrims are prepared to face the dangers of war, they should be given the option because after all people who go for religious performances think of God and God alone. They do not think of the safety of their lives. If they think of performing Haj, there should be no objection on the part of the Government to giving them that privilege of reaching God, even if they lose their lives in the sea. With these words, I support the Resolution.

Sardar Mangal Singh (East Punjab: Sikh): I rise to give my support to the Resolution which has been moved. In supporting this Resolution, I associate myself with the remarks which have been made by the Honourable the Mover

of this Resolution. The position is a very simple one. Every Muslim, if he is able-bodied and if he can afford the expense to the Haj is required by his religion to pay a visit to the Holy place once in his life time. I can very well understand the sentiments of my Muslim brethren because in my religion also I am required at least once in my life to pay a visit to the Holy place of my Guru. (An Honourable Member: "Which is that place?" It is in Hyderabad. That being the position, I think it should not be difficult for Government to accept this Resolution.

What is the case of the Government, I have read the communique which has been issued by the Overseas Department. Their case is that owing to war difficulties they cannot arrange a passage for a few thousands of pilgrims to the Hedjaz. I understand that that is their case. Pilgrimages to Haj were performed in 1939, 1940, 1941 if you please

An Honourable Member: Not 1942.

Sardar Mangal Singh: not 1942. The war situation has definitely improved since 1941. In 1941 the Germans were nearly in Egypt, in Iran, and the other Middle East countries, and the war situation was much more dangerous in 1941 than it is to-day. That being the position it should not be difficult for the Government to arrange the passage of a few thousands of pilgrims.

There is another consideration. The Musalmans all over India, as I understand, are agitated over this issue. I want to assure the House that the non-Muslim opinion will be behind the Muslims in this matter. There are 100 million Muslims in this country. They are my countrymen and if their religion is attacked, my religion will also be attacked. If they are prevented from performing this pilgrimage, I may be prevented to-morrow from performing my religious duties. I therefore in my own interest will support the position taken up by my Muslim friends. Moreover, my community have not forgotten the services rendered by the great leaders of the great Muslim community during the Gurdwara reform movement. Their leaders came to our help. My Honourable friend, Maulana Zafar Ali Khan, with his great pen, gave his valuable support to our movement. Dr. Kichlew and other Punjab Muslim leaders came to our help. Above all,—the Leader of the Muslim League is not here, and very few people know it, but I know it personally—the Honourable the Leader of the Muslim League at great personal inconvenience and sacrifice stayed here for several days in Delhi in order to help us during those days, and we are grateful for the services of the Muslim community at that time. Of course, if the Government in their folly persist in the position which they have wrongly taken up, then it is up to the Muslim community, the leaders of the Muslim community to decide the next step. But I can assure them in this House that whatever step they may take in their own interest the Sikh community will be behind them in this matter. With these few words I support the Resolution.

Mr. N. M. Joshi: Let the question be now put.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): I rise to give my support to this Resolution. Sir, it is a question of the performance of religious rites of a particular community, and as such it should receive the fullest consideration from the Government. Sir, it is known or ought to be known to Government Benches how keenly Indians feel over the observance of their religious rites. If any difficulty is placed in the way of their performing their religious rites, the whole community feels wounded, and in order that such wound may not be inflicted on the Muslim community I hope and trust that the Government will accept this Resolution. Sir, some of the previous speakers have spoken about the rights of other communities. If the rights of one community are infringed, there is the fear that the rights of other communities may also be infringed in future. From that point of view also it should be considered by the Government whether it is not the right course on their part to accept the Resolution. The whole of the Opposition is united in demanding that this Resolution should be accepted by the Government.

An Honourable Member: Let the question be now put.

Mr. Deputy President (Mr. Akhil Chandra Datta): Honourable Dr. Khare. **The Honourable Dr. N. B. Khare** (Member for Indians Overseas): Sir,

(There was thumping of tables in the Opposition Benches.)

Some Members on the Opposition Benches: No. Withdraw.

The Honourable Dr. N. B. Khare: (After a pause) Sir

(There was thumping of tables again in the Opposition Benches and there were cries of "No" from the Opposition Benches.)

Some Members on the Opposition Benches: Withdraw. Sit down.

Dr. P. N. Banerjea: Let the Leader of the House withdraw.

The Honourable Dr. N. B. Khare: (After a pause again): Sir

(There was again thumping of tables in the Opposition Benches and there were cries of "No" and "Withdraw" from the Opposition Benches.)

Mr. Lalchand Navarai (Sind: Non-Muhammadan Rural): Let the Leader of the House withdraw.

The Honourable Dr. N. B. Khare: (After a pause again) Sir, on a point of order, is this thumping in order?

Dr. P. N. Banerjea: No order. Everything is in disorder.

(There was thumping of tables in the Opposition Benches again and there were cries of "No" and "Withdraw".)

Mr. Deputy President (Mr. Akhil Chandra Datta): May I know what the Members of the Opposition want? What is this demonstration about?

Dr. P. N. Banerjea: What we on this side of the House want is an unconditional withdrawal on the part of the Leader of the House of remarks which constituted a reflection on the Deputy President.

Sir Muhammad Yamin Khan: On the Chair.

Dr. P. N. Banerjea: Yes, on the Chair.

Mr. Deputy President (Mr. Akhil Chandra Datta): I am sorry I am put in a rather awkward position.

Dr. P. N. Banerjea: You may vacate the Chair if you feel like that.

Mr. H. A. Sathar H. Essak Sait: It is not a matter personal to the Deputy President. It is a reflection on the Chair, whoever may be the occupant.

The Honourable Sir Sultan Ahmed (Leader of the House): I do not withdraw one word from the statement that I made, but I assure the House that no reflection was meant on the Chair.

Mr. H. A. Sathar H. Essak Sait: What does it mean?

The Honourable Sir Sultan Ahmed: Because I had said nothing. All that I want to explain is that no reflection was meant on the Chair in the statement that I made and therefore there is nothing to withdraw.

The Honourable Sir M. Azizul Huque (Member for Commerce, Food and Industries and Civil Supplies): That should be accepted. That is the parliamentary convention.

The Honourable Dr. N. B. Khare: Sir, in the course of the debate on this Resolution, I am afraid the debate has tended to assume a personal tone. I hope I am under a misapprehension. Anyway, it is my duty to clear my position. I am a Hindu and my religion enjoins equal respect for all religions. Nothing would have given me greater pleasure and greater satisfaction for having performed my duty than to have been able to arrange for the Haj sailing this year. There was no pleasure at all either to me or to the Government to have arrived at this decision after deep, deliberate and mature consideration. Honourable Members have referred to the press communique but not the whole of it. They have referred to a sentence here and a sentence there and have tried to make fun out of it. That is not fair, I am bound to say. Therefore, it is necessary for me to read the whole communique dated the 11th August, 1943. It reads:

The Government of India have again decided this year that they cannot permit Haj sailing. This decision has been reached only after the most anxious consideration and has caused them the deepest concern. They are well aware of the great importance attached by millions of Muslims to the performance of this sacred obligation. It was their earnest hope that the dangers which influenced their decision last year would by this time have been removed. Unhappily that is not so. The enemy, to whose action this decision is directly attributable, is a brutal and savage aggressor. To him the deaths of thousands

of pilgrims bent solely upon a task of deep religious significance would count for nothing, but the responsibility resting upon the Government of India in this matter is most grave. They have informed Muslim leaders and members of the Standing Haj Committee confidentially of the circumstances and considerations which have weighed with them. It is with profound regret that they are forced to the conclusion that their responsibility can only be properly discharged by the decision they have reached."

Sir, we have been charged with flouting the public opinion. I repudiate that charge. We called this Haj Committee and also certain other Muslim leaders of repute and renown and placed all facts before them. We took them into our full confidence and told them certain things which cannot be disclosed to this House. After doing that, we arrived at a decision. Now, Sir, as the decision has been published, may I ask if it is flouting the public opinion or taking it into our confidence or showing regard to the public? We have also been charged that we came prepared with the decision and were simply making a *tamasha* of the members. This is not a fact. If we had not placed all the facts before them, they could have charged us like that. But when we placed all the facts before them, which are unpleasant, unfortunate and to nobody's liking, then they say: Why did you call us? This thing I cannot understand and I cannot compliment them at all on their mentality. The communique is clear enough. If we publish the communique, we are charged with slighting them. Had we not done so, they would have said that the Government has burked the issue. This is very unfortunate.

Mr. N. M. Joshi: I do not wish to interrupt the Honourable Member, but the charge was that the Government of India sent their decision to the press before the meeting took place.

The Honourable Dr. N. B. Khare: That is wrong. The communique was sent to the press long after the meeting had taken place.

Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan Urban): What about this? If those reasons are really good reasons, was there any difficulty in the way of the Government of India for waiting for a debate on this Resolution, which is the subject of discussion today and listen to all the arguments that were to be brought forward by the Members here, if the Government of India really had an open mind on the subject? On the other hand, if they had come to a decision a week or 10 days ago, no amount of argument will prevail with the Government of India. What is the answer to this: Why did you not wait for the arguments that had been brought forward before you today?

The Honourable Dr. N. B. Khare: It is the same argument and there is no use repeating it.

Sir Syed Raza Ali: Sir, may I ask what does the word "same" mean according to the Honourable Member?

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member does not give way. Order, order.

The Honourable Dr. N. B. Khare: Sir, a reference has been made to the victories of the Allies in the war of which we are proud, satisfied and joyful, but those victories have not yet eased the situation in that portion of the sea through which the ships have to pass, namely, between Bombay and Jeddah. More than that, I cannot say. We are told that we permitted the Haj in 1939 and 1940 and what has happened now?

Nawabzada Muhammad Liaquat Ali Khan (Rohilkund and Kumaon Divisions: Muhammadan Rural): May I request you, Sir, to ask the Honourable Member to come to the front bench so that we may be able to hear him better?

Mr. Deputy President (Mr. Akhil Chandra Datta): Will the Honourable Member speak up?

The Honourable Dr. N. B. Khare: I am speaking quite loudly.

Sir Muhammad Yamin Khan: May I ask you to inform the Honourable Member that, while addressing the Chair, it is not necessary that his face should be towards the Chair. He is really addressing the House.

Mr. Deputy President (Mr. Akhil Chandra Datta): These are such fundamental matters on which it is rather difficult to give a ruling. The speaker should no doubt address the chair but in such an audible manner that the whole House may be able to hear him.

The Honourable Dr. N. B. Khare: But they forget, Sir, that Japan entered the war in 1941 and since then the situation has worsened; it has now become dangerous. We were informed by the Departments concerned that the situation there is more dangerous than it was last year when the Haj was prohibited. We cannot help it. It is not a matter of argument or a matter of conjecture. It is a matter of fact. Facts are there.

Nawabzada Muhammad Liaquat Ali Khan: What are the facts?

The Honourable Dr. N. B. Khare: I have told you that the sea is more dangerous this year than it was last year.

Nawabzada Muhammad Liaquat Ali Khan: This is your conclusion.

The Honourable Dr. N. B. Khare: From those facts we have arrived at our conclusion. These are facts.

Sir Syed Raza Ali: Which is a fact and which is a conclusion?

The Honourable Dr. N. B. Khare: The fact is that the sea is dangerous and the conclusion is that it is not possible to allow Haj this year.

Then, Sir, they said that the entire Muslim world will rise against Japan. I echo those sentiments. Let them do so. The responsibility for preventing the Haj this year is not ours but it is that of Japan. I quite echo those sentiments. Let them rise against Japan.

Then, Sir, they said, why not provide convoys. Quite right. But experience shows that it is difficult for pilgrims to follow the rules and the discipline necessary for safety of passengers proceeding under the escort of convoys. From experience gained in the past, the Government think that convoy system is not possible. I quite respect the sentiments of my Muslim friends that they would rather die in the attempt than give up the pilgrimage. I share their respect for the sentiments. All honour to them. But I hope my Honourable friends will appreciate that in ships, there are not pilgrims alone. There is the crew also. If the pilgrims are prepared to die, what about the crew? They say you are carrying goods even when war goes on, why not carry pilgrims. But my Honourable friends seem to forget the fact that the case of pilgrims and that of goods are quite different, they are two different things.

Then, Sir, reference was made to the step-motherly treatment. I may assure my Honourable friends that the Government's policy is to see that the rules regarding Haj sailing are observed, that all comforts are provided for the pilgrims and that the Indian mercantile marine is encouraged. The Government do not make any difference between community and community or between company and company in these matters. I think, Sir, I have answered all the material points.

There is one point which is not relevant to the issue, but since it has been raised, I will answer that. It is that the recommendations of the Rahim Committee have not been carried out. Sir, I may tell the House here that out of 82 recommendations made by the Rahim Committee, 24 have been accepted and orders have issued; 14 more have been accepted, but orders have not yet been issued for various reasons, 43 are still being considered, and one has been rejected.

Sir Syed Raza Ali: What is the date of the Rahim Committee report?

The Honourable Dr. N. B. Khare: I think about two years ago.

Then, Sir, a pointed question has been raised about a whole-time Haj Pilgrim Officer. Before arriving at a decision, the Indian Overseas Department has been taking all the necessary preliminary steps to arrange for Haj sailing. The Government also regret that all their labour has been lost and it is of no avail. They regret this along with the House. About the appointment of a Pilgrim Officer, that matter also is under consideration and a decision will

soon be taken. I am sorry Sir, that in spite of our best efforts, we have this painful necessity of cancelling and countermanding this year also the Haj sailing. We have not countermanded the Haj pilgrimage at all. It is for the Muslims themselves to decide on this question. Government do not want any interference in religious matters. The Government still think that it is their incumbent duty to arrange these sailings. But they are helpless and they cannot do so on account of the exigencies of the war situation. That is all I can say.

I am forced to oppose this Resolution moved by my Honourable friend who comes from the same City as myself. He knows me well, and I know him very well. I am quite sure he will not misunderstand me. I hope I have answered all the points raised in the debate.

Maulana Zafar Ali Khan: There is one vital point which the Honourable Member has not touched. May I know whether the Government of India have made up their minds to stop Haj till the cessation of the war?

The Honourable Dr. N. B. Khare: Not at all. It is only for this year, that the Government have decided that they cannot arrange for Haj sailings. The Government review the position every year and reconsider the whole situation.

Sardar Sant Singh (West Punjab: Sikh): May I know if the Government are willing to permit Haj if the Honourable Members of the Haj Committee, elected by this House, are willing to pilot that ship?

The Honourable Dr. N. B. Khare: Sir, I am sorry I am put to the painful necessity of opposing this Resolution moved by my Honourable friend.

Sir Syed Raza Ali: Sir, I am afraid I cannot congratulate my Honourable friend Dr. Khare on the speech which he has just made. Sir, luck plays a very great part in human affairs. While I firmly believe that my Honourable friend does not yield in patriotism to any one of his colleagues on the Treasury Benches, it is indeed unfortunate that he should be supplied with weak briefs by the Government of India in the performance of his duties. We know that in spite of his good wishes, he did not come out well in this House on the question of Reciprocity Bill or on the general discussion that we had on the affairs of South Africa.

The Honourable Dr. N. B. Khare: What has that got to do with this debate?

Sir Syed Raza Ali: I am saying that consistently ill luck is dogging the course of my Honourable friend in this House. I want to help him. I am blaming bad luck. I am not blaming my Honourable friend. Of course, I am sure he appreciates the difference. After all this question raises two very important issues, the one issue is that in which the Muslim community is vitally interested, namely, that the pilgrimage to Mecca should be performed by the Muslims unhampered by any action either of the Government of India or of any Government which the Muslims can possibly prevent. The second issue involved relates to the attitude of the Government of India towards this House and the constitution set up by the Acts of 1919 and of 1935. These are two vital issues, so far as I can see that arises out of this question.

As a Muslim, I need hardly say that I resent the action of the Government in putting a ban on the Haj pilgrim to Mecca because we are convinced that the reasons adduced by my Honourable friend and the Government are all poor reasons and lame excuses. There is one thing that is inherent in a bureaucratic Government and it is this. Once action has been taken by way of a short cut, then the Government has a tendency to persist in that action and not to care for public sentiments and public feelings on that question. Rightly or wrongly, according to me wrongly rather than rightly, action was taken by the Government of India last year of putting a ban on Haj pilgrimage. Here is this precedent and why should not the Government of India take the convenient course of following that precedent and make no fresh efforts this year than they did last year. As far as I remember, and I am speaking from memory, most of the facts that have been read out by my Honourable friend from the communique

[Sir Syed Raza Ali.]

issued by the Government of India yesterday are facts to which pointed reference was made in last year's communique. I do not think there is any additional fact. What does that show? That clearly betrays the bureaucratic mind of the Government of India which moves along a particular groove and refuses to swerve right or left even by an inch from the prescribed course. It is really unfortunate that my Honourable friend has not been able to raise even a ray of hope about the intention of the Government of India to reconsider this question at any future time this year. Let me tell my Honourable friend,—I do not know if he has been told this fact,—that today is the 9th Shaban 1362 Hijri and the Haj will take place on the 9th of Zilhaj. Therefore there are still four clear months between now and the date of the Haj. How does my Honourable friend claim to be a prophet? How does he know that the situation in the Arabian Sea will not improve to this extent that with proper precautions the Government of India may be able to send a ship properly convoyed? I find my Honourable friend makes faces; I did not know that was an argument.

The Honourable Dr. N. B. Khare: I was not making faces; my face was made by God.

Sir Syed Raza Ali: I thought faces were made by two agencies, one being the higher agency and the other the agency of doctors.

The point is this. I do not want to read a homily, but if all the Members of this House were elected Members including my Honourable friend Dr. Khare, and Members of the Cabinet represented this House, would he have given the same kind of reply as he has chosen to give this afternoon? I say, no. I find my Honourable friend Dr. Ambedkar says an emphatic "yes". I am not surprised at this emphatic affirmative. Sir, Muslims will not be satisfied by Dr. Khare's reply. It is the old stereotyped reply that is brought out from the pigeon-holes of the Government of India on such occasions from time to time.

Then I will come to the next question, i.e., the constitutional question in which the whole House is interested. What are the facts? Does my Honourable friend remember the date on which the decision to ban the pilgrimage to Mecca was taken? It was not the 11th August 1943 but my impression is,—I am subject to correction,—that the decision was taken some time before he called the unfortunate conference to assist him. The point is that certain forms have to be complied with. Let the complexion of Government be what it is but formalities have to be observed. My Honourable friend knew that this Resolution was coming up today, and where was the hurry in issuing this communique post-haste without waiting for the result of the debate on this Resolution today? After all it is a constitutional point. It is so important that if any democratic ministry defied the opinion of the country and of the legislature to this extent in any democratic country that Government would not be occupying the Treasury Benches one hour longer after the decision was taken. I do not say they are a democratic Government but at times they pretend to be so and take cover behind the rules which are applicable to a democratic Government. If that is so, they ought at least to observe the formalities.

The Honourable Dr. N. B. Khare: Don't make faces?

Sir Syed Raza Ali: My Honourable friend only repeats my joke like a parrot. If there is to be a joke let there be some novelty in it.

Mr. M. Ghiasuddin (Punjab: Landholders): It may be true in the case of both.

Sir Syed Raza Ali: My friend is an intervener but generally all interveners have some ulterior motive.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member should come back to the subject under discussion.

Sir Syed Raza Ali: Sir, I must say that it has been a very wrong thing to do on the part of my Honourable friend; it is wrong on the part of the Executive Council if it was at all their decision.

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

Sir Syed Raza Ali: I am finishing, Sir. Sir, I suggest that when important religious and political questions are raised, the best thing is to have suggestions from the non-Official Benches and from this House, consider them in the Executive Council or have them considered individually by Honourable Members and then come to a decision. Already the Government's reputation is not too high, why deal another blow at it? Sir, I conclude by requesting my Honourable friend not to close the door but to say that if the situation in the Arabian Sea improves Government would be prepared to reconsider the question on its own merits. It is their duty to say that.

The Honourable Malik Sir Feroz Khan Noon (Defence Member): Sir I had no intention of speaking on this Resolution, but the incident of yesterday—our absence after lunch—is perhaps one of the main reasons why I rise to speak. Sir, I, for one, as a Member offer the House my unreserved apology for that. I shall not go into reasons—they are perhaps known to you—but in spite of those reasons, I know that it was my duty to be here and therefore I am sorry that I was absent. I am sure the feelings of my colleagues in this matter are also the same.

Dr. P. N. Banerjee: The Leader of the House also is included in that. Do you include yourself?

The Honourable Sir Sultan Ahmed: No, I don't.

The Honourable Malik Sir Feroz Khan Noon: The other point on which I wish to speak is this question of Haj. One request I wish to make to the House is: please consider this question on merits and do not allow the sins of omission or commission of the Government in other respects to influence you one way or the other. The only guiding idea in this case should be the religious sentiments of the Muslim community and the personal safety of the Hajis.

Sir Muhammad Yamin Khan: Cannot it be arranged?

The Honourable Malik Sir Feroz Khan Noon: I wish to say this to the House that in this matter the Member for Indians Overseas is not the only person responsible for coming to that decision. I, for one, fully share that decision with him and share the responsibility. We, as a Government, considered this matter at great length and I hope I am not transgressing any laws about secrecy of Government decision but I feel at this stage that I must take the House into confidence and say that the Government came to a unanimous decision that it was in the interest of the Hajis themselves not to be taken to Haj this year in view of the danger to their life. And in that decision I, for one, your humble servant, agreed completely. We did not come to that decision light heartedly. We went into all the pros and cons of that question and we called upon the Commander-in-Chief to give us the latest situation with regard to this. I am afraid I cannot go beyond this because these things are secret on which depend the lives of many hundreds of thousands of soldiers and other passengers on sea. Therefore, please do not ask me the reasons that were advanced, but I can assure you, particularly my Muslim brothers, that every one of you if you had been there, would have acted in exactly the same way as I did, namely, that it was not right to risk the lives of the Hajis.

This decision is only for this Haj and I can give you this assurance that I shall not be worthy of the seat that I occupy on the Government if, should I know that the route is safe, I do not raise this question anew and demand that Haj should be opened to the Hajis.

Sir Syed Raza Ali: Do you mean this year?

The Honourable Malik Sir Feroz Khan Noon: Yes, this year if the route becomes safe and the lives of Hajis are not in danger. I give my promise that I shall be the first person to raise this question in the Executive Council and with the Member for Indians Overseas. And there is no question of future.

I assure you that every one in the Executive Council, particularly the non-Muslim Members, was very careful about the sentiments of the Mussalmans.

[Malik Sir Feroz Khan Noon.]

and nobody knows more than I do what the sentiments of my community in this respect are. It was the extreme necessity, and in view of our duty for the safety of the lives of these Hajis that we could not but accept the position put forward to us by those who were competent to speak regarding this matter.

There is only one other point on which I wish to say one word. It was suggested when did the Government come to a decision and why did they come to a decision before this case had come up before this Legislative Assembly. Of course that is one way of criticising. If you had passed this Resolution and then we had not been able to carry out your mandate

Sir Syed Raza Ali: That you do everyday; rather twice a day.

The Honourable Malik Sir Feroz Khan Noon: Now I am speaking as a constitutional servant of you people and, therefore, I feel that then you would have argued that Government have disobeyed the Assembly orders; my Muslim brothers would have come heavy on me as to why I had not done my duty. Therefore, a clever lawyer like my Honourable friend Sir Raza Ali can argue both ways: In one way we are guilty, and in the other way we also are guilty. But if you consider we are guilty it is because we acted with the best intention in the world and only with a view to making the lives of Hajis safe. Therefore, while requesting you not to press the Resolution I give you an assurance that the moment the sea route is safe I will raise this question in the Executive Council.

Sir Syed Raza Ali: When was the practical decision taken on this question?

The Honourable Malik Sir Feroz Khan Noon: Don't try to trip me. I am trying to win over your goodwill, and not to creating difficulties for myself.

Nawabzada Muhammad Liaquat Ali Khan: Sir, my Honourable friend, the Honourable Member for Defence, is responsible for my taking a little time of this Honourable House. Had it not been for his speech I would not have considered it necessary to take part in this debate. He has appealed to us from all considerations: as a Muslim brother, as a Member of the Government, as a man in charge of army, as one who was not able to be here in time yesterday. But the point is this: He has not really been able to justify the action of the Government in ignoring this House completely. His confession that if we had passed the Resolution and the Government had taken this decision which they had already taken it would have been very bad for them constitutionally constituted as they are, I think, will not hold water. I am afraid that this kind of argument may be all right for little children, but

The Honourable Malik Sir Feroz Khan Noon: May I withdraw that argument to save further speaking?

Nawabzada Muhammad Liaquat Ali Khan: but not for Members of this Honourable House. The Government really have no legitimate excuse in not having waited till they had heard the views of the Honourable Members of this House on this very important question. There is a feeling, a feeling which I think is perfectly justified, that the convening of the Conference on the 10th and all that was a sham, it was a put-up show, it was to deceive people. What was the use of the Honourable Member for Overseas inviting Muslims from all over the country to come to Delhi and undergo all that trouble when the Government had already taken this decision. I make bold to say that it cannot be denied that the Government had already arrived at this decision and this Conference, that was convened, was a mere eye-wash.

Sir, may I submit to this Government, to use the language of my Honourable friend, Sir Firoze Khan Noon, humbly and respectfully, not to behave in this manner, not to treat this House as if the Honourable Members were really little children who did not understand things. We understand things very well. It was a deliberate and premeditated move on the part of the Government to have issued that communique without waiting for the decision of

this Honourable House. Sir, not one single argument has been advanced by the Honourable Member for Indians Overseas which has really refuted the case that was put forward by this side. My Honourable friend stated: "Yes, the Hajis may be willing to die; but what about those crews who will be on these boats?" Well, those crews are prepared to die to carry material, but they are not prepared to take the risk to carry human lives! There is danger, but the ships are going through these seas every day. That everybody knows. It is not a secret. Are not the lives of those crews in danger? No. But we have such wonderful crews on these ships that they will lay down their lives for brick and mortar and stone and steel: but they will not be prepared to risk their lives to take people who want to go to perform this sacred duty. This is another argument which is really very feeble.

My Honourable friend, Sir Firoze Khan Noon, has assured us that he and I take it that the other Honourable Muslim Members in the Cabinet, with the help of their colleagues, will see to it that whenever the situation is safe arrangements for pilgrims will be made. As far as we are concerned, Sir, we believe that arrangements can be made, and if the Government were really anxious and went a little out of their way to make arrangements, they could do so.

The Honourable Member, Sir Firoze Khan Noon, has appealed to the Mover of this Resolution to withdraw it and not to press it. May I make a counter-appeal: do not oppose it; let it be passed. What is the harm? It will not only be a moral pressure on you, but if you attach any importance to the decisions of this House then it might act as a material pressure also. So, I do not see any reason why this motion should be opposed by the Government. We have heard their case. Their case is that arrangements cannot be made. They think that it will not be safe in the interests of the lives of those poor Hajis who may want to go on this pilgrimage. They think that they are unable to make arrangements this time. We know what their decision is. If this resolution is passed it is not going to change their mind and take Hajis on this pilgrimage at great risk to the lives of these people. But as I have said, we on this side of the House, and not only in this House but also in the country, do believe that the Government if they wished could make arrangements for the pilgrims to go to Mecca this year, and I hope, Sir, that the Government, and the Muslim Members of the Executive Council particularly, will see to it that the true feelings of the Muslims on this question are reflected in the deliberations of the Government.

Nawab Siddique Ali Khan: Sir, I am sorry to say that the reply by my Honourable friend in charge of Indians Overseas is not at all satisfactory, because we on this side of the House could not hear a word of what he said.

The Honourable Dr. N. B. Khare: Nor can I hear you.

Nawab Siddique Ali Khan: Sir, only one Member in this Honourable House seemed to be satisfied, and that was the Honourable Member himself, because he was speaking in a low voice and he seemed to be enjoying what he was saying. Sir, the honourable gentleman has said that he comes from the same city where I live. I wish the honourable gentleman had been the same Dr. Khare who used to live about two months back in Nagpur. If he had been the same Dr. Khare, I am quite sure, Sir, that he would have given sympathetic and favourable consideration to the unanimous demand on this side of the House, which includes my Hindu and Sikh friends also. I am grateful to all the elected non-official Members who have supported this Resolution and I commend my Resolution for the acceptance of the House.

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

"That this Assembly recommends to the Governor General in Council that arrangements for pilgrimage to the Hedjaz may be made for the year 1945, in the same manner as it was done in previous years, and that shipping should not be the monopoly of one company."

The Assembly divided:

AYES—28.

Abdul Ghani, Maulvi Muhammad.
Abdullah, Mr. H. M.
Azhar Ali, Mr. Muhammad.
Banerjee, Dr. P. N.
Choudhury, Mr. Muhammad Hussain.
Chunder, Mr. N. C.
Deshmukh, Mr. Govind V.
Essak Sait, Mr. H. A. Sathar H.
Fazl-i-Haq Piracha, Khan Bahadur Shaikh.
Ghiasuddin, Mr. M.
Kailash Bihari Lall, Mr.
Kazmi, Qazi Muhammad Ahmad.
Krishnamachari, Mr. T. T.
Lalchand Navalrai, Mr.

Lalljee, Mr. Hooseinbhoi A.
Liaquat Ali Khan, Nawabzada Muhammad.
Maitra, Pandit Lakshmi Kanta.
Mangal Singh, Sardar.
Mehr Shah, Nawab Sahibzada Sir Sayad Muhammad.
Murtuza Sahib Bahadur, Maulvi Syed.
Nairang, Syed Ghulam Bhik.
Raza Ali, Sir Syed.
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—32.

Ahmad Nawaz Khan, Major Nawab Sir.
Aiyar, Mr. T. S. Sankara.
Ambedkar, The Honourable Dr. B. R.
Bewoor, Sir Gurunath.
Bhagchand Soni, Rai Bahadur Seth.
Chapman-Mortimer, Mr. T.
Chatterji, Mr. S. C.
Daga, Seth Sunder Lall.
Dalal, Dr. Sir Ratanji Dinshaw.
Dalpat Singh, Sardar Bahadur Captain.
Haidar, Khan Bahadur Shamsuddin.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Joshi, Mr. D. S.
Joshi, Mr. N. M.
Khare, The Honourable Dr. N. B.
Mackeown, Mr. J. A.
Maxwell, The Honourable Sir Reginald.

Mudaliar, The Honourable Dewan Bahadur Sir A. Ramaswami.
Noon, The Honourable Malik Sir Feroz Khan.
Pai, Mr. A. V.
Piare Lall Kureel, Mr.
Raisman, The Honourable Sir Jeremy.
Richardson, Sir Henry.
Roy, The Honourable Sir Asoka Kumar.
Sargent, Mr. J. P.
Siva Raj, Rao Bahadur N.
Spear, Dr. T. G. P.
Spence, Sir George.
Sultan Ahmed, The Honourable Sir.
Thakur Singh, Major.
Trivedi, Mr. C. M.
Tyson, Mr. J. D.

The motion was negatived.

RESOLUTION RE STABILIZATION OF PRICES.

Dr. Sir Zia Uddin Ahmad (United Provinces Southern Division: Muhammadan Rural): Sir, I am authorised by Mr. Ahsan to move the next Resolution on his behalf. In fact I sent this Resolution to him and asked him to send it on to the Secretary and at the same time send me the authority if he was not coming. I have got the authority from him as well as his letter to the Secretary, to move his motion.

Mr. Deputy President (Mr. Akhil Chandra Datta): You have got the authority with you?

Dr. Sir Zia Uddin Ahmad: Yes, I beg to move:

"That this Assembly recommends to the Governor General in Council to modify their currency policy, and to concentrate their attention more on the stability of prices than on the stability of the bank rate of interest."

Sir, after moving this Resolution, I have got another amendment in my name. I wonder whether, when I am moving the Resolution, I can move my amendment as well.

Some Honourable Members: No, no.

Mr. H. A. Sathar H. Essak Sait (West Coast and Nilgiris: Muhammadan): On a point of order, Sir; it was ruled by the President when Mr. Abdul Ghani was moving his Bill that the Mover of a Bill can move an amendment also to his own Bill. It has been ruled and therefore on that analogy I suggest that the Doctor Sahib may be allowed to move his amendment as well.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Standing Order is this: "After a Resolution has been moved, any Member may, subject to the Rules and Standing Orders, move an amendment to the Resolution."

According to my reading of this Standing Order, 'any member' means a member other than the Member who has moved the Resolution. That is how I read the Standing Order.

Dr. Sir Zia Uddin Ahmad: Sir I move:

"That this Assembly recommends to the Governor General in Council to modify their currency policy, and to concentrate their attention more on the stability of prices than on the stability of the bank rate of interest."

On the 16th February 1932 I moved a Resolution recommending to the Governor General in Council to concentrate their efforts on stabilising the prices and not on exchange and bank rate of interest. Eleven years have passed away and I think the urgency of this Resolution is much greater today than it was about eleven years ago. Prices on that occasion were too low and we had to raise them. Prices at the present movement are too high and we have to lower them. I quoted on that occasion McMillan's report which is really the last word on this particular subject even up to the present moment. At one time the economists gave us to understand that the prosperity of every country depends upon the favourable balance of trade. If our trade is favourable, the country is prosperous but the condition of Middle Europe soon after the Great War clearly showed that this theory was wrong. They had favourable balance of trade. Yet they had misery in the country. Then the economists came forward with a second theory and that theory was that we ought not really to consider the balance of trade but we should stabilise the exchange and they said that the prosperity of the country depends upon the stability of exchange. We lost 113 crores in attempt to stabilise our exchange. Now, this theory was also exploded and was given up. On that occasion, when the country was in a chaotic condition, the British Government appointed a special committee called the McMillan's Committee and their report is really the last word on the subject up to this moment. I shall quote some passages from the report of McMillan. They said:

"Thus, our objective should be, so far as lies within the power of this country, to influence the international price level, first of all, to raise prices a long way above the present level and then to maintain them at the level thus reached with such stability as can be managed."

We recommend that this objective be accepted as the guiding aim of the monetary policy of this country. The acceptance of such an objective will represent in itself a great and notable change. For before the war scarcely any one considered that the price level could or ought to be the care and pre-occupation, far less a main objective of policy, on the part of the Bank of England or any other Central Bank."

This was the recommendation of the McMillan Committee. In India at that time, the Government was the currency authority. The Reserve Bank was not established at that time. While discussing this particular subject, I referred to Mr. Keynes' second volume of his book on Money, page 251, to which reference was also made in the course of the debate. Looking into the recommendations of Mr. Keynes, who is one of the greatest living authorities on economic problems and considering the report of McMillan which is really the last word on this particular subject, I hope that the Honourable the Finance Member will accept that the guiding principle of the monetary policy of the Government of India ought to be the stabilization of prices. We are not very much affected by the bank rate of interest. A man in the street is not much affected by the credit which we have in the foreign countries but the thing which affects the common people of India is what is the purchasing power of the paper rupee in his pocket, which is really a token coin. This is the one thing on which comforts of every body depend and that really ought to be the guiding principle of the monetary policy of the Government of India. I emphasize that paper rupee has no intrinsic value. It is a token currency. Its value cannot be regulated by market or by Government. There is no currency reserve behind it. The prestige of the Government and the Ordinances are the chief support of the paper rupee. Now, where is the credit of the Government behind paper rupee, when I find that I can purchase 5½ seers of wheat for a rupee paid in silver, I can get 5 seers if I buy in small coins and only 3 seers of wheat if I pay the money in terms of paper rupee. This being the fact, where is the credit of the Government. It may be due to mismanagement, it may be due to other circumstances but if the credit of the Government is the only reserve behind the rupee, then the credit is certainly not there. These are the facts.

[Dr. Sir Zia Uddin Ahmad.]

On this occasion I would like to mention about the address of Sir T. Gavin Jones.

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

In that address he gave certain quotations from Sir Digby Drake-Brockman. He said:

"The disappearance of the silver rupee from currency. This reason is a most important one. The villager is commodity minded, not money, or shall I say currency minded. In good times, he puts his surplus or profit into goods (Gold and silver) not currency. Today no gold or silver is available and the rupee is worth intrinsically two annas. So, the villager, having no confidence in the security of the rupee, and being unable to buy gold and silver with it, prefers to hold and store a certain portion of his grain, especially wheat, commodities which he knows will always have a market value and in which he has confidence."

Later on, Sir T. Gavin Jones said:

"All attempts at price control and the release of hoarded grain will be frustrated if prices are permitted to continue to rise and inflation to develop as it is doing now."

This remark and other remarks of Sir T. Gavin Jones bring me to the question of inflation. I have often heard people saying that the root cause of the rise of prices is inflation and that once inflation is done away with, prices will come down. I do not agree with this argument. This theory is advanced by persons who themselves want to raise the prices with the object of profiteering. I think it is the reverse. There is inflation because there is rise in prices, so that the inflation is the effect and not the cause of the rise in prices. Fortunately or unfortunately, I did not study Political Economy in my college days and my friend the Finance Member is also in the same boat. We learn all our things practically from our experience and reports of Economic Committees and we studied books later on. I have read the books by Keynes, Marshall and other standard authors on Economics but I did not read them in the college but I did when I came to this Assembly.

Sir, when you talk that a thing is greater or less, there must be some position from which greater begins. If it is more, you call it greater; if it is less, you call it smaller. When you use the word inflation, what is your standard? What is the standard of the currency notes which you circulate? If they are above it, it is inflation; if they are below it, it is deflation. I think no such standard, or origin, to use the mathematical word, or the starting point was ever given by any economist. Will a sum of 300 crores of rupees be an inflation or deflation? Tell me the limit where the inflation begins. This is a thing which is absolutely difficult to define. We require as much paper currency as we need to meet the daily transactions. We remember that at one time there was a shortage of rupees. My friend, the Finance Member, against all theories of the then Political Economy went out of the way and invented his token rupee and printed it on paper and he called it a rupee. These notes very much relieved the economic troubles which existed then and everybody appreciated his efforts. So, the number of currency notes depends upon what we particularly require. In my opinion the notes in circulation are not much more than what we require under the present conditions. In this connection I would like to quote from another practical economist. He is not an academic economist but a practical man, I mean Mr. Birla. I will read a passage from his book called 'India's War Finance'. This is a very remarkable passage. He says:

"Assuming that the velocity of bank deposits is a fair index of the velocity of currency circulation, the figures show that in 1939/40, (when the velocity was 16.7), 179 crores in circulation functioned as $179 \times 16.7 = 2989.3$ crores, but that recently (when the velocity had come to be about 5), 590 crores functioned as only $590 \times 5 = 2950$ crores."

Therefore, we find that the momentum, which is the real test and the measurement of currency, was the same when Birla wrote about five months ago as it was in 1939. Therefore, the amount of currency which we require depends not only upon the quantum of bank notes but it depends upon how many times it circulates in a year. Nowadays, we find that the circulation has gone down from 12.5 to only 5. That is an important point which people who talk of inflation and deflation entirely overlook. My point is that the circulation has become so slow that the bank notes are frozen and they are not being

circulated as quickly as they used to be before the war. There are several reasons for this and we must explore them.

The first thing is that the villagers have got plenty of the currency notes because they sell their grains at enormous profits. They are not bank-minded and they always keep their money in their own homes, and there is no way of hoarding the money except in terms of bank notes or grains themselves. Therefore, whenever they sell wheat, they get bank notes and they hoard them. That is one channel leading to the hoarding of bank notes and stopping them from circulation. The second channel is the black market. We have now got black markets all over the country for almost all articles. Those people who sell these articles at enormous profits in bank notes do not show them in their books. They cannot deposit their income in the banks, otherwise they will be caught by the income-tax officer. So, they keep their bank notes in safety and they are thus frozen with these persons, who really get their money in black markets.

Now, the third potential factor for freezing these notes is the enormous corruption which is now going on in the country. People who have got what you call untaxable income from corrupt practices cannot deposit their money in the banks and they cannot take it wherever they want. They really keep this money frozen in terms of bank notes and they contribute another important factor, which really stops the circulation of these notes and lower the speed. In view of these and various other causes the circulation has become very slow and people do require more currency notes on account of the fact that they are being hoarded;

We have noticed the same thing in the case of small coins. There are plenty of small coins in the country but as they are all frozen, people are suffering so much so that private individuals are issuing four annas notes to supply the need of the people.

Sir, there is one other point to which I would like to draw emphatically the attention of the Honourable the Finance Member. Unfortunately, in the country we have got two prices—one I call the export price and the other is the internal price for the civil population of India. These two prices are really exceedingly inconvenient and they are the root cause of enormous troubles and of black markets. The export price is fixed by the Supply Department of the Government of India and the internal prices are fixed by the black markets which are really found in every town and village and for every conceivable article. I can understand if we have got a certain stock in the country then the requirements of the army should be met first and if nothing is left, then the people should go without it. But this I cannot understand that you purchase certain articles and allow the people to sell them at any price they like in the black markets. This is a thing on which the Finance Member must put his foot down and ask the co-operation of the Supply Member and his other colleagues that they must have the same price for the people of India as a whole. You should not have two prices. The Government of India purchase articles at a cheap rate and send them to foreign countries and ask the people of this country to pay higher prices to the producers through the black markets. This is very unfair to the people of this country. Let one price be fixed and it should be the same for all. If the Supply Department asks for it, it must get it at the same price as the public. If I want it as a private individual, I must be able to get it at the same price. This disparity in prices must disappear because it is the root cause of enormous troubles in this country.

Sir, I am laying very great stress on this Resolution that the stabilisation of prices should be the first and foremost aim in the monetary policy of the Government of India. The public are not interested in the bank rate. They are not bank-minded. They are not interested in the high value of the securities. They have none. It is so unfair to me that if I deposit money in the bank, I get only 3 per cent. on it, but if I deposit my money with any of these industrial concerns who are supplying their articles to black markets, then I can get anything from 15 per cent. to 150 per cent.

The Honourable Sir Jeremy Raisman (Finance Member): What about the minus 100 per cent. in some cases where they lose even their principal?

Dr. Sir Zia Uddin Ahmad: My Honourable friend reminds me about minus 100 per cent. I quoted recently the case of some businessmen here who really cheat the shareholders and they really pawn their companies to other companies at the expense of the shareholders. I am not talking of this class of people. I am talking about persons who are really carrying on business in a moderately honest manner.

It is very desirable that we should have stabilisation of price. When McMillan Committee wrote the report, the price level had gone down. They recommended that it should be raised to a certain extent and afterwards stabilised. Here the price level today is very high and I suggest it should be brought to a certain level and then it should be stabilised at that level. If we take 100 as the index price level, just before the war, then the price level today should be fixed at between 125 and 150, but in no case there should be a rise beyond 150. I will just give you some commodities in which the price has gone up very rapidly in the first few months of this year. In January this year, the price of silver was Rs. 96 per 100 tolas, in February, it went up to 105 Rs., in March it went up to Rs. 112. When you come to the price level, there are three commodities about which the Honourable the Finance Member should concentrate his mind and these three articles are (1) silver, (2) cotton piece goods and cotton, (3) wheat and rice. These are the three key commodities on which he should concentrate his attention and I am sure the price of other articles will move in sympathy with these three articles. Take silver first. The value of silver will fix the value of your token rupee. One thing by which every one would judge the value of the rupee is the amount of silver which it can purchase. You should take the price of silver in 1939 as the index and you increase the then price by 50 per cent and fix the price of silver now. There may be some difficulty in fixing the price of silver. It may be that the Government may have to control the market and go to this extent that they will have to be the sole purchaser of silver and sole seller. Silver may be sold either through Banks or through licensed dealers. The price of silver should be fixed and it should not be allowed to go beyond that level, so that there may be no speculation in the price of silver. I know that the Honourable the Finance Member has already taken some steps to stop this enormous gambling and speculation in silver. By special steps taken two or three months ago, he has checked further abnormal rise in price of silver. We very much appreciate those steps, but they do not go far enough. I think the Government should have a monopoly in the purchase and sale of silver, and the price should be fixed at 50 per cent. higher than what was ruling in 1939.

The next article to which he should concentrate his attention is cotton and cotton piecegoods. In January the price of cotton was 400 Rs. per candy, in February, Rs. 450, and in March it went up to Rs. 640, a very heavy rise in price. About cloth, it was Rs. 2-12-0 per lb. in January; in February it was Rs. 3-4-0 and it rose to Rs. 3-10-0 in March, so that in the early months of the present year, the prices were moving very fast. The same was the case with wheat. It was Rs. 5 per maund in January in February it was Rs. 10-8-0 and in March it was Rs. 13 and in some places it went up to Rs. 19 or Rs. 20 as was revealed during the food debate. These prices are moving very fast, and it really means that the rupee is being depreciated rapidly in value.

The point which the Government ought to take into consideration when we are dealing with these articles is that we should not consider the price level of these articles purely as an economic problem. We do not consider it merely as a problem for the comfort of the people, we must also consider it as a problem for the maintenance and stability of the monetary policy of the country. I quoted the McMillan report as saying that the stability of price should be the first aim of the monetary policy of the Government of India and this being so, the Honourable the Finance Member should in every case step in and see that the purchasing power of the rupee should not rise abnormally as it has been

doing in the first four or five months of the present year. A certain rise is indispensable. He can allow a rise of from 25 per cent. to 50 per cent. as normal on account of war conditions, but anything above 50 per cent. in any case whatsoever is not excusable and should be stopped by the Finance Member.

I beseech the Government of India that they should always take the monetary view point in the value of the rupee when they consider the question of price level. If the purchasing power of the rupee is very much lowered, then I ask the Honourable the Finance Member to take the budget of an employee who gets only Rs. 20. I put this specific point to him and asked him to prepare the budget for him. The budget at present is Rs. 59. This figure was supplied by the Association of Datties, Peons, etc. With such an abnormal rise in prices, it is impossible for these poor people to make both ends meet. The salaries were very much reduced when there was a boom. Now the tide is going the other way round. Is it not high time that the Government should again revise the scale of salaries of its employees in view of the purchasing power of the token rupee? Why not double the salary of every person in the Government of India because you are now paying him a token rupee, whose value is not more than two annas as just quoted. We are now in a whirlwind. Prices rise up, more currency notes are required; there will be more inflation. We ought to put down this and fix the purchasing power of the rupee at such a level as the silver content would represent and would purchase. Never mind whether there is paper currency reserve or not, never mind whether there are sterling balances or not, never mind about anything else so long as the purchasing power of the rupee remains within a certain limit of what it was reasonably in 1939 and then people will have some confidence in your currency.

Now, Sir, coming to cloth. In this particular case the Commerce Member has taken some action which has really produced some good results. But in order to achieve permanent results, we must adopt a different policy. Now, in the case of wheat you have to fix the price level.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is over.

Dr. Sir Zia Uddin Ahmad: I will finish within two or three minutes. In the case of wheat, you should lower the price level. You should force the growers to sell their articles within a certain time. Then when this has been done, when you have controlled the entire stock, then the time will come to fix the prices. As I have already said the price should be fixed at not more than 50 per cent. of the 1939 price level. That will be a fair price. There are some persons in the Punjab who favour and preach the raising of the price level as much as they like. From my personal talk during my tour in the Punjab, I found that about 95 per cent. of the cultivators and growers are persons who grow their own wheat and consume them and send very little to the market. It is only about 5 per cent. who grow wheat which is saleable in the market. For this 5 per cent. of people we have to sacrifice the interests of 95 per cent. And if you take the vote of the common people in the Punjab you will find that they are bitter against these people; they do not want that the price level should be raised to unlimited extent. It is against their interest and you will get their support. You should get hold of the stock and then fix the price. My Honourable friend Dewan Bahadur Mudaliar when he was Commerce Member fixed it at Rs. 4-10-0 or 5-0-0 and that was the true price level of the rupee provided you first control the stock and then fix it. If you do not control the stock and allow it to be sold in the black market nothing can be done. Therefore I ask you to control the stock in the manner I outlined in the food debate and then you should fix the price. Otherwise your purpose will be defeated and you will not gain your object. I will not have the Supply Member or the Commerce Member or the Food Member to have it their own way because their action will affect the monetary policy of the Finance Member. That will come in at every stage because if the purchasing power

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of the rupee is less he will have no alternative but to raise the salaries of all people, not only those getting Rs. 60 but those who draw thousands.

Sir, I move.

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

"That this Assembly recommends to the Governor General in Council to modify their currency policy and to concentrate their attention more on the stability of prices than on the stability of the bank rate of interest."

Mr. T. T. Krishnamachari (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, with the first part of the Resolution moved by the Honourable and gallant Member I think no one can have any difference of opinion. I doubt very much if even the Finance Member will say 'No' to it, because I daresay he will modify his currency policy if it were possible. But it is the rider to this part of the Resolution which gives rise to some difference of opinion. The Honourable the Mover has asked Government to concentrate their attention "more on the stability of prices than on the stability of the bank rate of interest". It was unfortunate, Sir, that the Honourable and gallant Mover was not able to move his amendment which would have put the Resolution in its proper perspective. But as he has stressed on the unimportance, so far as the lay public are concerned, of the question of the bank rate of interest, I will have to say a few words about it. To begin with, no one in this House will say that prices should not be stabilised; that is another part of the resolution which will command universal support. But it need not be that the bank rate of interest should go up in order that the prices should be stabilised. I feel, with the little knowledge of monetary economics that I possess, that the two propositions are not mutually exclusive. Prices can be stabilised and the bank rate can be maintained at the same level, and I find the Mover agrees. I therefore feel that such remarks as have fallen from him, namely, that the people of India are not interested in depositing in banks because the rate of interest is low, need not be taken very seriously. I shall not dilate very much on this point because it is well known amongst economists and amongst administrators of banks and other institutions that cheap money and high prices really do not go together. Even the old theory, the quantitative theory of money, of an increase in the quantity of money in an economy where the supply of goods remain stationary making prices go up, no longer holds good in the absolute sense in a controlled economy like the one in which we live and a higher bank rate will not help to raise the price levels. And surely, placed as this Government is, wanting to borrow more and more for their needs and wanting to extend their loan programme, none of us can say that they should pay out more by way of interest. And for that matter it seems very unlikely that, as it is today, with the banks already having somewhere between 50 and 60 per cent of their liquid resources in Government securities, any appreciable improvement in the position will result by a mere increase in the rate of interest. What the Honourable Mover had in mind, which perhaps he wanted not to stress, would cause real disaster, and I hope that that is not a point which will be considered at length by anybody seriously in this country. I am sure Government will not consider it because they are interested in keeping the bank rate of interest at the present level, and such other Members of Government who are interested in postwar reconstruction will also be interested in seeing that the bank rate of interest remains low. Because, no real prosperity can be attained in this country during postwar times unless the bank rate of interest is kept low at its present level. It is perhaps one of the very few things which this Government and the Reserve Bank have done for which they merit congratulation. And I should like the House to remember that there is very little relation, practically no relation, as things stand today, between the question of the bank rate of interest and the stability of prices.

On the larger issue that Government should modify their currency policy I have something to say. There is not much use at this hour in indulging in

a policy of recrimination; there is no use my cataloguing the various sins of omission and commission of the Finance Department. We are today in a position which, monetarily and so far as prices are concerned, is really serious. As I said while speaking on the food debate, the food problem is not an isolated problem; it has a close relation to the financial and monetary problem of this country. And much as I would like, as an opponent of this Government and one who would not like to give them any help ordinarily merely to indulge in pointing out their difficulties, I feel the position is like this. If the present position continues and if it does happen that there is a body of our own people willing to take up the reins of Government later, they will be saddled with a position which will be terrific and much beyond repair. Currency goes on mounting at a rapid rate; and the House well knows that so far as the note issue on the 23rd July 1943 is concerned, the total note issue was 748 crores and 24 lakhs odd, and the process has necessarily to continue because the Finance Member told us during the budget debate that there are certain obligations which he has to carry out. His obligations, placed as he is, make it necessary for him to find finance in this country for the stores and other purchases made on behalf of the Allies and the United Kingdom, for reciprocal lease-lend aid and for paying the United Kingdom's armies in this country, and so on. In fact, answering a question the other day in the other House the Finance Secretary gave us some colossal figures with regard to the stores that have been purchased by the Indian Government which have been charged to the British Government. Commencing with about 8 crores in the first financial year of the war, it rose to 45 crores next year, 124 crores in 1941-42 and 225 crores in 1942-43. And other obligations are there which make it necessary for the Finance Member to find money; and, as it happens, since money is not forthcoming as liberally as one would wish so far as the Government of India loans are concerned, the Finance Member automatically has to turn to the only course that is left to him, namely, to go on increasing the note issue. I do not say it is right and I do not say I agree with him, but I do feel that since he has stated that this is the position in which he is placed and since that position holds good today we had better proceed on that basis. And if that is the position, Sir, it does not help anybody merely to lie low and allow the Finance Member to do what he likes. What he wishes to do he does it. I think it is a matter of national interest. I think it is a matter which rises beyond ordinary levels of party and personal politics because the ultimate effect of all this is going to be borne by this country without any doubt. Sir, that is why some of us in the House felt that the Honourable the Finance Member should review the position at this stage, since five months have elapsed after he last spoke on this matter. There is a lot of talk going on in the country; there is a lot of agitation too, and the agitation has got to be soothened somehow and people have got to be told that the Government are alive to the situation and that they are doing their best. Otherwise the panic will increase, the loan policy of the Government would progressively fail and the note issue will progressively increase. And it is not a question of relating those sterling balances to the insecurity of our assets in a foreign land, but it is really the ultimate result of all this. If note issue goes on increasing, surely the result wanted by the Honourable the Finance Member is not going to be achieved. Sir, it is here that the Finance Member could enlighten us as to what he proposes to do.

Since the House has not had the benefit of knowing his mind I would like to ask him: Have the Government explored other possibilities of raising money for their war needs besides augmenting currency. Surely we know that between the last Session of the House and this the Finance Department have brought in many measures intended to have deflationary effect as some economists say, at any rate, to arrest inflation and check it. But are these enough? It is true, Sir, that the Excess Profit Tax Summary Assessment Ordinance would bring in some amount of money, the compulsory contribution, which from the point of view of the ordinary layman is merely a gift

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to the industrialists, might bring in some more money, but is that enough? Has your loan position improved? These are questions which necessarily arise.

But I might be asked what are your own constructive suggestions. My suggestions would be to arrest this increase in currency by some means or other. Indian economists have put forward this proposition. I am asking the Honourable the Finance Member to consider it not from a political point of view, not even as though it has been put forward from a racial point of view, but merely as one which will help to ease a situation which we all agree wants easing. The other day in answering a question with regard to capitation of sterling pensions, he said that question of buying the British investments in this country is being examined.

The Honourable Sir Jeremy Raisman: What I said was that all methods of dealing with the sterling balances had come under review and had been under consideration. I did not exactly use the words which the Honourable Member has just used.

Mr. T. T. Krishnamachari: I am sorry, if I have misunderstood the Honourable Member; but I had asked him if that found a place in the list that he drew up and what order of priority was it given.

Any way that is one method of solving the problem; that is one method of raising money in this country. As I have already said, do not look at it from the racial point of view. We do not want to dispossess those people who are in possession of these interests since they can float Indian companies with a rupee capital. And that will not only ease sterling position in England but will also give you a large amount of money in this country.

The other question is no matter what you do, no matter what are the number of rules that you add to the Defence of India Rules, you must not fail to realise that the mischief is caused not by the increased money that is in the country, but because there is a lot of money in the hands of people who dare not bring it out. For one thing, there is a lot of money with people who have no confidence in investments in recognized channels; there is quite a lot of money which would not find its way to the Banks. For one thing, this is money made by various devious ways: money made by profiteers; money made by contractors; money made by many ways which if it comes to the Bank would be got hold of by the Income-tax Department. There is plenty of such money. Let me say that I am not casting any slur on the Income-tax Department. It is this free money that is playing havoc in the black market. I feel at this stage that there is one remark I have to make with regard to the Income-tax Department. I am afraid the Honourable the Finance Member has not given adequate attention to the enlargement of the staff of this department considering that there is chance of making more money probably ten times more money than the outlay will cost. But the fact is that it is this type of money that is playing havoc in this country and so long as that money is allowed to play havoc, the prices will be where they are. It is primarily the man who really cannot invest the money anywhere, cannot bring it to the bank, cannot invest it in Government loans who go to the black market. And I cannot see how black markets can be stamped out. No indications of what steps the Government was going to do in this matter was given in the Food debate and I do not know what contribution the Honourable the Finance Member will make so far as this is concerned.

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

Mr. T. T. Krishnamachari: I am finishing, Sir, but I would like here once again to say that the position is serious, and with your permission, Sir, draw the attention of the Honourable the Finance Member to one unhappy resemblance. I am sure the Honourable the Finance Member knows about it. The position of inflation in this country to lay so far as currency is concerned—I won't talk about price inflation—is this: The index of money circulation today compares

rather curiously enough with the index of money circulation in Germany during the last war. After the first four years of the war in Germany, the index of money circulation was 245. After the first four years of war in this country it was 241, and from April to July 1943 it has gone up to 324. Statistics, haphazardly related, might be deceptive. I agree, but the similarity has got its own lessons. I would like to say that the matter has got to be considered sufficiently seriously and I would like to add there is a large body of opinion in this country which, notwithstanding our differences with you, would like to help in this matter, because ultimately it is a legacy that you are going to hand over to this country. I, therefore, trust that the Finance Member will make a detailed statement on this question and that when we come back again to this discussion steps would have been taken which will indicate that we have turned the corner.

The Honourable Sir Jeremy Raisman: Sir, I would not have risen to speak at this early stage in the discussion of this Resolution because I would very much prefer to have heard the various points which, I have no doubt, will be brought forward by different speakers at later stages. But I have deliberately got up now, because I feel that certain remarks which fell from the last speaker betrayed a considerable misunderstanding of the position in this country, and that their dissemination in the press would be liable to cause unnecessary alarm and despondency.

There is always the difficulty that in discussing matters of this kind, you have to take into account both the psychological and the real elements in the situation, and it frequently happens that the psychological elements are more important and are more influential than the real elements. For the same reason it is not always possible for Government to state their policy or programme with complete openness. There are so many sections, or rather there are so many individuals in the country who, rightly or wrongly, conceive that they can exploit the position if they know what the next move is going to be. I quite realise that my Honourable friend, Mr. Krishnamachari, regards certain tendencies and certain features of the present position as serious from the point of view of the country as a whole, and I entirely agree with him that this is a matter in which there should be no question of ordinary party politics or of the ordinary alignments, because it is a matter which in the fullest sense affects the national well-being and, as he rightly points out, it is a matter which will affect the heritage of any Government which has to administer this country.

Well, Sir, one has to speak under many limitations in dealing with a subject of this kind, but I want to take up immediately the last words which he uttered when he drew the analogy with Germany in the fourth year of the last war; and I want to mention to him certain very notable differences. At the end of the last war, or in the fourth year of the last war, Germany's currency was expanded no doubt, but that was a comparatively minor feature of her economic position. It was not the expansion of Germany's currency in 1918 that led to the downfall of the German mark. The position was that at that time Germany had no resources of foreign exchange whatsoever. There was nothing behind the mark. Secondly, Germany proceeded to lose the war. There was not only nothing behind the mark then, but certain very heavy burdens were due to be laid upon Germany thereafter. Germany realized this and she began to pursue deliberately a certain currency policy, a policy designed to prove, when the Reparations discussions came along, that she would be quite incapable of making the payments which the allies obviously were going to demand. I merely say that by way of entirely distinguishing the position in India from the position in Central Europe at the end of the last war.

After all, at this moment, India has enormous resources of foreign exchange. A country which is in a dangerous inflationary position has to prevent its nationals from obtaining foreign exchange. In fact, when it is in the position in which Germany was, (they are all trying) to get out of the national currency into any other currency they can. If Germany had anything

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corresponding to India's sterling assets in the fourth year of the last war, then those assets would have vanished over night, because the mark would have been converted into foreign exchange as rapidly as the banks could make the necessary remittance. Nobody in Germany wanted to hold marks if they could hold anything else. I admit that this means that it is the value of the sterling assets which is in question in judging of the difference of the position. But I think I may here refer to some of the remarks made by my friend, Sir Henry Richardson, in the course of the discussions on the last budget which passed with undue notice at that time. He then referred to the value of sterling and many Members in this House no doubt attributed his confidence to a form of what I may call economic patriotism. But I think the development of events since that time has amply proved that if there is any currency in the world today in which it is justifiable to have confidence, it is sterling. The country of which sterling is the currency shows at the present moment the greatest capacity to maintain the stability of prices, that is the value of its currency, and also I think, I may say, shows as great a likelihood as any of being on the victorious side at the end of the war: and those are the two things that matter.

The Prime Minister of England, the Right Honourable Mr. Winston Churchill, made a very important speech some months ago in the course of which he dealt with this question of the value of sterling—and Mr. Winston Churchill does not often, and has not often in the course of this war touched on economic subjects: but in the course of that speech he went out of his way to dispel a kind of lighthearted conversation that was going around about the inevitability of a certain measure of depreciation of sterling after the war. Mr. Winston Churchill pointed out that in England today many millions—I forget the exact number—but a very large section of the population which comprised the working classes and the lower middle classes, were the creditors of the Government. They had sterling claims upon the Government, and he indicated that in that position he could not conceive how the Government of England could embark on a policy which would reduce the value of the savings of so many of the working people of England. Now, that was a very significant remark. It was not made without full consideration, and it is, as a matter of fact, an indication of a prime feature, a most important feature, in the policy of His Majesty's Government. Well, Sir, what they have indicated to be their object, they have also shown their ability to achieve, because in spite of the extreme strains and stresses of war, they have maintained the purchasing power of sterling at a strikingly constant level.

Well, I must pass on from that point, but I felt that it was extremely important to emphasise it because of the danger that the questions asked by Mr. Krishnamachari, if left unanswered, might produce undesirable feelings of, as I said before, alarm and despondency in the public.

With the same object in view I would take up now another point which he made. He quoted certain figures about the expansion of our currency, and he quoted the increase that has taken place in the last few months. In reply to certain questions in the House the other day, I observed that the rate of expansion of currency had considerably decreased of late and I also. . . .

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): But the volume has increased.

The Honourable Sir Jeremy Raisman: Yes, but the point about the decrease in the rate of expansion is very important. If you make a study of inflationary conditions, you will find that the state of affairs which existed in this country up to about the beginning of May was capable of being construed as leading to uncontrolled inflation; and various markets were beginning to act on that hypothesis and themselves suited their actions to contribute to that very result. The Government, I am free to admit, has had some very anxious moments over the tendencies which were apparent at that time. But I will also say that we have now satisfied ourselves of our ability to deal with that

situation. There is no feeling of defeatism. There is a feeling of the necessity for extreme vigilance, but there is no reason whatever for pessimism. I am afraid I shall not have time to go, one by one, into the particular controls on which we embarked, and to explain why the reactions of the situation in the country lead us to entertain reasonable confidence for the future. . . .

Dr. Sir Zia Uddin Ahmad: Please say a few words about the stabilisation of prices, which is the main object of the Resolution.

The Honourable Sir Jeremy Raisman: I am coming to that; and I quite sympathise with my Honourable friend. I agree with him that commodity controls are just as important, if not more important, than purely monetary factors in this situation. It is my own belief that the problem has to be tackled from both sides at the same time,—that you have to employ both monetary remedies in order to mop up surplus purchasing power, and that you also have to control the prices of commodities. In fact, the central problem of war time economy is to prevent the inevitable excess of purchasing power from having what would otherwise be its inevitable effect on the price level. That is the central problem. The problem is not, as some critics seem to think, merely to prevent the excess of that purchasing power, because no Government at war can completely prevent that. I am afraid I should require considerable time to explain that, but there is no question whatever to my mind that a Government at war must get on with the war and not watch first its currency statistics. Its first business is to take the steps which are necessary for the efficient prosecution of the war. It then has to see what is happening about the volume of currency and what is happening about prices in the country. If possible, the ideal thing would be to freeze the levels of prices on the very first day of the war, to freeze wages too—if they can succeed in doing that, it does not matter how much extra currency flows out, because it cannot be used and it must find its way back to the Government. That in simple terms is the mechanism which should be employed in a war economy, in a highly developed country where all the levers are at your hand, so that you can produce the desired effects just as in a highly intricate machine. In such an economy, then, you can hope to achieve that object to a great extent. We are in this war this much better off than in the last, that we do understand how the thing works and we do know what ought to be done. The difficulty is, particularly in a large country with a large and not very instructed population, a large scattered population, with an administrative machine which is very thin in relation to the size of the country—the difficulty is to carry out the policies which are known to be necessary. I have not a word to quarrel with many of the things which Sir Zia Uddin Ahmad lays down should be the object of our policy; but what I would like to know is exactly how he would go about to achieve them.

I was saying that the important thing in war time is to ensure that, even though currency and bank deposits may expand, they do not have their automatic effect on the level of prices; and this is the extreme value of what has happened in the last two or three months. We have satisfied ourselves that it is not necessary to submit to an automatic advance in prices because of an advance in the volume of currency. That is a tremendously important thing. I was not sure of that myself three months ago. I am quite sure of it today. I am quite sure that the Government of this country can stop this nonsense whereby people who themselves put away large wads of currency notes into safe deposits tell us that because new notes have got to be issued to replace those immobilised notes, therefore the price indices must go up, and therefore they can demand higher prices for the goods on to which they hold. That is the process that was happening in this country; that was what was happening in Bombay; and that was what I meant when I said that they were talking themselves into inflation. But that was not merely a theoretical conversation. It all worked in with a practical scheme. They had a very material object in view. They took up the words of the economists; they looked at certain figures and they said "There you are; our prices must go up by 2 per cent., 3 per cent., 5 per cent. this week. The Government cannot stop that. The

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more we hold on to our stuff, the less we invest in Government loans, the more necessary we make it for more money to come out; the more money must flow into our coffers." It was perfectly simple, and it was the greatest racket that ever took place in this country. (An Honourable Member: "Why don't you arrest them?") I have spent a considerable amount of time in the last few months in studying how to stop it and I believe that it can be stopped but it requires drastic action. It requires vigilance not only

5 P.M. on the part of the Government but on the part of the people of this country and it requires the fullest measure of support for the action that has to be taken. In that connection, Sir, whilst I have been greatly encouraged by the reception that has been received by such measures as we have already put into effect, I must admit that I have been disappointed by forms of criticism which have sprung up. This is an omelette which cannot be made without breaking eggs. You cannot deal with inflation if you are going to be tender, if you are going to make sure that you do not tread on the smallest corn of any sectional interest whatsoever. You cannot do it. You will find that you have to hit out fairly vigorously and fairly suddenly and it is possible that at times you may cause effects which you do not deliberately desire but nevertheless you have to move determinedly in a certain direction.

Now, to confirm what I was saying a few moments ago and the reasons why I think we may have confidence in the position. I would draw my friend Mr. Krishnamachari's attention to the remarkable success of the Government loans in the last few weeks. Now, it is not merely that we have picked up that amount of money which in itself is extremely helpful to the position but the volume of money which flowed in to the Government coffers during those weeks was a definite indication of a swing back from the previous psychology. There was a move back from commodities to money. Now, what was alarming in the previous situation was a definite tendency to move from money into commodities and whilst that was happening it was natural that we could not be very successful with our Government loans, because a Government loan after all is only a money claim. If you lend the Government Rs. 97 now and you are going to get Rs. 100 back in a few years' time, it matters very much to you what that Rs. 100 will buy at that time. Now, during the time of loss of confidence, during the time when the influences were at work which were undermining confidence in the general situation and which were tending to aggravate it, there was quite clear evidence of a flight from money into goods. In the last few weeks I am very glad to say, thanks to the reactions which our measures have provoked, that there has been a flight in the opposite direction. And I would say to Mr. Krishnamachari that in a vast country like this there is nothing to be alarmed at intrinsically merely in a figure of 750 crores of rupees of currency, nor even in a thousand crores. There is nothing alarming in that fact. On the contrary, the important thing is to ensure that the economic situation is sound. After all, there is no reason why in due course that purchasing power should not be utilised to the great advantage of this country, none whatever. There is great danger in the existence of that purchasing power at large in the hands of uninstructed individuals, if it is flung into competition for the small amount of goods which is available at the present time. But in regard to the figure itself, there is nothing which need cause alarm; in relation to the population of this country and in relation to other countries, it will be found that that figure is not intrinsically an excessive figure. But it is vitally important to check the tendencies which the figure seemed to indicate and that is the point to which I would direct my Honourable friend's attention.

There is one other thing which I would like to say at this moment and which seems to me important. We naturally look always at the conditions of India and if we don't look at the conditions of India, we look at the position in Britain or the position in America, for those are the two countries from which newspapers most constantly give us information. Now, the position of India

ought really to be compared with countries which are less advanced, less highly organised than either Britain or America. I myself have taken pains to study the situation in countries like Egypt, Iraq, Iran, Syria and so on, which are countries adjoining India. I will not talk of the position in China because there the situation is so abnormal, owing to the complete cutting off of the country from the outside world that conditions of extreme inflation have supervened which cannot be corrected until contact with the outside world is restored but in these, what are called, the Middle Eastern countries the position is that they have been exposed to very much the same factors as India. The position there has been worse than it is in India—considerably worse, and they have had great difficulty in dealing with this problem. The main reasons why they have such difficulty is that they have not got as well organised a system of public finance, they have not got so elaborate a machinery of taxation, they have not got a system of public borrowing, a regular market for internal loans and generally they were deprived of what I called a moment ago all levers whereby the mechanism has got to be controlled in times such as this. What is interesting is to see that India occupies a middle position between countries which are less organised, as might be expected, and the ideal position which obtains in this respect in Britain. One of our difficulties, for instance, is that our income-tax system does not apply to all types of income. If it applied to agricultural incomes as well as to business and other incomes, then obviously our income-tax measures would have a much greater effect on the monetary conditions in the country at any time. Again, of course, we are in the position that the Government of India cannot by itself legislate for the whole of this country. We have not got fiscal jurisdiction over the Indian States. If we wish to obtain salutary action in that part of the country, we have to approach them and to persuade them to fall into line with us. That is a matter which takes time, though there also I may say that there have been most encouraging responses to the steps which the Government of India has taken. But if you are completely unable to deal with inflation in so large a section of your currency union as the Indian States, then you could not deal with it effectively in any part of the country at all, because that chain could not be stronger than its weakest link. There are other factors which make it more difficult to produce in India the effects which are desirable and which of course have been produced so well in highly developed countries.

Now, the commodity controls, which the Mover of this Resolution is particularly concerned to bring to our notice, are the ones which are most difficult to administer. But there also we have had in the last few months extremely encouraging experiences. In the matter of the textile control I have always taken the closest interest because it is obvious that if you cannot deal with food and clothing which are the two main essentials, then you cannot control the price level. Now, cloth is a thing which I always felt should be easier to deal with because the number of producers is more limited. You can put your hands on that commodity at its source and I felt that if the Government were determined enough it could do something to deal with the cloth situation. At the same time, it was equally true that you were dealing with one of the most powerful and most organised industries in this country and that if you were to proceed to deal with it by methods purely of hostility and force, then you might defeat your own object. Therefore, it was of the utmost importance to secure the co-operation of the industry which produces so large a proportion of the requirements of this country.

Now, I know that certain critics and certain Honourable Members have thought that Government suffered a defeat when it handed over part of the control to the Indian textile industry. I consider that to be a mistake. I consider that the situation should be judged in terms of public opinion and the manifest desire of Government on the one hand, and the position of the industry on the other. The soundest thing to do was to say to the industry: Well, if you really think that you can deal with this situation and if you can produce the objects which Government desires and which the public demands, then work

[Sir Jeremy Raisman.]

the scheme yourself. We are prepared to see you in the position of working the scheme provided always that you can produce the required results.

Mr. N. M. Joshi (Nominated Non-Official): If the experiment fails.

The Honourable Sir Jeremy Raisman: If the experiment fails, then in my opinion it will be the duty of this Government to attend to the resultant situation without further regard for the sentiments of any particular interest. But I do not believe the experiment will fail. I believe that the leaders of the textile industry have realised that the position which existed a few months ago could not possibly continue. I believe that they have realised their duty to this country and that they are prepared to help the Government to secure cheap cloth for the masses of this country, and I shall not believe otherwise until I see that the experiment has actually failed. Now, Sir, that is the position in regard to cloth.

In regard to food, I cannot touch on the matter now because we have had a long debate, except to say that I have always regarded that also from the point of view of the larger picture. It was quite obvious to me that we could not embark on free trade for the whole of this country in the present inflationary conditions. You could not allow the price of food to find its own level in circumstances in which there was so much free purchasing power, because food would naturally tend to go to the longest purse and not to the places where it was most needed. And that is why the Government had to come to the decision that control must continue in regard to food.

Dr. Sir Zia Uddin Ahmad: Can you say something about sugar and silver?

The Honourable Sir Jeremy Raisman: In regard to sugar, I would say that in the circumstances of the present time that is an example of a control which, in spite of initial difficulties, is on the whole working satisfactorily. There are parts of the country, it is true, where the price is still not what it should be. But, speaking generally, the sugar control has worked satisfactorily. In fact, it was the final success of the sugar control that encouraged me and encouraged the Government to feel that the textile industry could also be successfully brought under a scheme.

Seth Yusuf Abdoola Haroon (Sind: Muhammadan Rural): But the Chairman of the Sugar Syndicate thought otherwise in his speech at the annual general meeting.

The Honourable Sir Jeremy Raisman: I know there are members of the textile industry who think that the control would not work. One must remember that in matters of control in the interests of the community, the interests of the producer and those of the large body of consuming public are not identical and expressions of opinion from the producer must not be taken as fatal to the objects of Government. In fact, we have been too much deferred in the past. We have in the past been too disposed to capitulate when an important body of producers said, "This cannot be done". We have found that it can be done and we are determined to proceed with various forms of control. In this respect I shall have no difficulty in accepting the Resolution of my Honourable friend, particularly the amended Resolution, which does not deal with so obsolete and archaic a matter as the bank rate of interest, because it is the intention of the Government of India in the light of its experience to proceed further with commodity control and to endeavour to bring all commodities which are necessary for the life of the country to a reasonable price level.

Dr. Sir Zia Uddin Ahmad: Will you say something about silver?

The Honourable Sir Jeremy Raisman: My Honourable friend has asked me to speak about silver. That is a subject which I shall find it difficult to be precise about. It is a matter which is engaging the attention of Government and we hope to be in a position to deal with that commodity also before very long. I cannot say anything precise on the subject because it is to some extent dependent on factors which are beyond the control of the Government of India

and when I make statements in regard to the intentions or the programme of Government, I like to know exactly what I shall be able to do.

Mr. T. T. Krishnamachari: I hope the Honourable Member will not say anything which will have a bearish effect on the market.

The Honourable Sir Jeremy Raisman: On the contrary, it would not worry me in the least to have a bearish effect on the market.

Mr. T. T. Krishnamachari: The bears already consider the Honourable Member to be their friend.

The Honourable Sir Jeremy Raisman: When this emergency is over if I wished to adopt a coat-of-arms for any reason, it would be that of a bear savaging a bull! I should like at the end of this to be considered the patron saint of bears simply because my object is to keep down the price level during the present emergency. Because of the monetary factors which are so difficult to control, I regard as my enemy every man who tries to produce a rise in the prices of any commodity, and so I am a friend of the bears. I hug them to my bosom and I only wish that I could give them more satisfaction than I have been able to do. It has not been too easy. However, I regret that I cannot say more on this subject at the present moment.

I would answer one question finally of Mr. Krishnamachari. I entirely agree with him that in view of the importance of taxation at the present time, we should expand our taxation staff to be able to deal with the present necessities. But unfortunately we cannot grow Excess Profits Tax officers and Income-tax officers within three months or six months. Our tax law has become very elaborate. This House has from time to time demanded various limitations and safeguards and all that has meant that the duties of the staff have become more complicated and difficult, and although it has been one of my chief endeavours to expand the staff, I have not been able to do so to more than a moderate extent. But I am always on the look out and I may say, I shall be happy to receive competent assistance from any quarter and if my Honourable friend knows of any well qualified individuals who would like to join the gallant band of tax officials, I shall be very glad to consider their claims.

Before I sit down, I would like to utter again a word of encouragement as against the defeatists. I believe that it is possible to deal effectively with inflation in this country. It requires determination on the part of the Government, it requires the fullest support from the people. I entirely agree with my Honourable friend that it is a cause which admits of no distinction, it is a cause which goes deep down to the national well-being and everybody can assist in this matter without feeling that he is doing damage to any of his political principles. There is nobody in this country except possibly a very small body of extremely rich men who can possibly derive any advantage from uncontrolled inflation.

The Honourable Sir Sultan Ahmed (Leader of the House): Sir, as regards the business tomorrow, it is the general desire of the House and of Party Leaders who have been consulted that the War Injuries Compensation Bill may be given priority over the Delhi University Bill and I would request that you will give directions to the same effect.

Mr. President (The Honourable Sir Abdur Rahim): Does that meet with the general wishes of the House?

Honourable Members: Yes, yes.

Mr. President (The Honourable Sir Abdur Rahim): Then, the War Injuries Compensation Bill will be taken up first tomorrow. The Assembly stands adjourned till tomorrow.

The Assembly then adjourned till Eleven of the Clock on Friday, the 13th August, 1943.

LEGISLATIVE ASSEMBLY

Friday, 13th August, 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.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to a supplementary question to short notice question asked by Rao Bahadur N. Siva Raj on the 23rd September, 1942.

APPROVED CONTRACTORS OF THE CENTRAL PUBLIC WORKS DEPARTMENT.

The total number of Scheduled caste contractors on the approved list of the Central P. W. D. is 52, according to the classification given below :

Class	No. of Contractors.
I	1
II	6
III	25
Unclassified (Sanitary, Plumbing and Furniture)	20
Total	52

Information promised in reply to starred question No. 262 asked by Mr. Lalchand Navalrai on the 9th March, 1943.

LANDS AND CROPS SEIZED UNDER DEFENCE OF INDIA RULES IN SIND AIR FIELDS.

(a) and (b). The lands and crops were requisitioned on various dates since July, 1940. It would not be in the public interest to reveal the localities and areas involved.

(c) In the case of two *Talukas* of one district, the awards have not yet been prepared. Compensation for damage caused to crops has however been liberally assessed and will be paid shortly. In one *Taluka* of another district, the lands have since been restored to the owners owing to suspension of work. Compensation for damage to crops and lands is however being estimated and will be paid shortly. In two other districts no compensation for damage is due.

(d) A number of owners have applied for compensation for damages and arrangements to pay them are being made.

(e) Such notices were issued in three districts. In two of the districts, the amounts recovered are being refunded. In the other district, compensation was fixed after taking into consideration the owners' liability to pay Government assessment.

(f) Work has been suspended in certain areas and the lands have been restored to the owners who are free to raise crops on them.

Information promised in reply to the supplementaries to starred questions No. 339 and No. 341 asked by Qazi Muhammad Ahmad Kazmi on the 20th March, 1943.

SELECTION GRADE POSTS IN THE BINDING DEPARTMENT OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

No. 339.—About 10 years ago, the strength of operatives in the Bindery in the Government of India Press, New Delhi, was nearly 62, and there was then only one Bindery and Warehouse Foreman to supervise their work. The present strength is 107 including 20 temporary posts and the supervisory staff has been increased by 1 Bindery Jamadar and 1 Bindery Examiner. Unless the number of operatives increases further, there is no justification for making any addition to the present strength of supervisory staff.

ANNUAL ELECTION OF THE WORKS COMMITTEE OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

No. 341.—On enquiry it has been found that no complaint of the kind referred to was received by the Returning Officer.

Information promised in reply to supplementaries to starred questions Nos. 423 and 424 asked by Maulvi Syed Murtuza Sahib Bahadur on the 30th March, 1943.

PAUCITY OF MUSLIM OFFICERS IN THE PRINTING AND STATIONERY ESTABLISHMENT UNDER LABOUR DEPARTMENT.

The Honourable Member is presumably referring in these supplementaries to his starred question No. 426, about the appointment of Mr. B. C. Sen Gupta and a Muslim passed

apprentice as readers in the G. I. Press, New Delhi. As stated in reply to part (c) of the starred question No. 426, Messrs. Sen Gupta and Haq Talukdar passed their apprenticeship in the same year, viz., 1935, and the former was appointed by mistake on Rs. 200 but on discovery of the mistake was brought on to Rs. 100 in the appropriate scale. The latter was appointed as a reader in the Calcutta Press, on Rs. 100. No passed apprentice was appointed as reader in the New Delhi press on Rs. 50 in that year. As stated in reply to part (c) of the Question referred to above, these men have been promoted as Overseers in the scale of Rs. 225-15-300 (revised). Mr. Sen Gupta being senior to Mr. Haq Talukdar is officiating as Assistant Manager in the Calcutta Press in the scale of Rs. 360-20-500 (revised). If, however, the Honourable Member is referring to Mr. S. R. Haq, I may say that he completed his apprenticeship in 1939, and was appointed as Junior Reader on Rs. 55 in the scale of Rs. 55-3-85 (revised). Since the rules for recruitment of readers had come into force, according to which appointment of readers to grades above the lowest are to be made by promotion and regulated by seniority and merit, it was not possible to consider him for the post of a senior reader on Rs. 100 in the scale of Rs. 100-150-10-200 (revised). He is now officiating as overseer in the Calcutta Press in the scale of Rs. 225-15-300 (revised).

Information promised in reply to parts (c) to (g) of starred question No. 27 asked by Qazi Muhammad Ahmad Kazmi on the 26th July, 1943.

COMPLAINTS OF DETENUS IN BAREILLY JAIL.

- (c) No. None of these security prisoners have lost weight.
- (d) No.
- (e) No.
- (f) No.
- (g) No.

Information promised in reply to starred question No. 30 asked by Sardar Sant Singh on the 26th July, 1943.

RETIRED EUROPEAN AND INDIAN I. C. S. OFFICERS RE-EMPLOYED BY GOVERNMENT OF INDIA.

Statement showing the number of European and Indian I.C.S., retired officers re-employed by the Government of India and the salary as well as the pension drawn by each of them.

Department in which the officer is employed.	Name of the officer.	Pay and pension drawn.
Finance Department	Sir Alan Lloyd, C.S.I., C.I.E., Establishment Officer, Government of India.	Rs. 2,250 p. m. plus an annuity of Rs. 1,111/2- p. m.
War Department	Mr. G. M. Young, C.I.E., Joint Secretary.	Rs. 1,000 p. m. plus full retiring pension.
War Department	Lt.-Col. A. C. Boynon, Additional Deputy Secretary.	Rs. 2,280 p. m. (The question whether he should draw his proportionate pension in addition is under consideration).
Information and Broadcasting Department.	Mr. P. J. Griffiths, C.I.E., Central Publicity Advisor to the Government of India.	Pension Rs. 696 p. m. approximately. Does not draw any pay.
Do.	Mr. S. S. Bajpai, Assistant Director, Counter Propaganda Directorate.	Rs. 800 p. m. plus a monthly pension of Rs. 200
Defence Department	Sir Colin Garbett, K.C.I.E., C.S.I., C.M.G., O.S.D., Defence Department.	Rs. 1,200 p. m. plus a pension of £ 1,000 per annum payable in England.

Information promised in reply to parts (a) and (b) of unstarred question No. 19 asked by Mr. Ananga Mohan Dam on the 28th July, 1943.

SPECIAL INSTITUTIONS FOR MUSLIMS UNDER CENTRAL GOVERNMENT AND EXPENDITURE THEREON.

- (a) and (b). There are no special scholarships or special institutions for Muslims maintained or aided by Government in Ajmer-Merwara.

Information promised in reply to parts (d) and (e) of starred question No. 123 asked by Dr. Sir Zia Uddin Ahmad on the 30th July, 1943.

RAILWAY ACCIDENT NEAR BORGAON AKOLA.

- (d) Yes. Mr. Abbas Ali Nazaf Ali was found dead, His body was taken away by Akbarali Abdul Ali, Tajria Pet, Akola.
- (e) The Railway Administration report that up to the 23rd July, 1943, they had received no claim for compensation.

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, as reported by the Select Committee, be taken into consideration."

The principles which underlie this Bill have already been explained by me at the last time when the Bill was before the House and it is unnecessary for me therefore to traverse the same ground over again. I would briefly like to point out to the House the changes of principle which the Select Committee have made in the original Bill. The House must have noticed that although there are very many changes which the Select Committee has made there are really four which are matters of principle. In the first place there has been an enlargement of the category of workmen to which this Bill is made applicable; we have now included workmen employed in plantations. The second change made relates to the rate of the first contribution which is to be made to the insurance fund. The Bill as it originally stood permitted Government to levy a rate of annas eight per Rs. 100 of the wage bill of an employer; the Select Committee has reduced the rate from eight annas to four annas. The third change made relates to the use of the unspent balances in the insurance fund. The original proposal in the Bill was that the balance left in the fund should be merged in the general revenue and should be used for the general purposes of Governmental expenditure. The Select Committee has made a change and provided that the balance should be returned to the employers who have made the contribution in proportion to the contributions made by them. The fourth change relates to contract labour. It is now provided that in cases where the employer engages a contractor who in his turn engages workmen to carry out the work he has taken on contract, the employer who employs the contractor will nonetheless remain responsible for the payment of the compensation.

These are the principles which have been touched by the Select Committee in the changes which have been made. As the House will see, there are several amendments on the agenda to the Bill. Some of the amendments are matters of procedure and they have been put forth by Government largely for the purpose of meeting such criticism as was levelled against the Bill after it emerged from the Select Committee, and I hope there will not be much contention on these amendments.

Sir, I do not think it is necessary for me to say anything further on this Bill. I move.

Mr. President (The Honourable Sir Abdur Rahim): 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, as reported by the Select Committee, be taken into consideration."

Mr. C. C. Miller (Bengal: European): Sir, I have three comments only to make on this Bill and I would like to illustrate my first comment by an example. Two men are killed in the same street by the same bomb. Each of these two men was earning Rs. 60 a month before his death. One of them is a workman under the definition in this Bill and the other is an ordinary citizen. To the dependants of the workman the Honourable Member will pay Rs. 1,800 and to the dependants of the other person he will pay Rs. 720. This illustrates, I fear, the difference in the measure of generosity of the Honourable

[Mr. C. C. Miller.]

Member when he puts his hand into his own pocket and when he puts it into somebody else's; because we maintain that if the rates of compensation in this Bill are just and equitable,—and that we do not dispute,—then the rates of compensation in that closely allied measure, the War Injuries Ordinance, are parsimonious and niggardly. That is the last I shall say on that subject.

My second point relates to the financial arrangements of the Bill. Under the financial scheme Government have unrestricted powers or practically unrestricted powers to levy premia from employers. It is true that the first premium may only be levied at the rate of four annas per Rs. 100, but thereafter Government may levy at any rate they choose. It is also true that premia can only be levied once every quarter but if they wish to do so they can levy in every quarter of the year. In fact, Sir, Government have unrestricted powers and unrestricted security, because their security is the resources of all organised labour throughout India, and we feel that there must also be some security for the contributors to the scheme, that is, employers. Either the residue in the fund when all claims have been met after the war should be returned to them, or there should be a statutory enactment protecting them from over-levies. With either solution we should be content, and I hope that one or other solution will be reached during the course of the debate. But in this connection, Sir, if I may interject for a moment, I should like to inform the Honourable Member that we come here as co-operators and we ask for co-operation in our turn and for fair give and take. We cannot but think that sometimes in his approach towards us he is a little like the school-master: one hand may be extended but the other hand is behind his back and we think we see the end of the cane beneath his gown. We may be wrong, but that is our impression.

My last point is that we cannot agree that it is a right principle that moneys should be exacted for one specific purpose and that the residues of moneys exacted for that purpose but not used for it, should be devoted to a completely different purpose and one which is not specified in the title of the Bill.

Mr. N. M. Joshi (Nominated Non-Official): When the Bill was discussed on the previous occasion I had supported the principle of the Bill. The Select Committee has made certain changes. I shall only deal with one change which the Select Committee has made, namely, it has extended the application of the Bill to workers working on plantation. I am grateful to the Select Committee for making this change.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): That was made on your suggestion which you made in the Assembly.

Mr. N. M. Joshi: And therefore I express my thanks to the Select Committee. But the Select Committee should have accepted my wider proposal, namely, that this Bill should have been applied to all those workmen who are covered by the Workmen's Compensation Act. I feel, Sir, there is really no difficulty in accepting the application of the provisions of this Bill to all the workmen who are covered by the Workmen's Compensation Act.

Then, Sir, I had suggested that there should be no exception made of the workers working under the Crown, that is, in factories owned by the Government. The Select Committee did not accept my suggestion in that respect also. I find from the amendments of which notice has been given by the Government that they propose to accept that suggestion. I am also very grateful to Government for having learnt wisdom, though late.

Sir, I would like to make one remark on the point raised by my Honourable friend, Mr. Miller. He said that this Bill discriminates against an ordinary citizen in the matter of compensation given for war injuries as compared to a workman working in those undertakings which are covered by this Bill. Sir, I feel that the Honourable Member is really opposing the original Workmen's Compensation Act. The original Workmen's Compensation Act itself has made a difference between an ordinary citizen and a workman. An ordinary

citizen has to go to ordinary Court of law for the injuries suffered by him and try his luck in the ordinary Court of Law. A workman can get his compensation under the Workmen's Compensation Act—a special Act. Therefore when he points out the discrimination made, it was made when the original Act was passed and he is in my judgment rather too late in taking an objection to this Bill on that ground.

Mr. C. C. Miller: Might I interrupt for a moment? The Workmen's Compensation Act covers workmen who are damaged during the course of their employment. This covers workmen who suffer a war injury and that war injury may be suffered away from the place of work.

Mr. N. M. Joshi: This Bill goes a little further in that respect than the Workmen's Compensation Act, but the principles of the Workmen's Compensation Act having been accepted, it is too late now to object because the Workmen's Compensation Act itself discriminates between an ordinary citizen and a workman covered by the industries to which the Workmen's Compensation Act applies. As a matter of fact, there is discrimination in the Workmen's Compensation Act between a workman who is covered by the Workmen's Compensation Act and a workman who is not covered by the Workmen's Compensation Act. Therefore, Sir, his objection is not valid. I propose to support the motion moved by the Honourable the Labour Member.

Mr. Abdur Rasheed Choudhury (Assam: Muhammadan): Sir, we are living in a strange age. While the scientists are busy making new discoveries and the war lords are making new killing machines, our lawyers are not lagging behind. They are bringing forward laws after laws in quick succession.

Sir, I wish the provisions of this Bill were incorporated rather in an Ordinance than in a Bill, because the Ordinance is a lawless law and under Ordinance everything is legal and lawful whereas that is not the case with a Bill. In order to make a Bill and make it legal, its provisions must have some moral backing. Otherwise it becomes an Ordinance.

Sir, this Bill has not been circulated for the purpose of eliciting public opinion, but it was sent to the Select Committee. The Select Committee brushed aside the question of circulation in an extraordinary way. They say:

"We considered whether we should provide that the Scheme should be published for consideration before being made and put into operation, and whether the rules should be required to be made after previous publication. We rejected the proposal, as being conducive to undesirable delay once the Bill is enacted."

Is this a reason for not circulating an important Bill like this for public opinion. They support their case by saying that "although we do not circulate the Bill, we think the purpose of circulation will be served if it is referred to the All-India Association of Employers and Employees." Now, Sir, very few people out of us know what this Association of employers and employees is and who are its members. How many employers are represented on this? The Bill is making its provisions lawful in the case of every employer, but, Sir, I do not know what percentage of the employers are members of this body, and I doubt whether any reference to this association will mean reference of the Bill for eliciting public opinion.

Sir, when I come to the preamble I find that the Bill is enforcing a liability on the employers in respect of the war injuries. Who are these employers and what have they got to do with the war injuries? What voice had they in war injuries? Are they responsible for any war injury in any way for which they are forced to pay compensation? That is the question I would like my Honourable friend on the Treasury Benches to answer. It is like this: They kindled the fire and it has spread to the inhabitants of the village, and the owner or landlord is told "You must pay for the damage done". The man has nothing to do with the fire but still he has got to pay; that is the strange thing about it; he is made to pay by the Government, and even for the sake of courtesy the Government are unwilling to pay any part of the compensation themselves. The Government may say "Well, we are giving you the protection of our police and the magistracy who give you peace and tranquillity."

[Mr. Abdur Rasheed Choudhury.]

and all those things and therefore we are entitled to get a portion of our damages from you". But they must also pay a portion, otherwise how can they enforce it on these innocent employers? They have got no hand in throwing bombs on a village or anything like that. Why should they be made liable for payment of war injury and not the Government? If the Government said "We will also pay something", then there may be some consolation; but the Government do not wish to pay anything and are forcing it on the employers, although the employers are innocent people having no say in the war or the war injuries.

Then again the Bill is silent as regards injuries sustained by employers themselves. The Government should say "We will compensate you for the injuries you have sustained." Suppose a bomb is thrown on a village and a zamindar's *cutchery* is burnt down, the Bill does not say that the Government will pay any compensation for the destruction of the *cutchery*. The whole thing seems to be a strange affair—something very hybrid.

Coming to the Bill itself, I must make it clear that I am not saying anything as regards payment of the compensation to persons who are victims of War Injury, or about the amount that is to be determined to be paid. I am sympathetic there; I have every sympathy for the poor injured persons; I do not say a word about the payment to them of compensation; but in order to make it a law, you must make it pass for a law. There are some provisions which are very repugnant to the modern conscience. First of all, I refer to clause 13. The employers in this Bill have been depicted as so many felons or criminals or even worse than bad characters. Even the Penal Code has not gone so far; but in this Bill the employers are all treated as people who are the worst criminals. The employers pay income-tax, super-tax and excess profits tax and other taxes; they are in fact the real backbone of the Government; with their help the government is being run; but in this Bill they are not given any status.

Mr. H. A. Sathar H. Essak Sait (West Coast and Nilgiris: Muhammadan): Will the Honourable Member please explain where the status comes in?

Mr. Abdur Rasheed Choudhury: I am coming to that. If you look at clause 13

Mr. President (The Honourable Sir Abdur Rahim): Would it not be better if the Honourable Member discussed clause 13 when that clause is reached?

Mr. Abdur Rasheed Choudhury: He referred to it; but I am speaking generally. Here the Bill provides that if necessary there will be police investigation and the police will go and search a house and bring out all the papers and everything, as if the employers are people who require the chastisement of the police. When we were passing the Income-tax Bill the other year, a provision like that was incorporated in the original Bill but we protested against that provision because income-tax payers are men of culture and education and they do not require police chastisement, and so that was dropped. I hope the Honourable Member in charge will see that the employers are not treated as criminals by enforcing this clause. I find that in the Select Committee one member recommended that this clause should be omitted. I bring this to the notice of the Honourable Member in charge. If the whole of the clause cannot be omitted, I ask him that at least that nauseating provision about police investigation should be left out

Mr. President (The Honourable Sir Abdur Rahim): Is there no amendment to that effect?

Mr. Abdur Rasheed Choudhury: No.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member ought to have put down an amendment to that effect.

Mr. Abdur Rasheed Choudhury: This portion of the Bill requires recasting and I hope, if not the whole of it, at least some portion of the clause will be omitted because after all police investigation in such matters is not helpful

either to the Government or to the employers; as is well known these investigations are made in such a way as to go against the employer and against the government. So I request the Honourable Member in charge to look into this portion of the Bill very carefully.

I next come to the question of enforcing this insurance by a notice of the Government in the *Gazette of India*. This Bill provides that as soon as it is notified in the *Gazette*, it will come into force. Now the India *Gazette* is a thing not easily available in outside places. In the whole of a district, probably it is only the District Judge who gets a copy of the *Gazette*; there are hundreds and thousands of employers who do not know when the Bill is coming into force; but as soon as it is published in the *Gazette*, they are liable to be penalised if they do not take out a policy under that section. What I would like is that as this is going to be something like an insurance, it should at least have the grace of insurance. The insurance companies generally fix a time for the payment of the premium, and then they give thirty days grace. If the date expires and the payment is not made within the period of grace, then only the penalty is imposed. But in this Bill no such provision has been made. It is in fact an insurance policy, but without the characteristic of insurance policies. That is jarring to the ears. The Honourable Member in charge should see that the employers get the days of grace as is the case in regard to insurance companies. Unless this is done, the Bill will operate as an Ordinance and not like an insurance measure.

Then one smaller point, and that is as regards the payment of premium quarterly. In the case of factory insurance the quarter has been taken to be from December to February and in others from January to March. This is an anomaly. If the quarter is to be taken, it should be defined as from January to March as is generally the case. I hope that my Honourable friend will take note of it. I have finished my remarks, Sir, with these few words.

Mr. H. A. Sathar H. Essak Sait: I rise to support the motion before the House. I am sure that the House realises the scheme underlying this Bill. The idea behind this Bill is that the employers should pay compensation for injuries sustained by their workmen during war exigencies. The Government is to collect the premium from the employers and distribute it to the employees whenever and wherever necessary. Having been a Member of the Select Committee I should not say it, but I cannot but mention that the Bill as it has emerged from the Select Committee is a better one than what it was before it went to Select Committee. Very many improvements have been made, some of them are very salutary. The Honourable Member in charge has mentioned some of these. One that is most noticeable is the inclusion of plantation labour in the scheme of the Bill. Certain smaller amendments have also been carried out which will be found by the House to be very useful. One that I want the House to notice is the one made in sub-clause 5(b), where better arrangements have been made for the quick payment of compensation by the Claims Officer to the dependants of those who have been injured or killed.

I cannot understand what lies behind the vehement attack made by the previous speaker, Mr. Abdur Rasheed Choudhury against some provisions of the Bill. He told us that the employers have been treated like criminals in certain clauses of this Bill. I certainly fail to see that; on the other hand, the provisions that have been made are very salutary and necessary. Our experience in the public life of this country has been all along unfortunately such that I think the provisions in clause 13 do not err on the side of stringency. I do not know what there is in it in order to attack it so vehemently.

My Honourable friend on the other hand made a good point with regard to the responsibility for these injuries. I agree with him that we live in strange times. Science has invented machinery for destroying life, and we in this House are asked to compensate people for destruction done by that machinery. That is the spirit of the times. I do not know whether Mr. Abdur Rasheed

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Choudhury or anybody else in this House can do anything to set this thing right. Certainly the employer is not responsible for the injuries sustained by his employee by something which was done by a third party. But the fact remains that a poor man has sustained injuries; some poor dependants have lost their bread winner. And somebody or other must be found to pay compensation, and the principle that guided the framers of the Bill was that because the workman was all along of great use to the employer and the employer's gains were made largely with the help of these employees who have been injured or killed; therefore the employer must pay something out of his assets towards compensation for these injuries. It is not going the whole way as my Honourable friend, Mr. Abdur Rasheed Choudhury says. I agree with him that those war-mongers or those who are responsible for the war should be made to pay this compensation, but I think we in this House cannot at any time hope to achieve that power which is necessary to make these war-mongers pay. Therefore I think the Bill asks us to do the best that we can, and taking into account that intention the House should support the framers of the Bill.

I quite agree with the third point raised by my Honourable friend, Mr. Miller. He enunciated the principle—and I am fully in agreement with him—that monies raised for a particular reason by the Government should not be utilised for any other purpose. If this principle is not insisted upon there is no knowing that the money may be raised on some pretext, with the principle of which the House may agree and the House may be willing to grant as much money as may be required, and then the collections may be made far in excess of the needs and the balance may be diverted to some other purpose with which the House may not agree. Therefore I fully agree with the principle enunciated and I hope the Government will take note of it—that never should any measure be introduced in this House making a provision for the diversion of funds in their hands to purposes other than that for which they were intended. I do not know whether I should willingly agree to the compromise which appears to have been arrived at, looking at one of the amendments that have been tabled by the Honourable the Mover of the Bill. However, when that amendment comes we will see what the House does about it, but I agree with Mr. Miller's objection. Having submitted all these points I whole-heartedly give my support to the motion moved.

Mr. Hooseinbhoy A. Lalljee (Bombay Central Division: Muhammadan Rural): I do not think I have much to say but I should certainly once again point out, and everybody knows it, that this War Compensation Bill has been introduced at once by the Government at the instance of certain employers. It is not as if the Government in this case initiated it themselves. In fact, a certain industry did request the Government and the Government have been quite right in introducing legislation as soon as possible. All credit is due to Government for having brought it in. Another most important point our friends have to consider is those persons who have asked Government to provide for their workmen have not asked the Government to contribute anything. If there happens to be a surplus, surely who can be so ungrateful, if I may be permitted to use the word, as to say 'I shall not return back your money'. (An Honourable Member: "Distribute the small sums.") You cannot distribute the small sum. You can collect the small sum but you cannot return it back. That is a novel difficulty. Let the employers think of it. If the sum is so very small, those who have collected will devise ways and means. Furthermore do you think that those who pay lakhs of rupees willingly will not return it in some shape or form for some good work for the workmen. They come to you honourably and tell you 'We are going to pay'. Although you are not a contributory to it, still you want control over the money. As soon as the money comes, I will do what I like with it. I think this was discussed very fairly in the Select Committee. We must congratulate my Honourable friend Mr. Joshi who is all in all for labour. Here the industrialists voluntarily come forward and offer the help. Nobody says 'You are entitled to have

this back later on'; nor does Government say if necessary they will contribute something. Nothing of the sort. Not a word has been said. Then my friend Mr. Abdur Rasheed Choudhury has referred to clause 13. My friend Mr. Essak Sait has really not done justice to himself or to the Mover. Here again I give the money. I mean the industrialist. But what do we find. Under clause 13, power is given to the Labour Department such as the Finance Member has for income-tax purposes. My friend Mr. Essak Sait wants that any gentleman of the Labour Department can walk into my house or into any premises belonging to me under pretext of getting information.

Mr. N. M. Joshi: He can only walk in if you don't do your duty.

Mr. Hooseinbhoy A. Lalljee: Because may I say I have been fool enough to provide the money! Here is the Finance Member who has got a legitimate claim to tax the people when the money is required for the purposes of the people. Even he has got some regard. My friend the Home Member, even he has appointed an officer of the rank of Inspector but here my friend the Labour Member says 'You give me the money for labour welfare and I won't return it'. Not only that. I will appoint anybody to walk into your house, after giving only 48 hours notice. I say it is not honesty or a good principle. Even where there is legitimate claim, the Finance Member (I am sorry he is going away. I am paying him a compliment) will not put in those clauses. When we all complain about heavy income-tax, super-tax and excess profits tax, still the Honourable the Labour Member would like to have the money. At this time, my friend Mr. Essak Sait has made a speech which pains me a great deal. He says in this country people are evading income-tax, as if there are no such people elsewhere nor criminals in other countries, as if in other countries there are all people who come forward voluntarily and pay. Still he wants Government to go into our houses. Here the industrialists have voluntarily come forward and I am very sorry for the attitude of Government. I appeal to Government to be consistent with all that they have been doing with regard to income-tax and omit section 13. Otherwise no industrialist will come forward hereafter to help the Government or labour. Why should they? It is the industrialist who pays to Government for a specific purpose and if anything is left over, it is fair and equitable that it is they who must decide as to what should be done with their money. My friend Mr. Joshi says there will be difficulties but they will devise ways and means.

Mr. N. M. Joshi: 'They' means who?

Mr. Hooseinbhoy A. Lalljee: Those who have paid, not those who want to beg and pay.

Mr. N. M. Joshi: They are not organised.

Mr. Hooseinbhoy A. Lalljee: They are not organised but they can pay! You are organised and you want the money! This is not fair. And Government is not contributing a farthing. These are my general remarks.

Seth Yusuf Abdoola Haroon (Sind: Muhammadan Rural): I did not want to intervene in this debate but some remarks of my friend Mr. Lalljee force me to do so. Mr. Essak Sait was right in saying that in this country we try and evade income-tax as is the case in no other decent country.

Mr. Hooseinbhoy A. Lalljee: We are not discussing Income-Tax Act here.

Seth Yusuf Abdoola Haroon: I therefore think the Honourable the Labour Member has, with justification, come in with this clause which will authorise an officer to take action. The Labour Member is not going to set up an office as the Finance Member has set up for income-tax purposes. Naturally the Finance Member has got longer arms than the Labour Member. The Finance Member does not send any one to the premises. He gets the premises to himself. He gets to himself books and everything. It is worse than walking in. So, I think Mr. Lalljee should not complain about this clause.

[Seth Yusuf Abdoola Haroon.]

He should appreciate this clause and I think it is just the thing that should be done.

Mr. Amarendra Nath Chattopadhyaya (Burdwan Division: Non-Muham-madan Rural): Sir, as a Member of the Select Committee, I find there are three minutes of dissent. The object of this Bill is undoubtedly laudable and its principles have been accepted. The amendments which the Government has brought forward also lead towards the improvement of the Bill. I do not see that the objections raised by Mr. Hooseinbhoj Lalljee to clause 13 are really material objections. It is only a clause for the prevention of any attempt on the part of the employers to avoid payment. I think no reasonable employer will do this. In the minute of dissent I notice that sub-clause (3) of clause 11 has been brought into question by the Honourable Sir Sultan: Ahmed, the Honourable Dr. Ambedkar and Mr. D. S. Joshi. They do not agree to what the Select Committee has done. They do not agree to this clause as it was re-drafted by the Select Committee. They consider, as originally proposed, any balance remaining in the Fund should be credited to the Central revenues and not repaid to employers. They agree that any balance can be utilised by the Central Government for the benefit of workers with the concurrence of the Legislature. At present, there is no knowing what funds should be raised and neither can we say what should be the surplus. Consequently, those employers who had paid and if they found that they had paid sufficiently more than what was required, then as a matter of equity they had every claim to get it refunded. The question of utilising the money for the benefit of workers has failed. We do not know in which way to utilise it. If the situation was clearly visualised here, I would support it. But as matters stand at present, I think the clause, as amended, should stand.

As to Mr. Joshi's minute of dissent, I think it has already been accepted by the Government and I congratulate the Government for that. With these words I approve of the Bill as it has emerged from the Select Committee and with certain amendments which will be passed hereafter.

The Honourable Dr. B. R. Ambedkar: Sir, I do not think anything has emerged from the speeches which have been delivered by Honourable Members who have taken part in this debate which calls for any detailed reply. As I scrutinise the points made, I find that there were certain points which could have been relevant only at the time when the Bill was read for the first time. I remember that they were raised and I also remember that I attempted to give what reply I could at that stage. I do not wish, therefore, to spend any more time in discussing the thing over again.

With regard to the point that has been made with regard to certain specific clauses in the Bill as well as the amendments that are on the agenda paper, I think it would be best in the interests of economy of time that I should not devote any part of my speech to them at this stage. It would be germane, proper and relevant if the matter was taken up at the time when the amendments were moved.

Mr. President (The Honourable Sir Abdur Rahim): 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, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

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

"That clause 2 stand part of the Bill."

Mr. D. S. Joshi (Government of India: Nominated Official): Sir, I move:

"That in clause 2 of the Bill—

(i) in sub-clause (a), the word 'employer' be omitted; and
(ii) after sub-clause (a), the following sub-clause be inserted and the remaining sub-clauses be relettered accordingly:

"(b) 'employer' includes any body of persons whether incorporated or not and any managing agent of an employer and the legal representative of a deceased employer, and when the services of a workman are temporarily lent or let on hire to another person by the person with whom the workman has entered into a contract of service or apprenticeship, means the latter person while the workman is working for that other person."

The object of this amendment and some of the other amendments which stand in my name is to meet entirely the point of view stressed by Messrs. Miller, Gwilt and Sir Vithal Chandravarkar in their minute of dissent. The principal change which they desire is that the principal employer should not be made liable in respect of compensation to be paid to workmen employed by contractors. This amendment of mine with some other amendments seeks to meet that position. The definition of an employer originally was the same as under the Workmen's Compensation Act. A change is now necessary because the definition of an employer in the Workmen's Compensation Act includes a contractor who lets out or hires out labour. Under the proposals which would emerge if my amendments are accepted, the principal employer would no longer be liable in respect of even this class of contractors. Sir, I move.

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

"That in clause 2 of the Bill—

(i) in sub-clause (a), the word 'employer' be omitted; and
(ii) after sub-clause (a), the following sub-clause be inserted and the remaining sub-clauses be relettered accordingly:

"(b) 'employer' includes any body of persons whether incorporated or not and any managing agent of an employer and the legal representative of a deceased employer, and when the services of a workman are temporarily lent or let on hire to another person by the person with whom the workman has entered into a contract of service or apprenticeship, means the latter person while the workman is working for that other person."

The motion was adopted.

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

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

"That clause 3 stand part of the Bill."

Mr. D. S. Joshi: Sir, before I move my amendment to this clause, I would like to make one representation to you. The amendment which stands in my name refers to sub-clause (2) of clause 12, that is to say, to clause 12 as it would be if my amendment No. 17 is accepted by the House. I leave it entirely to you, Sir, whether this amendment can be moved by me now or it may stand over until the amendment regarding clause 12 is moved.

Mr. President (The Honourable Sir Abdur Rahim): I think this clause had better stand over.

The Honourable Dr. B. R. Ambedkar: Sir, I have also an amendment to this clause.

Sir George Spence (Secretary, Legislative Department): May I suggest, Sir, that this clause might stand over as the Honourable Dr. Ambedkar's amendment is really later than Mr. Joshi's amendment. When one is left over, the other should also stand over.

Mr. President (The Honourable Sir Abdur Rahim): Clause 3 will stand over. The question is:

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Clause 5 was added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim): Clause 6.

Mr. N. M. Joshi: Sir, I move:

"That for clause 6 of the Bill the following be substituted:

"6. This Act shall apply to all those workmen to whom the Workmen's Compensation Act, 1923, applies."

Sir, my object in moving this amendment is to extend the application of this Bill to all classes of workmen who are covered by the Workmen's Compensation Act. Sir, this Bill applies to six classes of workmen, firstly, those 12 noon. who are engaged in essential services, secondly, those who are employed in factories, thirdly, those who are employed in mines, fourthly, those who are employed in major ports, and fifthly those who are employed on plantations. Besides these, the Government of India have taken power to apply the provisions of this legislation to any classes of workers to which the Government choose to apply by notification in the official gazette. I feel, Sir, that there

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is no reason why we should apply the provisions of this Bill only to some classes of workmen who are covered by the Workmen's Compensation Act. I find there is no justification for making this discrimination. I am told that the Government of India do not apply this legislation to all the workmen covered by the Workmen's Compensation Act on account of the difficulty of establishing a system of compulsory insurance for a larger number of people.

Mr. President (The Honourable Sir Abdur Rahim): I find from the preamble that this Bill is confined to workmen sustaining war injuries.

Mr. N. M. Joshi: I am only talking of those workmen. Compensation is to be paid only in those cases. This is the only difficulty which I imagine Government may feel. In this connection I would like to say that the Government of India is rather modest and is suffering from want of confidence in itself. The Government of India, I do not know, whether it is a body of very capable persons or not, but generally speaking, we find that they are very able men; besides they have got a very able body of civil servants. It seems that they lack confidence not only in themselves but in their very capable civil servants to establish a system of compulsory insurance for a relatively small number of persons. I suggest to the Government of India that they should have a little more confidence in themselves, and a little more confidence in their civil servants. I therefore feel that the Government of India will do well to accept my amendment and I hope they will not create any difficulties which in my judgment do not really exist.

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

"That for clause 6 of the Bill the following be substituted:

'6. This Act shall apply to all those workmen to whom the Workmen's Compensation Act, 1923, applies'."

The Honourable Dr. B. R. Ambedkar: Sir, I am afraid I have to oppose this amendment. I think my Honourable friend Mr. Joshi will realise that my opposition is not based upon any want of sympathy for workmen.

Mr. N. M. Joshi: I did not say that.

The Honourable Dr. B. R. Ambedkar: I think my Honourable friend Mr. Joshi will realise that if his amendment is adopted, practically there would be a serious limitation imposed upon the number of workmen who would be entitled to the benefit of this Bill. First of all, Sir, as Mr. Joshi said, we must go rather cautiously in this matter because this Act presupposes that there is a body of organised employers on which this liability can be imposed. It is a question of collecting premia, and you cannot collect premia from people who are merely walking in the streets. You must have some organisation on which you can fasten this liability and one has therefore to go very cautiously in including the number of workmen that could be included in this Bill. The second difficulty that I feel is this, that really speaking the acceptance of the amendment of Mr. Joshi would not enlarge the category of workmen which are included at present in this Bill. Sir, I have very carefully examined the Workmen's Compensation Act and I find that there are altogether nine different categories of workmen to which that Act applies. Comparing the categories of workmen to which we propose to apply this Act with the categories of workmen to which the Workmen's Compensation Act applies, I find that there is only one difference. The Workmen's Compensation Act applies to buildings and public works. That is the only category of workmen to which the present Bill does not apply. On others, both the Bills—the Workmen's Compensation Act as well as this Bill—are on a parity. Then the other difference is this. If we apply the Workmen's Compensation Act, as it stands, obviously that will bring in with it the definition of workmen which is given in the Workmen's Compensation Act. My Honourable friend Mr. Joshi will remember that the definition of workmen in the Workmen's Compensation Act is a very circumscribed and limited definition. It excludes from the category of workmen, workmen who are casual employees, and one does not know what would be the number of casual employees that may be employed in any particular industry to which

this Bill applies. My Honourable friend Mr. Joshi will also recollect that the Workmen's Compensation Act excludes the category of people who are employed in clerical capacity. Our Bill does not exclude either the casual employee or the people employed in clerical capacity. I think Mr. Joshi will agree that although on an examination he will find that some minor category of workmen has been omitted, the definition of workmen is much larger than what it is under the Workmen's Compensation Act. I hope that my Honourable friend will, on this assurance, withdraw his amendment.

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

"That for clause 6 of the Bill the following be substituted:

'6. This Act shall apply to all those workmen to whom the Workmen's Compensation Act, 1923, applies'."

The motion was negatived.

The Honourable Dr. B. R. Ambedkar: My next amendment No. 5 is dependent upon clause 3 which the House now agreed that it should stand over.

Mr. President (The Honourable Sir Abdur Rahim): Is this in substitution of the other amendment? Do I understand that if this amendment is carried, then in that case, amendment No. 3 to clause 3 will be unnecessary?

The Honourable Dr. B. R. Ambedkar: No, Sir. It is necessary. Both are necessary.

Mr. President (The Honourable Sir Abdur Rahim): In that case, I do not see why you cannot move this amendment now.

The Honourable Dr. B. R. Ambedkar: I will move this amendment No. 5 now. Sir, I move:

"That sub-clause (2) of clause 6 of the Bill be omitted."

Not much explanation is necessary in support of this amendment. As the House will recall, the clause as it stands makes the Bill exclude Government employees and railway servants from the application of this Bill. When I moved the first reading of the Bill I told the House that although this Bill did not apply to this category of workmen Government had made ample provision to pay compensation to their own servants. Unfortunately my speech evidently did not carry conviction to some Members of the House, and they still persisted that instead of taking responsibility in an administrative manner responsibility should be imposed by statute. Sir, I have thought it fit to accept the suggestion made and therefore I shall be at a later stage moving the amendment which stands in my name to clause 3. Sir, I move.

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

"That sub-clause (2) of clause 6 of the Bill be omitted."

Sir George Spence: Sir, I would ask you to add: "and that clause 6(1) be renumbered 6".

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

"That sub-clause (2) of clause 6 of the Bill be omitted and that clause 6(1) be renumbered 6."

The motion was adopted.

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

"That clause 6, as amended, stand part of the Bill."

Mr. N. M. Joshi: Sir, I do not propose to oppose this clause. But I would like to say that the Honourable Member would have done well to accept my amendment and that the arguments which he used in not accepting my amendment were not valid. He suggested that on account of my amendment the application of the Bill would be restricted, which is not true. He mentioned that this Bill applies to casual labour whereas the Workmen's Compensation Act does not apply to casual labour. But the casual labour is extremely small in all those industries to which the Workmen's Compensation Act applies. The same is the case about clerks. Take the textile industry; the number of clerks employed is extremely small. Therefore if he had accepted my amendment the benefit of this legislation would have been given to a larger number of workmen than he thought. I therefore feel that the Honourable Member when he finds time and when the system of compulsory insurance is established will use the

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power which clause 6 gives him to apply the provisions of the Bill to other classes of workmen.

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

"That clause 6, as amended, stand part of the Bill."

The motion was adopted.

Clause 6, as amended, was added to the Bill.

The Honourable Dr. B. R. Ambedkar: Sir, I move:

"That to part (g) of sub-clause (5) of clause 7 of the Bill the following further proviso be added:

'Provided further that the rate of any periodic payment after the first shall not be higher than the rate estimated to raise the amount in the Fund after repayment of the advances, if any, paid into the Fund by the Central Government under sub-section (2) of section 11, to a sum of rupees fifteen lakhs.'

This Proviso is again intended to meet the fears of some of the Members representing the class of employers. It was feared by them that we might use the provisions of this clause as it stood originally to raise any amount of fund and to build it up when it was practically not necessary for the purpose for which that was intended. I had originally given an assurance on the floor of the House that it was not the intention of Government to use powers which they have got under this Bill to raise unnecessary fund to build it up and thereby inflict a sort of injury upon the employers. There again, Sir, my statement did not satisfy them, and I have thought it best to give them the satisfaction by introducing this clause. As will be seen, a limit has been placed of rupees fifteen lakhs upon the balance on the fund, and I think this amendment will be accepted by them in the spirit in which it is intended, namely, to appease those who feel jealous about the Government's power of taxation. Sir, I move.

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

"That to part (g) of sub-clause (5) of clause 7 of the Bill the following further proviso be added:

'Provided further that the rate of any periodic payment after the first shall not be higher than the rate estimated to raise the amount in the Fund after repayment of the advances, if any, paid into the Fund by the Central Government under sub-section (2) of section 11, to a sum of rupees fifteen lakhs.'

The motion was adopted.

Clause 7, as amended, was added to the Bill.

Mr. D. S. Joshi: Sir, I move:

"That the proviso to clause 8 of the Bill be omitted."

The proviso reads thus:

"Provided that no person or firm shall be so employed unless that person or firm is a member of an association prescribed in this behalf."

When the Bill was drafted it was not known to Government that the Bombay Millowners' Mutual Insurance Association which insures its members against liabilities under the Workmen's Compensation Act is not a member of any association of insurance companies. It is not intended to exclude the appointment of that Association from the scheme to be made under this Act. It is therefore necessary to omit the proviso which was first included in the Bill. The intention of course is not to appoint any mushroom company or any person as agent but to remove the limitation under which it could not have been possible to appoint the Bombay Millowners' Mutual Insurance Association as agent.

Sir, I move.

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

"That the proviso to clause 8 of the Bill be omitted."

The motion was adopted.

Clause 8, as amended, was added to the Bill.

Mr. Abdur Rasheed Choudhury: Sir, I do not propose to move amendment No. 9 on the consolidated list of amendments, but I will move No. 10.

Sir, I move:

"That in sub-clause (2) of clause 9 of the Bill after the word 'fails' occurring in the second line the words 'after due notice' be inserted."

Sir, there is a special purpose in moving this amendment. At the time of passing the Factories Insurance Bill it was found that after the due date fixed

for Factories Insurance there were many concerns who were under the impression that they had factories insurance in ordinary insurance companies and they were not liable for new factory insurance. In certain cases six months and nine months after the due date it was found that even though people had got their factories insured in insurance companies they were also required, according to the provisions of the Act, to get a new insurance policy. It may occur in this case also. Many people may not know when this is going to be enforced. It is quite reasonable that some sort of notice is published so that the people under the liability of taking insurance may know definitely that they have got to get insurance policy under this Act.

Sir, with regard to payment of premium, in the case of ordinary insurance, the insurance companies give a notice. In order to bring this into line with other insurance, I think a notice like that should be given under this measure also. Sir, I move.

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

"That in sub-clause (2) of clause 9 of the Bill after the word 'fails' occurring in the second line the words 'after due notice' be inserted."

The Honourable Dr. B. R. Ambedkar: I appreciate the force of the necessity of giving some notice, but I would like to inform the Honourable Member that there is a provision for notice, although that provision does not appear in the Bill itself. He will realize that the important words in the body of clause 9 are 'in accordance with the scheme'. If my Honourable friend were to turn to clause 9—I am sorry that is the reason why he has moved this amendment—and see the terms of the scheme itself, I assure him that he will find there is a clause—which at present is clause 1 (viii) (a) of the draft scheme—which provides for 15 days notice. I think my Honourable friend on this information will withdraw his amendment.

Mr. Abdur Rasheed Choudhury: Sir, I beg leave of the House to withdraw my amendment.

The amendment was, by leave of the Assembly, withdrawn.

Mr. Abdur Rasheed Choudhury: Sir, I move:

"That in sub-clause (2) of clause 9 of the Bill after the word 'punishable' occurring in the fourth line the words 'after thirty days of grace from the due date of payment' be inserted."

Sir, I think it should be brought into line with other insurance. It is a common practice that all insurance companies allow a period of 30 days grace after the due date, and I think it is quite reasonable to bring this to the notice of the Honourable Member and request him to accede to this concession. Sir, it is true that composition of offences—clause 16—has been provided for in this Bill, i.e., if anybody does not pay his premium in time he can compound it, but in each case he has got to compound it by making additional payment. In order to avoid this additional payment, I would like to bring it to the notice of the Member in charge that this Bill will look better and it will be more in line with other Bills if the period of grace—namely 30 days—which is allowed by other insurance companies, is provided in this Bill also. Sir, I move.

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

"That in sub-clause (2) of clause 9 of the Bill after the word 'punishable' occurring in the fourth line the words 'after thirty days of grace from the due date of payment' be inserted."

The Honourable Dr. B. R. Ambedkar: Sir, I rise to oppose the amendment. I do not see any necessity for conceding the point which my Honourable friend is trying to make. As I pointed out to the House, we have already made a provision for notice, which is a period of 15 days, and I do not understand why my learned friend should contend for an additional privilege which will extend a further period for a recalcitrant employer. If we had not provided for notice in our scheme, I could have well understood the justice of a claim for a period of grace. But if my learned friend will allow me to say so I really see no distinction or it is rather a distinction, without difference, between period of notice and period of grace.

Mr. Hoossinbhoy A. Lalljee: Sir, I think the request which my Honourable friend, Mr. Abdur Rasheed Choudhury, made was a very fair one. Sir, when the scheme was made originally, my Honourable friend will agree that it was intended that large employers of labour would most probably be the parties who would be called upon to pay this compensation or pay the deposit against compensation. He has very rightly brought in all the classes, but, Sir, when you rope in a large number of people to pay certain compensation deposits, it is but fair that you should give them some period of grace because in ordinary cases, as my Honourable friend Mr. Rasheed has rightly pointed out, although you are insured for one month without paying the premium, the insurance company allows you that period. After all is said and done, in business life one has got to make arrangements and when we are bringing in so many people, I do feel that it will not matter very much if 15 days notice and 15 days grace period is allowed. I like the word 'grace' rather than the word 'notice' in all 80 days for the simple reason that grace 15 days is a thing which is absolutely a thing which the Government can give in their grace. Therefore I think in all fairness he will not be led by friends who believe that we in India are more dishonest than others in the world at large.

The Honourable Dr. B. R. Ambedkar: I am prepared to allow them fifteen days grace in the scheme, Sir.

Mr. President (The Honourable Sir Abdur Rahim): I take it the Honourable Member does not press the amendment?

Mr. Abdur Rasheed Choudhury: In view of the assurance, I beg leave of the House to withdraw my amendment.

The amendment was, by leave of the Assembly, withdrawn.

Mr. D. S. Joshi: Sir, I move:

"That to clause 9 the following sub-clause be added:

"(3) This section shall not bind the Crown nor, unless the Central Government by notification in the Official Gazette otherwise orders, any Federal Railway."

If the amendment to clause 3, standing in the name of the Honourable Dr. Ambedkar, is passed, the liability to pay compensation in respect of its employees shall also fall on the Crown. It will not, however, be necessary for the Crown to insure itself against its liability, nor, I submit, would it be necessary to require ordinarily any Federal Railway so to insure. I move.

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

"That to clause 9 the following sub-clause be added:

"(3) This section shall not bind the Crown nor, unless the Central Government by notification in the Official Gazette otherwise orders, any Federal Railway."

The motion was adopted.

Clause 9, as amended, was added to the Bill.

Clause 10 was added to the Bill.

Mr. D. S. Joshi: Sir, I move:

"That to sub-clause (1) of clause 11 of the Bill the following proviso be added:

"Provided that no payment from the Fund shall be made in discharge of any liability of the Crown to pay compensation to workmen employed by it."

The intention of the amendment is that the Crown shall not utilise any part of the insurance fund for payment of compensation to its own employees. The Crown will have a double liability—firstly, in its capacity as an employer, and secondly, in its capacity as an insurer. This amendment will make it quite clear that the fund shall not be drawn upon to pay compensation in respect of its own employees, as the Crown will not contribute to that insurance fund. Sir, I move.

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

"That to sub-clause (1) of clause 11 of the Bill the following proviso be added:

"Provided that no payment from the Fund shall be made in discharge of any liability of the Crown to pay compensation to workmen employed by it."

The motion was adopted.

The Honourable Dr. B. R. Ambedkar: Sir, I move:

"That for sub-clause (3) of clause 11 of the Bill, the following be substituted:

"(3) If when all payments which have to be made out of the Fund have been defrayed, any balance remains in the Fund, the balance shall be constituted into a Fund to be utilised and administered by the Central Government for the benefit of workmen."

As I pointed out, the original position when the Bill was introduced was that the balance was to be utilised for general purposes of Government and was to merge in the general revenues of the Government. The Select Committee altered that clause and provided that the balance, if any, should go to the employers who have contributed to this fund, in proportion to their contribution. The amendment which I am moving is an amendment which is, if I may say so, a midway house between the two positions. It suggests that the fund shall not be utilised by the Government for its general purposes, nor shall it be returned to the employer, but it shall be treated as a sort of trust fund to be utilised and administered by the Central Government for the benefit of workmen. I thought that this was a very reasonable compromise and that the whole House would accept it without demur. But I find that there are still some in the House who are not satisfied with the position outlined in this amendment. The grounds on which I justify the amendment standing in my name are, in the first instance, these. I think it will not be denied that whatever contributions the employers may make to the insurance fund, it will be treated by the Finance Department as revenue which will be revenue for which credit will be given by the Finance Department. It is really revenue which would in the ordinary circumstances go to the Government of India in the form of income-tax and excess profits tax. Therefore I have no hesitation in submitting that a very large bulk of this fund is really fund which belongs to the Government; and if Government had in the first instance stated that they would get and utilise what is theirs, I do not think there was anything very serious to challenge that position. But as I stated, I have receded from that position, and I am prepared to allow this fund to be treated, not as general revenues, but as a credit fund to be utilised for the benefit of workmen. The argument which I have heard in the lobby and which seems to have prevailed upon some Honourable Members who are not satisfied with the position taken here, appears to me to be this. They seem to think that this is the thin end of the wedge, that the Government is really establishing a precedent for making a levy on the industry for the benefit of labour. I do want to disabuse the minds of Members who entertain that sort of fear. I have assured them before this, that Government has no intention of making unfair use of this clause by taxing an industry with the object of raising a fund for purposes for which it is not mainly required; and I would also like to assure Honourable Members who entertain that kind of fear that it is unnecessary for Government to seek or to make any clandestine attempt to establish a precedent. Government has ample power and there are precedents which have been laid down already by laws, both here and in England, whereby it is possible for the State to impose a special cess for the benefit of labour. We have got in this country the coal cess and the coke cess, which is a levy on industry and which is utilised for the purposes of the industry or those who are being served by that industry. In England we have a case in the Coal Mines Act whereby a specific levy is made on the industry; the fund collected by the levy is kept aside for the purposes of labour welfare. Therefore I do want to assure Honourable Members that there is no intention to attempt in a clandestine manner to establish a precedent. Our intention is to support labour and I do not understand why many employers who have always exhibited such kind interest in supporting schemes for the welfare of workmen serving them should in any way hesitate to accept the amendment which I am moving. Sir, I move.

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

"That for sub-clause (3) of clause 11 of the Bill, the following be substituted:

"(3) If when all payments which have to be made out of the Fund have been defrayed, any balance remains in the Fund, the balance shall be constituted into a Fund to be utilised and administered by the Central Government for the benefit of workmen."

I find there are two other amendments to this sub-clause. If Honourable Members who have given notice want to move them, those amendments ought to be moved now and then there will be discussion on all the amendments.

Mr. T. Chapman-Mortimer (Bengal: European): I move:

"That in sub-clause (3) of clause 11 of the Bill, for all the words occurring after the words 'any balance remains in the Fund' the words 'the balance shall be paid into general revenues' be substituted."

Sir, I have listened with very careful attention to what the Honourable the Mover of amendment No. 14 said. I should like to take this opportunity to assure him that the reasons for our objection to his proposals are not the reasons which he has given. He has suggested that some employers are disturbed because Government propose to use this money for the purposes of labour and are proposing to establish a precedent. He has pointed out that there are cases both here and in England where levies are made for special purposes connected with labour. Now, Sir, that is not our objection to Government's attitude at all. He has, if I may say so, got hold of the wrong end of the stick. The first point we should like to make is this. We consider that Government's proposal marks a very important departure from the original proposals of this Bill. This Bill is not a tax measure at all, nor is it a measure for the benefit of labour. It is an insurance Bill limited to war risks, so that what my Honourable friend proposes now is a definite departure from the original purpose. Secondly, and much more important from our point of view, what he proposes to do raises a very large question, namely, the question of whether surplus funds raised by Government for some specific purpose, if not used for that purpose, should be earmarked for Government's future use in some specific direction. I for one strongly feel that the principle long adopted both in the United Kingdom and in this country, *viz.*, that funds which had been raised for one specific purpose, if not used or required for that purpose, should revert to general revenues—is right. This is purely a constitutional or financial principle and has nothing whatever to do with our feelings towards labour or towards any other purpose. It is I am sure not the wish of any employer that labour should be deprived of some 10 or 15 lakhs of rupees. Not at all; on the contrary, a very large number of employers have suggested that this money *should* be used in just the way as my Honourable friend, Dr. Ambedkar, has suggested. But our objection to it is one of principle. We feel that the correct way to use funds of this kind is either to use them for the purpose for which they are intended or to transfer them to the general balances of the Government. It is for that reason that I want the House to support my amendment No. 15. Sir, I move.

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

"That in sub-clause (3) of clause 11 of the Bill, for all the words occurring after the words 'any balance remains in the Fund' the words 'the balance shall be paid into general revenues' be substituted."

Mr. H. A. Sathar H. Essak Sait: I am not moving amendment No. 16.

Mr. N. M. Joshi: I rise to oppose the amendment moved by my Honourable friend, Mr. Chapman-Mortimer. He seems to be under a misapprehension regarding the objects of this Bill. He said that the only object of this Bill is to establish compulsory insurance. That is not so. The Bill has a twofold object, first, to provide for compensation, and secondly, to provide for insurance for the proper payment of the compensation. Therefore, if the balance is utilised for the welfare of labour, it will not be wrongly used. The money is intended for the welfare of labour, and therefore, if the balance is spent on that purpose Government will not be doing anything wrong. Then I do not know if the money is given to the Government and Government spends it on unknown objects because we do not know what the Government may spend that money on, how it can be said to be spent rightly. I think, therefore, that representatives of labour here should not object to the amendment proposed by the Honourable Member in charge of the Bill.

Seth Yusuf Abdoola Haroon: As far as the amendment of Dr. Ambedkar goes, we are supporting it, but as a matter of principle we would not support that revenues so collected for a single object should be given to any other account. But as Dr. Ambedkar has limited now the provision I think we

will not be against the money being spent for the welfare of labour. But the principle is wrong as far as it goes. I feel that the Government should not have done this.

Mr. Abdur Rasheed Choudhury: I would also oppose the amendment of Mr. Chapman-Mortimer. The fund that is collected under this measure will be collected for some specific purpose, that is, giving compensation to workers who suffered war injury. It will be a very bad thing if this amount is transferred to the general revenues and utilised for some other purpose. The best thing would have been, as was put in the Bill by the Select Committee,—that is, after paying all compensation and after paying all expenses, the amount, if any, remaining as balance was to be transferred to the person who contributed to this fund. That would have been the best thing. The next best thing is to utilise the fund as proposed by the Honourable Member in charge in his amendment now. But there is no iota of reason why this fund should be transferred to the general revenues. I think it is due to the over-zealousness of my Honourable friends that they want to transfer this fund to the general revenues. Sir, I oppose.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): The amendment of Dr. Ambedkar seems to be this, that the funds that will be raised will be raised to such an extent that after giving the insurance compensation there will be a balance of not more than 15 lakhs. If that is so, then the only question is for what purpose the balance will be utilised. It is said that the money will be utilised for the welfare of labour. That is really a good object but the objection raised is why should the money be utilised through the Government. It is said that some labour organisation might be given the money, Mr. Joshi preferably, so that it might be used according to the intention of labourers' unions or the workers themselves. This money is to be used for the welfare of labour. I think their amenities and their requirements and their difficulties, for which they want some money, will be met better by another institution instead of the Government itself.

Now, Sir, welfare is a very large word and it may be interpreted in several ways. Unless and until that is specially laid down what welfare means, there should be a condition that the money should be given back to the Government. The Honourable Member should make it clear what he means by welfare. We have known that the Government have many ways of interpreting it. Sometimes they put an interpretation which is absolutely abnormal and then they will say that that is their meaning of it. I agree with this amendment but I would like this matter to be elucidated.

Mr. H. A. Sathar H. Essak Sait: Having referred to this matter when I was speaking on the motion for consideration, I think I will make our position clear on the subject. Amendment No. 1 on the Supplementary List No. 1, that is, the amendment to clause 7 which was moved by my friend Dr. Ambedkar and the amendment that has been moved now, these two go together and they form a scheme. The objections against the provision in the Bill as it was introduced in this House were clearly mentioned by my friend Dr. Ambedkar but I do not think that he was fair to the people who objected when he said that the objection depended on the fear that this was the thin end of the wedge. In my speech on the consideration motion, I said that the objection raised was on the ground that this was introducing an undesirable principle in legislation. The principle that we feared that this legislation was bringing in was that money raised for one purpose may be diverted for other purposes. Without the limitations that these amendments put, there was a fear that the money collected may be far in excess of the needs of the situation. It was possible under the Bill as it then was to collect crores of rupees and then divert them for purposes which were not intended by this Bill. Therefore it was that some of us objected to this provision of the Bill. Now, the principle is still there, to which objection was taken and to which we still take objection but the mischief of it has been limited to the extent of not more than 15 lakhs. I quite

[Mr. H. A. Sathar H. Essak Sait.]

realise that it will be difficult for the Government to return this small amount of something less than 15 lakhs to the contributors to the fund. It will be administratively very difficult and therefore I have no objection in agreeing to the amendment of Dr. Ambedkar and I do not think that my friend Mr. Chapman-Mortimer wishes to press his amendment after the amendment of Dr. Ambedkar. Still it is a good thing that he moved it because it gives us scope for discussing the whole question.

Dr. Ambedkar incidentally referred to the cesses that the Government has a right to raise for special purposes. We do not object to that. If Dr. Ambedkar comes up tomorrow to this House with a Bill whose object is to raise some cess for the benefit of labour or, for the matter of that, for the benefit of any poorer section of the community, we on these Benches will surely give it our whole hearted support. We do not object to that but our objection, as I stated, was to the pernicious principle that this Bill was trying to introduce but as the mischief of it is now limited, I support Dr. Ambedkar's amendment.

The Honourable Dr. B. R. Ambedkar: Sir, the point made by my Honourable friend, Mr. Chapman-Mortimer seems to be this. He says that we are changing our purpose. Originally the fund was intended to be used for the purpose of paying compensation. We now propose to use the balance of it for welfare. No doubt this is a change of purpose but I still maintain that there is nothing improper in that. If I understood him correctly, the position of Mr. Mortimer seems to be this. He seems to be following what I must concede is a well established principle in the budgetary arrangement, namely, that when money has been sanctioned by the legislature for a particular purpose it ought not to be spent for another service not included within that purpose. I entirely agree but that is a matter which relates to executive action. I do not propose to use the fund by executive action but it is because I do not wish to be guilty of any impropriety that I have come to the House for asking its sanction for allowing the balance to be used for some other purpose which the House entirely agrees to be a beneficial purpose. I, therefore, submit that there is no impropriety in changing the purpose inasmuch as we are asking for the legislative sanction of this House for the change of purpose.

Then, the point has been raised that the word 'welfare' is an omnibus word. I agree that it is an omnibus word and I do not know if I am in a position to specify items which will be included in the term "welfare" on which there can be expected to be unanimity in this House. I shall, therefore, not venture to particularise what would come under the term "welfare". But I would say this to those Honourable Members who do not know what is meant by "welfare" as well as to those Honourable Members who think that Government ought not to be entrusted with a responsibility for administering

I P.M. this Fund that they will realise that the matter, with all this, is still left in the hands of the House. The House will have many more opportunities on various occasions to raise this question as to how this money is to be utilised and I am sure many Honourable Members who know what is "welfare" or who have ideas on it will use that opportunity to inform Government as to how that money would be utilised. Sir, I think the House will be well advised in accepting my amendment.

Mr. President (The Honourable Sir Abdur Rahim): I will put Dr. Ambedkar's amendment first. The question is:

"That for sub-clause (3) of clause 11 of the Bill, the following be substituted:

"(3) If when all payments which have to be made out of the Fund have been defrayed, any balance remains in the Fund, the balance shall be constituted into a Fund to be utilised and administered by the Central Government for the benefit of workmen."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The other amendment, therefore, falls.

Clause 11, as amended, was added to the Bill.

Mr. D. S. Joshi: Sir, I move:

"That for clause 12 of the Bill the following clause be substituted:

"12. (1) Where a person (in this section referred to as the principal) uses, in the course of or for the purposes of his trade or business, the services of workmen temporarily lent or let on hire to him by arrangement with another person with whom the workmen have entered into contracts of service or apprenticeship, or in the course of or for the purposes of his trade or business, contracts with any other person for the execution by or under such other person of the whole or any part of any work which is ordinarily part of the trade or business of the principal (either such other person being in this section referred to as the contractor) the principal shall obtain from the contractor the name of the agent of the Central Government acting under section 8 with whom he intends to insure, and shall, report to that agent the existence of his arrangement or contract with the contractor.

(2) Notwithstanding anything elsewhere contained in this Act, in any such case as is referred to in sub-section (1), it shall not be necessary for the contractor to insure against the liabilities imposed on him by this Act, in respect of workmen employed by him whose services, are lent or let on hire on such an arrangement or used in the execution of work on such a contract as is referred to in sub-section (1), where the arrangement or contract is for a term of less than one month.

(3) The Scheme may make provision for the supply by a contractor to a principal of any information necessary to enable the purposes of this section to be carried out including provision for punishment by fine not exceeding one thousand rupees for the contravention of any requirement of the Scheme."

I have already explained the object of this amendment when I was speaking on my first amendment. I move.

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

"That for clause 12 of the Bill the following clause be substituted:

"12. (1) Where a person (in this section referred to as the principal) uses, in the course of or for the purposes of his trade or business, the services of workmen temporarily lent or let on hire to him by arrangement with another person with whom the workmen have entered into contracts of service or apprenticeship, or in the course of or for the purposes of his trade or business, contracts with any other person for the execution by or under such other person of the whole or any part of any work which is ordinarily part of the trade or business of the principal (either such other person being in this section referred to as the contractor) the principal shall obtain from the contractor the name of the agent of the Central Government acting under section 8 with whom he intends to insure, and shall, report to that agent the existence of his arrangement or contract with the contractor.

(2) Notwithstanding anything elsewhere contained in this Act, in any such case as is referred to in sub-section (1), it shall not be necessary for the contractor to insure against the liabilities imposed on him by this Act, in respect of workmen employed by him whose services, are lent or let on hire on such an arrangement or used in the execution of work on such a contract as is referred to in sub-section (1), where the arrangement or contract is for a term of less than one month.

(3) The Scheme may make provision for the supply by a contractor to a principal of any information necessary to enable the purposes of this section to be carried out including provision for punishment by fine not exceeding one thousand rupees for the contravention of any requirement of the Scheme."

The motion was adopted.

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

"That clause 3 stand part of the Bill."

Mr. D. S. Joshi: Sir, I move:

"That to sub-clause (1) of clause 3 of the Bill, the following proviso be added:

"Provided that where an employer has taken out a policy of insurance as required by sub-section (1) of section 9 and has made all payments by way of premium thereon which are subsequently due from him in accordance with the provisions of the Scheme, or where by the provisions of the sub-section (2) of section 12 the employer is not required to insure, the Central Government shall assume and discharge on behalf of the employer the employer's liability to pay compensation under this sub-section."

If this amendment is accepted, the procedure for the payment of compensation will be very much simplified. Where an employer is required to insure and has satisfied his liabilities and also where there is no obligation on the employer to insure, the payment of compensation to workmen shall necessarily be paid out of the Fund. In this manner, no workman will have to wait for compensation to be paid by the employer direct, but it will be paid out of the Fund. Sir, I move.

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

"That to sub-clause (1) of clause 3 of the Bill, the following proviso be added:

"Provided that where an employer has taken out a policy of insurance as required by sub-section (1) of section 9 and has made all payments by way of premium thereon which are subsequently due from him in accordance with the provisions of the Scheme, or where by the provisions of the sub-section (2) of section 12 the employer is not required to insure, the Central Government shall assume and discharge on behalf of the employer the employer's liability to pay compensation under this sub-section."

The motion was adopted.

The Honourable Dr. B. R. Ambedkar: Sir, I move:

"That to clause 3 of the Bill the following new sub-clause be added:

'(3) This section shall be binding on the Crown'."

I have already explained that we are now seeking to make the Crown statutorily liable for the provisions of this Bill. With these remarks, I move.

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

"That to clause 3 of the Bill the following new sub-clause be added:

'(3) This section shall be binding on the Crown'."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim): Clause 13:

Mr. Abdur Rasheed Choudhury: Sir, I move:

"That in sub-clause (1) of clause 13 of the Bill, part (b) be omitted."

Sir, this is a portion of the Bill on which I feel particularly strongly. The employers do not grudge the payment of premia, but they cannot put up with this humiliation that is sought to be imposed upon them by this provision. In this country "search" of a person or property is considered a very humiliating affair, and people think it a matter of great shame if circumstances compel any search to be made. Sir, as the saying goes:

"*Marne ke gahal bhut banne ki saroorat kya.*"

"Why do you make a provision with this, till there is a case justifying this?"

Sir, I submit a provision like this does not find a place in any other taxation measure. Even in the Income-tax law, this provision is purposely omitted. I find that in the original Bill, as it was introduced into the Assembly, this provision did not find a place. But somehow, in the Select Committee there was disagreement, and one Member, in his Minute of Dissent, has proposed that the entire clause 13 be omitted. I wish other Honourable Members of the Select Committee also had agreed to this and thus avoided a discussion in the House. But even now, my Honourable friend Dr. Ambedkar can see to the resentment which is going to be felt in the country on account of this provision. As I have said, we are willing to pay any premia, but we are not willing to be humiliated. Sir, this reminds me of the story of the potter. The story goes that a potter carried in his arms a number of pots and while he was proceeding to the market, he was thinking in his own mind how his life's ambition would be fulfilled. He thought within himself that a large amount of money will be realised by the sale of the pottery, that he would engage a number of servants and that he would enjoy life on account of the riches and that he would make all his servants obey his commands and that if any servant disobeyed him he would kick him with his legs. While he was thus engaged in this train of thought, he unconsciously raised his legs as if he was kicking his servant with the result that the pots fell from his arms and broke. My Honourable friend is imitating a thing like that. He is trying to raise a fund, but in doing so, he is providing for searches. I am afraid, Sir, that his ambition to get funds might be frustrated as was the case with the potter. So, Sir, for more than one reason, and for the sake of decency, till the necessity arises, why do you put in this nauseating clause. It is not befitting the people who contribute to the fund. The power given in this sub-clause is very wide. The Central Government might authorise any officer to enter any premises or upon any property under the control of an employer. It is very objectionable that anybody should enter a bungalow where ladies might reside. The more I read this provision, the more I am convinced that it is a great mistake to put in this provision. I do not think that a cultured man like my Honourable friend would allow such a provision to be put in. As he has met me on the two previous amendments half way, I wish he would meet me full way and agree to omit this provision. If he feels the necessity for such a provision, he might come at any time with an amending Bill. In the case of income-tax and super-tax, such an occasion has not arisen. Why should he think that in the present case such a provision is necessary. I hope he would agree to omit this provision.

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

"That in sub-clause (1) of clause 13 of the Bill, part (b) be omitted."

The Honourable Dr. B. R. Ambedkar: Sir, I may not have sufficient amount of culture, but I claim average amount of intelligence. Sir, applying such amount of intelligence as I possess to this clause, I think my Honourable friend has entirely misunderstood the purpose of it and the necessity for it. The purpose of the clause is really not to levy distress or to take a warrant, but the purpose of the clause is to obtain information and search for information. Now, Sir, my Honourable friend has not understood why accurate information in this case is absolutely important. I would like to tell him that information is important not only from the point of view of the Government, but information is important from the point of view of employers themselves. Sir, it is perfectly possible for a fraudulent employer, for instance, to submit faulty information, wrong information, information understating his wages bill, information understating the number of employees who are working under him. The premia shall have to be based upon information that has been submitted. It would be perfectly possible for good employers being penalised and they have to pay more for the fault of fraudulent employers who by passing false information might try to escape liability of the law imposed upon them. Therefore, this clause is absolutely necessary, necessary in the interests of the employers themselves. I cannot understand how there can be any objection merely because the law provides that when there has been a case where it is suspected or where Government have information that accurate information has not been supplied that Government should have the power to get accurate information which, as I submit, is the very rock on which this system is founded. Sir, I oppose the amendment.

Mr. Hooseinbhoj A. Lalljee: Sir, I am very sorry that the Government Benches have one plea and one principle to adopt in some matters and quite a different plea and quite a different principle in others. Sir, for years together we have been discussing about income-tax and I am sorry, my Honourable friends from Muslim League Party here have told us just now that some of us differ somewhat from other civilised world, that is to say we are a little more dishonest; still I maintain that even with regard to income-tax, a tax which one has to pay more or less compulsorily for the welfare of the whole State including the welfare of labour, if possible, whenever attempts have been made to bring in such a clause in income-tax law, yet up to now Government, very kindly, may I say, in deference to the wishes of the House, did not bring in what my Honourable friend the Member for Labour now wishes to introduce in this Bill. I really congratulate him for the new tactics that he has adopted very recently, that is to tell the general employers, "I am going to save you from your dishonest brother employers". He wants to tell me more than I know about my own people. He wants to be the grandfather for all the employers, he wants to be a trustee for some of us and tell us that it is in our interest that he does this. I am very sorry to notice that when once a gentleman comes to the Treasury Benches, he always thinks that it is his right to pose as protector of the whole universe. The universe comes always in his mind. He thinks the best thing in the universe is to manage the whole show himself and that by dividing the peoples so that peoples will then come to him, and he can then decide as he likes the whole show. That will not do. Peoples have now long realised all this and that when in the important income-tax law they will not tolerate any such clause to come in, are they going to allow under any pretext in this Bill any such clause so as to enable anybody to visit the premises or enter any property of employers to search for information. My Honourable friend Mr. Yousuf Haroon said that the income-tax authority has got a big staff which the Honourable the Labour Member has not, and therefore we should agree to anybody and everybody to enter not only the factories but also the premises including the manager's bungalow. Also,—really all this shocks the sentiment of Indians,—any ordinary inspector be allowed to go into the Manager's house, whether the manager be a Hindu or Muslim or anybody else. We are collecting crores of rupees of income-tax without any such clause

[Mr. Hooseinbhoj A. Lalljee.]

or any difficulty; here is a voluntary contribution of 15 lakhs made by employers and any one and every one is empowered to enter their houses. If I did not know my Honourable friend the Labour Member so well I would say that there is something else besides this as it appears and this is done with a motive. I cannot think that of my Honourable friend. But I warn my friends here that if this power is introduced here, tomorrow it will be introduced into the Income-tax Act under which you collect crores of rupees, although we have resisted it for so many years; you will have it also in the Penal Code and magisterial search warrants will go. Even in the Defence of India Act there are some restrictions upon entries of this kind into private houses, and remember if you can have it in this Bill, how can you prevent Government from having it in all other Acts? They want 40 crores of rupees from income-tax they will have this power there; also in criminal cases often they want all kinds of evidence, and remember some of the officers then will have it from the ladies in their houses, what they cannot make up from their husbands; with what face can we object after this? If such a thing is done now will employers come to the help of Labour or Government if in this way they want to enter our houses and thus create precedents, then will it not go against us in income-tax and criminal law? Government must convince us of their *bona-fides*. Leave aside the millowners who say they are not afraid as they are honest,—I know what their honesty is and how they behave. May I ask them have the income-tax officers ever troubled to come to their office? Have my European friends been troubled like that by the income-tax people? They will, therefore, of course, never see any harm in it, but what the true position is that there are thousands of people every day attending in the income-tax offices but the Europeans have never had to attend it. And we are spending four crores of rupees on officers for collecting this income-tax in this way from our people still some of my Honourable friends want that I should agree and be party to this principle of entry and search. Sir, it is not divulging any secret but I can honestly say that there was a strong feeling against it and even the Law Member and others on the Treasury Benches did not like this provision. Still it has come there; and I will say that if next time when the Finance Member comes up with a similar provision we will not bless the Honourable Member for Labour but say something else.

Mr. Lalchand Navalrai: Sir, I rise to speak on this clause not only from the point of view of this Bill but from the general point of view also, so that similar provisions may not be made in other Acts to harass the public. I at first did not understand the need for this provision, but I gather now that it is to get information from the employer or his agent in possession of the premises. If wrong or incorrect information has been given what is the reasonable and correct procedure for Government to adopt? The onus is upon Government to prove that it is wrong, and not on the person who has supplied the information, to prove that it is correct. And then punishment has been provided for giving wrong information; that will induce the employers to give correct information. The proper method is surely not to seek the evidence from the person's own premises. If in every case where Government think wrong information has been given Government were to go and search the premises it will be very hard and they should not go as far as that.

The Honourable Dr. B. R. Ambedkar: Sir, if my Honourable friend will give way for a minute, I am prepared to accept the amendment. I am advised that sub-clause (a) is quite sufficient for our purpose.

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

"That in sub-clause (1) of clause 13 of the Bill, part (b) be omitted."

Sir George Spence: Sir, I submit that the motion should be put like this:

"That in sub-clause (1) of clause 13 of the Bill, the brackets and letter '(a)', the word 'and' at the end of part (a) and (b) be omitted."

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

"That in sub-clause (1) of clause 13 of the Bill, the brackets and letter '(a)', the word 'and' at the end of part (a) and (b) be omitted."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member wish to move the other amendment?

Mr. Abdur Rasheed Choudhury: No, Sir. I don't wish to move.

Clause 13, as amended, was added to the Bill.

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

The Assembly re-assembled after Lunch at Three of the Clock, Sir Henry Richardson (one of the Panel of Chairmen) in the Chair.

Mr. Chairman (Sir Henry Richardson): The question is:

"That clause 14 stand part of the Bill."

The motion was adopted.

Clause 14 was added to the Bill.

Mr. D. S. Joshi: Sir, I move:

"That after clause 14 of the Bill, the following new clause be inserted and the remaining clauses be renumbered accordingly and that all references to the numbering of the clauses be corrected as required by such renumbering:

15. *Payment of compensation where employer has failed to insure.*—Where an employer has failed to take out a policy of insurance as required by sub-section (1) of section 9, or having taken out a policy of insurance as required by that sub-section has failed to make the payments by way of premium thereon which are subsequently due from him in accordance with the provisions of the Scheme, payment of any compensation for the payment of which he is liable under this Act, may be made out of the Fund, and the sum so paid together with a penalty of such amount not exceeding the sum so paid as may be determined by an officer authorised in this behalf by the Central Government shall be recoverable from the employer as an arrear of land revenue for payment into the Fund."

The object of the amendment is clear. As at present worded, the Bill does not provide for payment of compensation out of the fund where an employer has failed to insure. By this amendment it will be possible to make payment directly out of the fund even where an employer has failed to ensure himself. Sir, I move.

Mr. Chairman (Sir Henry Richardson): The question is:

"That after clause 14 of the Bill, the following new clause be inserted and the remaining clauses be renumbered accordingly and that all references to the numbering of the clauses be corrected as required by such renumbering:

15. *Payment of compensation where employer has failed to insure.*—Where an employer has failed to take out a policy of insurance as required by sub-section (1) of section 9, or having taken out a policy of insurance as required by that sub-section has failed to make the payments by way of premium thereon which are subsequently due from him in accordance with the provisions of the Scheme, payment of any compensation for the payment of which he is liable under this Act, may be made out of the Fund, and the sum so paid together with a penalty of such amount not exceeding the sum so paid as may be determined by an officer authorised in this behalf by the Central Government shall be recoverable from the employer as an arrear of land revenue for payment into the Fund."

The motion was adopted.

Clauses 15 to 20 were added to the Bill.

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 Dr. B. R. Ambedkar: Sir, I move:

"That the Bill, as amended, be passed."

Mr. Chairman (Sir Henry Richardson): Motion moved:

"That the Bill, as amended, be passed."

Mr. H. A. Sathar H. Essak Sait: Sir, I am very happy that the Bill is going to be passed and enacted into law. I am glad that the House has amended this Bill and made it into a better enactment than even when it came out of the Select Committee. In this connection I would in passing refer to one amendment which was carried immediately before lunch, with regard to dropping sub-clause (b) of clause 13. In the consideration stage I had spoken in favour of that clause and I was taken to task by some of my friends, including the Leader of the Independents, who was opposing that clause, and therefore I owe it to myself and to the House to explain what has actually taken place in the House. I am not now going into the clauses. Sub-clause (b) has been dropped but that does not mean that the Government has given up anything, any of the powers that they wanted. Really Government have agreed to drop that sub-clause because all the power they wanted under that sub-clause

[Mr. H. A. Sathar H. Essak Sait.]

was already there in sub-clause (a). Really therefore the popular side has lost something by the dropping of this sub-clause (b), and I am sorry the Leader of the Independents is not here so that he could have seen what actually has been the result of the amendment that he pressed. We were very particular in the Select Committee that due notice was given. It is mentioned here—and I am not disclosing any secret or confidence—this was put in by the Select Committee, that the premises will be entered only after having given the employer 48 hours notice of the intention to do so. This 48 hours notice was there. My friend, Mr. Abdur Rasheed Choudhury, said that under this clause people could get into the houses suddenly and they could go into the zenanas and the ladies quarters and this and that. That is impossible; we have seen to it that it was not allowed, because we said there should be 48 hours notice. Now that notice has gone. I do not say that the Government is going to empower their officers to get into zenanas and all that; but still I say that the safeguard that we had here has gone. That has been the result of the interference of my honourable friends of the Independent Party. I am very glad, however, that the Bill is becoming law and I hope that whatever we have lost because of the very wise interference of my friend will at least be restored by the Government. Sir, I support the Bill.

Mr. Chairman (Sir Henry Richardson): The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

THE DELHI UNIVERSITY (AMENDMENT) BILL—contd.

Mr. Chairman (Sir Henry Richardson): The House will now resume consideration of the Delhi University Bill, clause by clause. I shall take up the Consolidated List of undisposed of amendments, and the numbers I shall refer to will be those on that list. No. 1. Mr. Tyson.

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

"That in clause 16 of the Bill, in clause (4) of Statute 2 in the proposed Schedule for the word 'eight' the word 'twelve' be substituted."

I feel that it is due to the House that in introducing this amendment I should explain in a few words what has influenced Government at this stage to seek to amend its own Bill by means of this and of another amendment that stands in my name. I have already indicated in the discussion on one of the amendments moved with regard to part (c) of clause 5 of the Bill, our attitude on this side of the House to a number of amendments which sought and which seek to introduce the principle of communal representation into the Act and Statutes. But I have also, I hope, made it clear in the discussion on a later amendment that Government are not complacent, and I do not think the House could afford to be complacent, about the share which some of the minority communities are able under the present system to take in the administration and the activities of the University.

There are various methods by which such a state of things can be remedied. My Honourable friends opposite, and my Honourable friend, Rao Bahadur N. Siva Raj, place their faith in one method, the method of reserving a specific number of seats or proportion of seats in each body of the University. We have been examining other lines of approach. One was the introduction of the system of proportional representation, with the single transferable vote, into the elections within the University. I will not discuss this in any detail now as, owing to a provision already existing in the parent Act, it is impossible for this House to amend the Bill to give effect to such a proposal at this stage. It is a reform that the University itself can introduce by amending its own ordinances, and I will only say this, that if such a measure were promoted by those who can promote such things in the University, Government would be disposed to lend the weight of its influence in favour of a measure which has much to commend it from the point of view of ensuring to each community a weight in

the University commensurate with its numbers. It is not, however, practical politics at the present moment so far as the Bill before us is concerned. The other way in which we have thought it desirable to amend the Statutes with a view to rectifying, to some extent at all events, the present unsatisfactory representation of different elements is by increasing the number of persons who come to the Court through the intervention of the Chancellor, either direct or indirect. The present amendment seeks to raise to 12 from 8 the number of persons who can be elected to the University Court by associations or other bodies approved in this behalf by the Chancellor on the recommendation of the Court. The House may be interested to know how those eight seats are at present held. The Delhi Municipality sends two members by election, the Delhi Bar Association sends one, the Jamia Millia College sends one, the Delhi Medical Association sends one, the Delhi Hindustani Mercantile Association sends one, and the Board of Secondary Education sends two. These members come to the Court by election in the bodies which they will represent. There are, however, bodies and associations in Delhi—some of them have been mentioned in the course of this debate—which are cultural bodies, bodies interested in education, which could be added, we feel, to this list, to the advantage of the University—bodies which represent a particular form of culture, a particular aspect of culture or education and could in all probability be relied on to send to the Court representatives of that particular line of culture, representatives, therefore, of the particular community specially interested in that form of culture. The tendency of adding, as this amendment proposes to do, to the number of persons elected to the Court would be to improve the representation of minorities on the Court. As regards direct nomination I shall reserve my remarks for the appropriate amendment. As regards the present amendment I will only add at this stage that out of eight at present elected by bodies approved by the Chancellor, three, according to the latest calendar of the University, come from one minority community, and this is obviously a source from which one can hope to see more minority community representatives being elected if the maximum is raised—representatives of a kind who should prove an asset to the Court of the University. Sir, I move.

Mr. Chairman (Sir Henry Richardson): Amendment moved:

"That in clause 16 of the Bill, in clause (4) of Statute 2 in the proposed Schedule for the word 'eight' the word 'twelve' be substituted."

Nawabzada Muhammad Liaquat Ali Khan (Rohilkund and Kumaon Divisions: Muhammadan Rural): The amendment that has been moved by my Honourable friend, the Education Secretary, is a recognition of the fact that Mussalmans and others who are not fortunate enough to be well represented in the various constituencies of the University have a legitimate grievance, and I am glad that at last some sense of justice has dawned on this Government. I should have expected that when the whole question of amending the Delhi University Act was on the anvil the Government themselves would have given due consideration to this matter. All those who are closely associated with the University were not ignorant of the paucity of Muslim representation in the various bodies of the University. The object of this amendment appears to be to provide a method by which the Mussalmans and other minorities might be represented on the Court. I have purposely used the word "might" because with regard to this amendment there will be two hurdles that will have to be crossed. One is that the Court must recommend to the Chancellor that such and such association should be given representation. Constituted as the Court is and looking at its past history, I am afraid I cannot be so optimistic as to feel that the legitimate rights of the Mussalmans and other minorities will not suffer in the future. Then, Sir, the other hurdle which has to be crossed is that the Chancellor must accept the recommendation of the Court. These two hurdles are such that I am afraid we on this side of the House cannot be satisfied that this amendment which is proposed to be made will give adequate representation to the Mussalmans and other minorities who have had no representation practically on the Court. My friend has objected to the acceptance of

[Nawabzada Muhammad Liaquat Ali Khan.]
 the principle of communal representation. I am really at a loss to understand why this objection is held to the bosom of the Government so tightly. Why? What is wrong with communal representation? Everything in this country is communal. This Legislature is communal. Every institution is communal, and the object of it is that various communities who form the population of India should have adequate share in the various administrative bodies. As a matter of fact, let me here tell you that the proposition which we had put before this House and which we intend to do in the form of various amendments later on is not so communal as is provided in the Dacca University Act. Here all that we wanted was that certain places should be reserved for the Mussalmans in the Court. I am referring to the Court only because as regards the other bodies I shall have to say something about them when we come to those clauses. It is provided in the Dacca University Act that the Court is to be constituted in the following manner: There are to be certain officers of the University. Then, in addition to the officers mentioned in sub-section (1) of section 16, the following persons shall be *ex-officio* members of the Court. I shall not waste the time of the House by reading the various *ex-officio* members. Then, later on, it says: The number of graduates (that is clause 2) to be elected as Members of the Court by the registered graduates from among their own body shall be 30 of whom 15 shall be Muhammadan graduates elected by the Muhammadan registered graduates and 15 shall be non-Muhammadan graduates elected by the non-Muhammadan registered graduates. Now, this is communalism *par excellence*, if you like, and it is in the Act of a legislature, referring to a university which is called the temple of learning, whereas our amendments were not really so communal as what is actually provided in an Act of a University. All that we were asking for was that certain places should be reserved for the Mussalmans. It is so not only in the case of registered graduates. Then there is another provision here: The number of persons to be appointed by the Chancellor under clause (x) of sub-section (1) of section 16 shall be 40 and how is this to be provided—"Provided that the Chancellor shall in making such appointments secure that as far as possible 50 per cent. of the non-European members of the Court shall be Muhammadans". My Honourable friend has come forward with a milk and water amendment and states that four more seats have been given to certain associations who must be recommended by the Court to the Chancellor and the Chancellor is free to appoint anybody or recognise any association. How does he provide under this amendment representation of the Muslim and other minority communities? If I may say so, Mr. Chairman, I think it is really an eyewash. If you are satisfied that the Mussalmans and other minorities have a legitimate grievance about their representation on the Court of the Delhi University, then why don't you come out boldly and make certain proposals which would give them real, effective and certain share in the various bodies of the University. Then further on, there is a reference to the Executive Council here. I shall deal with that when we come to the Executive Council. This amendment which has been proposed by my Honourable friend cannot satisfy those communities who have had no share so far in the administration of the Delhi University. His amendment, I must say, is a feeble attempt at doing justice to a cause which demands a bolder step than this kind of amendment. I only wanted to place these few facts before this Honourable House to show that really what we want, on this side of the House, is not this kind of representation which is not certain and which can never give an adequate voice to the Mussalmans in the administration of the University of Delhi. I do not desire to oppose this amendment but I must make it clear that we cannot be satisfied with this type of provision in the statute to give representation to the Mussalmans and other minority communities.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): I associate myself with the views so well expressed by the Deputy Leader of the Muslim League Party, Nawabzada Liaquat Ali Khan. What the red rag is to the bull,

the terms Islam and Mussalmans are to the Government of India, whenever a question crops up of effective, adequate and proportional representation being provided for them, in any walk of life. Mr. Tyson knows history well and he ought to know that the Muslims, whom he disregards and looks upon with contempt, were for 600 years the teachers of Europe. Go to Spain, go to Sicily and the writing on the wall there will confront him. Aristotle was forgotten. It was Islam and the Mussalmans who introduced Aristotle to Europe. Wherever you go, from the Atlantic right up to the walls of China, you will see Muslim seminaries, Muslim schools of learning and Muslim Universities. In fact, the Mussalmans were the torch-bearers of light and learning in that temple about which you talk so much. Sir, it is an irony of history that in India, where the Mussalmans have ruled for so many years, every hamlet, every town was a repository of knowledge and every masjid, every maktab and every vidyalaya was aglow with the light of learning. But when the Britishers came with their Western type of education and learning and civilisation, the darkness of ignorance and illiteracy fell upon the country. So, why talk of this Delhi University as a model university, as an all-India university in which communalism will have no place. Communalism will have a place. We are up against you and others also whose cry is against Islam and the Mussalmans. We have told you so many times and we again tell you that the Mussalmans of India will compel you to acknowledge their position as such in the constitution of the country. We will have a place in the statute book. We will have a place not as Rajputs, not as Sheiks, not as Mullahs but as Mussalmans and this you will have to do one of these days. With these words, I support Nawabzada Liaquat Ali Khan.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Sir, the statute which my Honourable friend Mr. Tyson's amendment seeks to amend runs thus:

"The number of persons to be elected as members of the Court by associations or other bodies approved in this behalf by the Chancellor shall not exceed eight."

Now, in place of eight, my Honourable friend wishes to have the word twelve. In other words, what he wants to do is to increase the intervention of the Chancellor. Now, I personally have been always opposed to giving the Government greater power over this University and from that point of view I am unable to accept this amendment. If twelve associations had been mentioned in the statute, perhaps I would have been able to support most of them, if not all of them. But to give the Chancellor or the Member in charge of the Department of Education or the Secretary in charge of the Education Department greater power over the University is what I am unable to accept. My Honourable friend referred to another question, namely, the question of proportional representation. We in this House are familiar with the use of this system of proportional representation by the single transferable vote, and if this system had been sought to be introduced, I, for one, would have gladly supported the Government. But that is not before us at the present moment. All that is before us is that the Chancellor will approve certain associations, who will send twelve representatives to the court instead of eight. Now, if the names of these associations had been placed before us, we would have examined their credentials. We would have discussed the question on its merits or demerits and would have come to the proper conclusions; but the amendment in its present form is unacceptable to me. I am, therefore, compelled to oppose this amendment.

Rac Bahadur N. Siva Raj (Nominated Non-Official): Mr. Chairman, I am in agreement with the purpose of this amendment which has been moved by Mr. Tyson. According to me, I do not see in this amendment anything more than that it seeks to accommodate certain interests which it would have been difficult otherwise to represent on the Court, so that I am tempted to call it almost an accommodating amendment. Mr. Tyson in his speech also indicated as to what exactly would be done by the Chancellor in case

[Rao Bahadur N. Siva Raj.]
 this amendment is accepted. He feels and I have no doubt and I also feel, that such interests as hitherto have suffered for lack of representation through these associations will find representation hereafter if the number is increased from eight to twelve. My reason for not doubting the authority which seeks to secure the representation of different interests on the court is strengthened by the fact that the same Chancellor in another capacity, namely, as the Viceroy and Governor General of India, has secured the representation, at any rate, of one minority, namely, the Musalmans, to such a degree that I might say that he has secured for them a political parity with the majority community, the Hindus, though incidentally I must point out that we, the members of the Scheduled Castes, have suffered by reason of the fact that sufficient recognition was not given to us in such representation having regard to our numbers and also to our importance both in the body-politic and in the economic structure of the country. With these few words I support the amendment.

Mr. Ananga Mohan Dam (Surma Valley *cum* Shillong: Non-Muhamadan): Mr. Chairman, I rise to oppose the amendment moved by my Honourable friend Mr. Tyson because the Government is hereby trying to introduce the vicious principle of communalism in the distribution of seats. He seeks to give more representation to the Muslim community. (*An Honourable Member*: "How?") If the number eight is increased to twelve, the number of Musalmans will also be increased. Whenever the Government accedes to the demands of the Muslim Party, that Party comes with a greater demand. What I want to warn the Government about is that they are introducing a vicious principle which will retard the development of the minds of the students of the University. I am of opinion that Government should not introduce communalism though they themselves seem to be sure of the fact that the principle of communalism is not good for educational institutions. With these few words I oppose the amendment.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, the amendment seeks to increase the number of the members to be approved by the Chancellor on the Court. So far as the powers of the Court are concerned, if the intention was to increase those powers I would agree to any power being given to the Court. But when it is hedged in with another obstruction, namely, to leave it ultimately to the Chancellor, I cannot lend my support to it. Sir, I have no grouse and I have no objection in any way to more representation being given to my brethren, the Muhammadans. But what I want to speak about mostly is the attitude of the Government. The attitude of the Government has simply surprised me. I do not know what has happened overnight that the Government have changed their attitude altogether. We know that from the very beginning they obstinately asserted that the communal representation should not be brought into the educational sphere. And when they were asked not to abide by this principle by so many speakers on this side who gave substantial grounds for doing this, the Government held their own. What I am urging is only from the point of view of principle. Will the principle of communal representation be introduced in education? This is the only question I am asking. The other communities do not want communal representation. They despised the Communal Award. The other communities have been bringing to the notice of the Government from time to time that by dividing the communities, by making this Communal Award, by conceding communal representation the Government are harming themselves. No doubt for the present the Government are sitting tight in the seat of office, they are stable in the chairs which they are holding, but ultimately I warn them that they will fail. I therefore submit that the Government should have been consistent in the attitude which they originally took up from the very beginning. The Government should tell my Muslim friends, well, we are not going to give you communal representation, or if they want to give, then let the Government tell plainly

that communal representation will be given in educational institutions also. When you gave the Communal Award, what did the other communities do? They were helpless. No community asked you to give the Communal Award. You took upon yourself the task of giving this award. You gave this Communal Award, you conceded communal representation, and thereby you have created so much rift, so much disturbance in India. Even in war time, this Communal Award is brought in. What is the result. The Congress passed certain resolutions which are not palatable to you, they are also harmful to you. Why have they done so? It is because of your attitude with respect to this Communal Award. I will not say anything more about this Communal Award.

I want to know from the Honourable Member in charge of this Bill, why he has brought forward this amendment. Does he want to introduce communal proportion in the University also. Is it fair? Is it just, that the Government should at this late stage give up all their previous principles and agree to communal representation in educational institutions also? Are the Government doing this in order to placate one party? If so, then they should plainly say so and I will not mind it. By all means let the Muslims be placated. I can see why the Government are anxious to placate the Muslims at present. The Government see a formidable list of amendments, numbering nearly 70. Is it out of fear for these amendments that the Government want to placate the Muslims? Do the Government think that the Muslims will not move these amendments? They say to your very face that they are not satisfied. They tell you plainly and truthfully that they are not satisfied with half way measures. They do not agree to this. What will you do? Perhaps overnight, you will change your views and accept all their amendments and give them communal representation. Is that right on the part of the Government which says that it is just and doing things equitably? If you feel that is their legitimate due, then there is an end of all fair play and justice. No one can then object. If you want to do it, do it openly. Why come through the backdoor. You accept a little here and then say, we will give you more tomorrow, the day after we will give you still more, and next time you may say we will give you complete communal representation. This is not right. This is not graceful. This should not be the attitude of the Government. By conceding this principle of increasing the numbers, you are adopting communal representation. It comes to that. There is no use of saying, you are giving minority representation. In other words it means that you are conceding the demands of the Muslims. What is the fun of saying by the lips, 'minority representation'. My Honourable friends on that side also would like to have a loaf, one more loaf. Are you going to placate them also. Then there are the Sikhs. I do not find my Honourable friend Sardar Sant Singh. If he had been here, he would also have joined in this scramble. If you want to be just, do not be carried away by these demands, do not be cowed down by any threats or by any trouble that you may apprehend. I therefore beseech the Government not to have this amendment carried, because we are not agreeable to this. The Muslims also are not satisfied with it. They look a gift horse in the mouth. They demand full communal representation and I suppose the Government will yield to them. I may tell the Government plainly that by introducing this amendment they are not doing justice. If the Government want to give communal representation, then let them say plainly. If they do not want to give communal representation, then let the Muslim be told plainly and the amendment withdrawn.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, I am glad that my Honourable friend Mr. Lalchand Navalrai has made the speech he did. He is surprised at the fact that overnight wisdom had dawned on Government and they came out the next morning to do justice. Does my Honourable friend contend that in this world if it dawns on any one that justice should be done, it should not be done. Is

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that his theory? Can that be the theory of any sane person in the world? If justice dawns on anybody, be he Sikh, Muslim or Hindu or a Christian, then he should not come before the House and speak out the truth and say that he will do justice to the man who asks for it? Is that your theory?

Mr. Lalchand Navarai: The Government are not admitting that. I want them to admit the mistake.

Mr. Muhammad Azhar Ali: It is not for me to say whether they admit the mistake or whether they do not admit the mistake. We all know what the Government of India is. Today if we come and express vehemently, strongly, and rightly that in justice and fairness these are our rights, these are the rights of the third party, then is it wrong on the part of the Government to concede those rights? I do not stand here to support the Government or say that the Government is right on this occasion or that occasion. What I object to is that my Honourable friend should say that if justice dawns one evening, then overnight that justice should not be done to those to whom it is due.

I am glad that justice has dawned today on the Government of India although I am not satisfied with that justice. It is only a question of changing their mind, and what they do today perhaps they may not do tomorrow. I submit it should not be done by a Government like this.

Coming to the amendments, there is not one word about communalism; the Government of India do not say that out of the number so many will be Muslims. The whole thing is left to the Chancellor. It is neither this way nor that way, and so I am not satisfied. What I say is that if Government are honest they should recognise the rights of every community, whether Muslims or Christians or any other minority. They ought to say boldly and plainly that so many seats will be given to Muslims but the amendment does not say anything like that. My friends who blame us for communalism should think twice before arguing in that way. There is nothing like communalism in it; we simply ask for our rights. We do not stop our Scheduled Caste friends from asking for their rights. What we say is that it is our right according to our proportion in the city of Delhi. We only ask for our portion.

Mr. Piare Lal Kureel (Nominated Non-Official): Sir, I had no idea of speaking on this University Amendment Bill today but I understood Mr. Tyson was moving a certain amendment and I should like to express my views—the views of my community. In spite of the best efforts of my community and many social reforming bodies the percentage of literacy among us is very low as compared with other communities. What are the reasons for that? That is the first question. The main reason seems to be that the people of the scheduled castes are not represented in educational institutions. They are not given a chance to express their views or to get the grievances of the scheduled castes students redressed. I shall first take up the village schools. What is the condition in these schools? The scheduled castes are still under the bloody clutches of the caste Hindus; their time, their money, their freedom,—everything is in the hands of these people. The spirit of Manu's Code is not dead, and in villages the commands of Manu still regulate the daily life of the people; and as such they are entirely at the mercy of these hydra-headed monsters of superiority and high birth. Therefore all village schools are controlled by the caste Hindus. The scheduled castes have no hand in the management of these schools; how can they have their grievances redressed? The representation of the scheduled castes even on the teaching staff is notoriously inadequate, I may say that it is quite negligible. Let me turn to the city schools and colleges. There the scheduled castes are not represented in the managing committees. The result is that they have to face innumerable difficulties in getting admissions, stipends, scholarships and many other things. I was not a Member of this House before, otherwise I could have brought hundreds of applications which I as the President of the Scheduled

Castes Students Federation received, containing the grievances of our students. There are Hindus to support their own candidates. There are Muslims to support their own candidates.

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

There are Hindus and Muslims to speak for their own candidates but who is to speak for this unfortunate community? Is God coming down to speak for us? It is for the Government to see that the grievances of scheduled caste candidates are redressed; and in this respect my community has got a serious grievance against this Government also because it has failed to safeguard the legitimate rights of our community. I do not say that they have not co-operated in the uplift of the scheduled castes but they have not taken any deliberate steps to ameliorate their condition. I have very serious grievances against the Government. My Hindu friends say we should not be led by communalism. I understand that as well as any Member of this House. But there is no escape from it; the Hindus themselves are responsible for all this communalism that is prevailing in the country, and they must face it boldly. They say we should depend on their sincerity and honesty. We have been relying on their sincerity and honesty for centuries together and we have seen the result; we have been reduced to the position of animals and lifeless objects. Today what is our position? I shall take the case of the Lucknow University and show you how our people are treated there. In 1939 one Mr. Nand Lal, B.Sc. applied for admission into the pre-medical test in Lucknow for admission to the Medical College. Not to speak of admitting him, he was not even allowed to sit at this pre-medical test. The ground was that he had passed his B.Sc. from the Punjab University. How could he help that when his father was a Government servant in the Punjab and he was compelled to live there and have his education in the Punjab? These are the difficulties which the scheduled castes have to face, and how can we believe in the honesty and sincerity of the caste Hindus who dominate in these Councils? Again in 1940,—I shall ask this House to note these facts,—this poor fellow applied for appearing in this pre-medical test. After much hard labour he was allowed to appear, but the minimum marks required for admission into the Medical College are 40 per cent. but this poor fellow secured only 37 per cent. and therefore he was not admitted. In the same year Mr. Onkar Lal, another scheduled caste student met the same fate. Sir, the scheduled castes have taken education very late and it will be long before they are in a position to stand the test of open and free competition. It therefore becomes all the more necessary that their case should receive special consideration. We cannot believe caste Hindus. I will give another instance. This year another student named Narinjan Lal applied for admission into the Medical College and he secured 37 per cent. marks when the minimum required is 40 per cent. He also has not been allowed. I challenge the caste Hindus to prove that they are sincere and honest. And if we bring our cases before them they say, Oh, we must not be led by communalism. Then who is to hear our grievances? We must have our own representatives. My Honourable friend Mr. Tyson has brought this amendment; I am glad he has not mentioned anything about the Muslims. At least he has left some scope for the members of the scheduled castes also to get in as I have said before, the percentage of literacy among the scheduled castes is of course low. There may be other reasons but that is the main reason for this low percentage of literacy. If there are a hundred students seeking admission only two or three succeed in getting it. There should at least be some places given to them and some impetus given, but they have been denied any opportunity to raise themselves. Sir, this is the actual state of affairs. The Scheduled Classes suffer more through lack of opportunities than through lack of capacity for good. If equal opportunities are extended to them, they can produce men of ability and in this respect they cannot lag behind others. If they are allowed and given equal opportunities to get their children

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educated, there will be an enormous reserve of unexploited mental energy and we will witness in India an intellectual revolution vaster in its sweep and magnitude than the renaissance of Europe.

The other day, my Honourable friend, Sardar Sant Singh, said that he does not want separate representation for his community. He is quite justified. His community is sufficiently educated, well placed in society, rich enough to face the open competition. Moreover it holds tremendous influence on the Government, being a martial community. Besides I see that they have got sufficient representation in every branch of administration. They have given proof that they can compete with other people. And the same is the case with Mr. Chatterji who half heartedly said that he did not want separate representation for Christians. I can advance the same arguments. His community is also sufficiently educated, holds influence in the Government and therefore he does not plead for separate representation. He is justified. But what about scheduled castes? They are educationally the most backward community in India. Economically, they belong to the poorest and the most awfully exploited sections of the Indian population. And socially, they are no better than brutes, animals, lifeless objects. And if you are not going to give them separate representation, I fear that there is no hope for the amelioration of their condition.

Sir, I would like to speak again if you, Mr. President, will allow me to do so, but with these words I very strongly support the amendment moved by Mr. Tyson.

Sir, if I may, I would, like just to say that in India if you leave the minority at the mercy of the majority, it would be unjustified. In truly democratic countries the majority must rule the minority, but that majority must be morally efficient to rule over the minority. What is the position in India? Caste is the greatest dominating factor in our social life. People are led by caste considerations. Efficiency has no meaning for them and in such a state of affairs, protection for minorities is the first step towards the freedom of the country.

With these words, I support the amendment.

Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan Urban): Will the Honourable Member tell me if there is no Scheduled Caste representative on the staff of the Lucknow Medical College?

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member wish to speak on this amendment?

Sir Syed Raza Ali: I was just asking this question, because it will help us in our discussion of the question.

Mr. Piare Lall Kureel: I shall be only too glad to tell the House about the state of affairs in this College.

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadan): The amendment which has been the subject of such heated debate is one which, according to some, is the result of justice which has dawned overnight. I have seen cases of justice which have taken a long time. I have never heard of a case in which justice has dawned overnight, except the one which we are now witnessing. All I can say is that it is the result of an inspiration which has come overnight. The framers of this Bill have taken days and days together and they have had consultations covering all the pros and cons of the subject but they did not arrive at a particular conclusion such as the one which is now before this House. I can only say that it is the result of inspiration and not of justice, because the Party which is sought to be placated does not consider it justice according to its standards of justice.

There was a complaint from my Honourable friend over there that it is Manu who is putting them down. Today it is not Manu who holds the field but the Government is playing the role of Manu which enacts measures such as Hindu Intestate Succession Bill.

Now, Sir, coming to this amendment itself, I do not wish to get into the bye-lanes or blind alleys of communalism. It is not necessary for the purpose

of this amendment which, read as it is, does not really refer to any communalism. There is no word which has any reference to it; and why should people have gone out of their way to talk about communalism instead of speaking on the amendment on its merits, I cannot understand? Let me say one thing before I come to the amendment itself. I heard a lot of passionate debate but I have also seen a wonderful feat. There were two hurdles according to the Deputy Leader of the Muslim League Party, but they were such that he could not get over. He has jumped over the hurdles and he does not find any difficulty. He does not oppose the amendment. This amendment being a case of inspiration according to me, and not a case of justice, let me say what my objection to its acceptance is: The original clause runs thus:

"The number of persons to be elected as members of the Court by associations or other bodies approved in this behalf by the Chancellor shall not exceed eight."

This gives a great deal of discretion to the Chancellor. If we had been told the principles under which those bodies or associations could have been considered as approved, one would have that as a guide, but, as it is, who is going to get the representation? I am afraid, it is so ambiguous a clause that it should be strenuously opposed by everybody. If any community finds a support in this particular amendment it is under a delusion. Under the circumstances, when the amendment is not in any way specific they should not support it. It leaves everything to the discretion or arbitrary powers of the Chancellor, and therefore I oppose this amendment.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Sir, I find that wherever there is any mention of the word 'Muslim' it upsets the minds of some Honourable Members. If my Honourable friend Mr. Dam had taken a little trouble to refer to clause 26, he would have found four cases of pure communalism. In that clause there are certain scholarships which are to be given not only to Hindus in general but to Hindu Khatri. Is that not communalism? And there is not only one case, but you will find that the first scholarship is for Hindu Khatri student, the second is for the same and the third is for Hindu lady and the fourth also to Hindu student. Who is responsible for introducing this sort of thing in the 'temple of learning'? My friends should have seen it and taken a lesson from it. For the time being I simply draw Mr. Dam's attention to it and I hope he will have got ample satisfaction by the speeches of my Honourable friends over there.

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

"That in clause 16 of the Bill, in clause (4) of Statute 2 in the proposed Schedule for the word 'eight' the word 'twelve' be substituted."

The motion was adopted.

Syed Ghulam Bhik Nairang (East Punjab: Muhammadan): Sir, I move No. 4:

"That in clause 16 of the Bill, in clause (5) of Statute 2 in the proposed Schedule for the words 'two and four' the words 'four and eight' be substituted."

Sir, on a reference to the clause referred to in the amendment, the House will find that it reads:

"The number of persons to be elected by the elected Members of the Council of State and the Legislative Assembly from among their own numbers shall be two and four, respectively."

If my amendment is accepted it will result in the Council of State getting four representatives and the Legislative Assembly getting eight representatives, instead of two and four respectively, as contemplated in clause (5) now. I think there will be no danger of anything communal coming in if this amendment is accepted by the Government and agreed to by the rest of the House. This bugbear of the imagination, of many people, communalism, is so very wonderful that it upsets the mental balance of many people when it is even remotely mentioned or suggested or hinted at. I was surprised to hear Mr. Dam talking of the last amendment of my Honourable friend Mr. Tyson as introducing communalism. As a matter of fact anybody who runs may see that instead of communalism it only seeks to introduce officialism. Mr. Dam need not have had such a heated talk about communalism and its vices and

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defects and disadvantages and evil consequences over that little thing. "Do we not see now that that amendment leaves everything in the hands of the Chancellor, that is to say, for all practical purposes the representatives who will get into the court, under the last amendment, will be hardly anything better than the so many nominated non-official Members on the Government Benches in this House? Do we not find everyday that in vital matters concerning their community, these non-official nominated Members vote against the interests of their own community, simply because they happen to be nominated by Government? In the same way the associations which will be recognised by the Chancellor as entitled to send representatives under that clause, clause 4, will produce credentials which will be examined according to official criteria and if those associations happen to be in the good books of the powers that be they will get approved by the Chancellor. Therefore the moving of that amendment was really a move in the direction of introducing more officialism, more patronage and more obsequious and submissive members to the court, and to represent the official point of view more effectively. Anyhow, let bygones be bygones; it is no use crying over spilt milk; that amendment has been carried. This amendment which I am moving seeks really to give the Council of State four representatives instead of two, and the Legislative Assembly eight instead of four; it seeks to increase the representation of these two Honourable Houses on the court of the Delhi University, and unless the Government can see some very great danger in importing into the court a larger number of elected members of these two Houses, I think the Government should agree to it. I hope the Members who will get into the Court from that door will be in every way qualified to help in the deliberations of the Court and to assist in the administration of the University. I need not dilate further on that point. I commend this amendment for the acceptance of the House. I move it.

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

"That in clause 16 of the Bill, in clause (5) of Statute 2 in the proposed Schedule for the words 'two and four' the words 'four and eight' be substituted."

Dr. P. N. Banerjee: Sir, I have much pleasure in supporting the amendment which has just been moved by my Honourable friend, Syed Ghulam Bhik Nairang. The plain meaning of this amendment is that the number of members to be elected by the Legislative Assembly will be doubled. At present we from this House send four representatives to the Court. My friend suggests that we should henceforth send eight representatives. That is a just and fair demand and it should be acceptable to the Government. This House consists of representatives of large constituencies, and as such this is a proper constituency for electing members of the Court of the Delhi University. There is also another reason why I support this amendment. The principle of proportional representation by the single transferable vote prevails in regard to all elections from this Assembly and the other House. This is a sound principle and this principle helps the election to other bodies of the minorities.

I am not opposed to the election of minorities although I am opposed to the principle of communal representation. If the minorities can get through this door, this open door of election, I would welcome this step. Besides, I find that a great deal of interest is being taken in educational affairs by the elected Members of this House, and if eight members are elected by this House and four members by the other House, I think there will be an even greater interest in education in future and the persons who will be elected from the Central Legislature will, I am sure, be a welcome addition to the Court of the Delhi University. There is no question of communal representation here but it is right and proper that this House should be represented on the Delhi University in larger numbers. A further ground on which I wish to support this amendment is this. This House makes large grants every year to the Delhi University. The other day Mr. Tyson pointed out that this House makes a grant of 65 per cent. of the total revenues of the University

and that is a very important reason why this House should be represented on the Court of the University better than before.

Mr. J. D. Tyson: I feel that this is essentially an amendment on which we should bow to the feeling of the House itself. I gather that the amendment finds favour, and if my impression is correct, I should be the last person to oppose it.

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

"That in clause 16 of the Bill, in clause (5) of Statute 2 in the proposed Schedule for the words 'two and four' the words 'four and eight' be substituted."

The motion was adopted.

Syed Ghulam Bhik Nairang: Sir, I move . . .

Mr. J. D. Tyson: Before the Honourable Member moves this amendment, on a point of order, Sir, may I ask whether this amendment is in order? May I draw the attention of the Chair to section 18(1) of the Act. That section prescribes the persons and the categories of persons who go to make up the constitution of the Court, and Class III refers to various categories of persons, graduates of the University, persons elected by the teachers, etc. My objection to the amendment which is sought to be moved is that it proposes to add in a statute three new categories which are not catered for in the Act. If we were to accept the amendment to the statute we would be passing a statute which is repugnant to the Act.

Syed Ghulam Bhik Nairang: May I explain? In Section 18(1), Class III, No. (xiii), we have "persons elected by associations and other bodies approved in this behalf by the Chancellor on the recommendation of the Court". My amendment would apparently come under that with only one addition, that these bodies may have to be approved by the Chancellor.

Dr. P. N. Banerjee: That has already been accepted.

Nawabzada Muhammad Liaquat Ali Khan: We have only passed the amendment.

Syed Ghulam Bhik Nairang: Statute 4 originally contemplated the election of 8, or rather not more than 8 persons representing such associations, and now that number has been increased to 12, which does not in any way affect this amendment.

Mr. President (The Honourable Sir Abdur Rahim): If they are approved by the Chancellor, then it would be in order on the recommendation of the Court?

Syed Ghulam Bhik Nairang: Yes.

Mr. President (The Honourable Sir Abdur Rahim): Is not the Arabic College represented already?

Syed Ghulam Bhik Nairang: These bodies are not represented. All of them are bodies not represented. Only one according to the statement of Mr. Tyson, the Jamia Millia has got one representative, but we are seeking representation for them in larger numbers. I move:

"That in clause 15 of the Bill, after (5) of Statute 2 in the proposed Schedule the following be inserted and subsequent clauses be renumbered accordingly . . ."

Mr. J. D. Tyson: Sir, has the amendment been ruled to be in order?

Mr. President (The Honourable Sir Abdur Rahim): What is the Honourable Member reading from?

Syed Ghulam Bhik Nairang: I am reading the amendment.

The Honourable Sir Sultan Ahmed (Leader of the House): We have already passed the amendment that 12 persons should be elected, and now we are asked to add persons elected by associations or other bodies approved in this behalf by the Chancellor on the recommendation of the Court. Under this amendment there are 10, 5 and 5, about 20 people. How shall we fit it in?

Mr. President (The Honourable Sir Abdur Rahim): But it does not alter the scope.

The Honourable Sir Sultan Ahmed: So far as the number is concerned, it will.

Mr. President (The Honourable Sir Abdur Rahim): Is there any limit to the number?

The Honourable Sir Sultan Ahmed: Yes, the amendment we have passed.

Mr. President (The Honourable Sir Abdur Rahim): No doubt 12 has been added, but has the total number of members of the Court been fixed?

The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar (Supply Member): If I may intervene in this discussion, I would draw your attention to section 18(I) of the Act which deals with the categories of persons who may be elected to the Court or nominated. If you refer to section 18(I), Class III—Other members, you will find that item (xiii) says this: persons elected by associations or other bodies approved in this behalf by the Chancellor on the recommendation of the Court.

Now, according to the Statute that we have just passed, the total number of these persons shall not exceed 12. We have just passed an amendment increasing the number from 8 to 12. Therefore the power of electing under this has been exhausted by the amendment which has just been passed.

Mr. President (The Honourable Sir Abdur Rahim): The power is given under the Statute?

The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar: Under the Act.

Mr. President (The Honourable Sir Abdur Rahim): The Act does not mention any limit to the number.

The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar: The amended Statute has just put a limit on that.

Mr. President (The Honourable Sir Abdur Rahim): What is the language of the Statute?

The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar: The Statute says: The number of persons to be elected as Members of the Court by associations or other bodies approved in this behalf by the Chancellor shall not exceed twelve.

Mr. President (The Honourable Sir Abdur Rahim): Then, this will be barred?

Mr. H. A. Sathar H. Essak Sait (West Coast and Nilgiris: Muhammadan): This is clause (4) which we have passed; we are now dealing with another category, which is being introduced.

Maulvi Muhammad Abdul Ghani: We are now dealing with clause 16.

The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar: The next category refers to the elected Members of the Legislature. My point is that so far as this statute is concerned, the number should not exceed 12.

Nawabzada Muhammad Liaquat Ali Khan: In that case, my Honourable friend will move Nos. (7) and (8), which will give only 10. He will drop out No. (6). In that case the number is not exceeded and we are within the limit of 12. All that we are doing is that we are mentioning the Associations and fixing their number.

The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar: Apart from the number, the persons are to be elected by associations or other bodies approved in this behalf by the Chancellor on the recommendation of the Court. Therefore we cannot fix the bodies that are to come in, without the approval of the Chancellor and without the recommendation of the Court.

Mr. President (The Honourable Sir Abdur Rahim): If you place the categories under those heads, then would it not follow that they are to be recommended by the Court and approved by the Chancellor?

The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar: The Associations have to be approved by the Chancellor. The Associations which are given the right to elect members to the Court must under the Act be approved by the Chancellor and therefore we cannot name the associations.

Mr. President (The Honourable Sir Abdur Rahim): Why cannot the Legislature say that such and such associations will send in so many members, subject to the condition mentioned in the section?

The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar: I submit that section 18(I) of the Act is in the way.

Mr. President (The Honourable Sir Abdur Rahim): The Act lays down two conditions—recommendation of the Court and the approval of the Chancellor. If these bodies are empowered to elect, then would it not imply that they are to be recommended by the Court and approved by the Chancellor?

The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar: The Associations must be previously approved by the Chancellor.

Mr. President (The Honourable Sir Abdur Rahim): Then the result will be that the election of these ten persons is subject to the recommendation of the Court and the approval of the Chancellor?

The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar: This is part of the law. The amending law should be in consonance with the main Act. The main Act says that the associations can only be those associations which are approved by the Chancellor.

Mr. President (The Honourable Sir Abdur Rahim): Would it not follow that the election of these persons must be on the recommendation of the Court and approved by the Chancellor. I do not know how it would work.

The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar: Supposing the Chancellor does not approve of that particular association, after having put it in as part of the statute?

Nawabzada Muhammad Liaquat Ali Khan: All these statutes are really meant to give effect to the Act. This time they have come to the Legislature but statutes can be framed by the Court. It was not necessary for them to have come to the Legislature for the framing of the Statutes. Therefore, when this House has been given the function that the Court has to perform, then I think this House is within its right to amend those statutes in any form it likes. I submit that there is nothing inconsistent in these amendments.

Mr. President (The Honourable Sir Abdur Rahim): Does this require the recommendation of the Court and the approval of the Chancellor?

Nawabzada Muhammad Liaquat Ali Khan: As far as the Court is concerned, the effect of this statute will be that it is the recommendation of the Court, because the Court really interprets the Act by Statutes and these Statutes should have been framed by the Court. The Court was entitled to do that.

Mr. President (The Honourable Sir Abdur Rahim): The Associations will have to be recommended by the Court?

Nawabzada Muhammad Liaquat Ali Khan: We are now performing the function of the Court. The Statutes are framed by the Court. Therefore, the Government having come before the Legislature are usurping the power that vested in the Court. I submit that now the Legislature enjoys the power of the court as far as the framing of the statutes is concerned. Therefore, I submit that the only thing that will have to be done after this will be the approval of the Chancellor. If the Chancellor does not approve them, then these two associations will not get the representation.

Mr. President (The Honourable Sir Abdur Rahim): I do not know whether any purpose will be served because even if this category is accepted by the House as it must be recommended by the court.

Nawabzada Muhammad Liaquat Ali Khan: I feel that the Chancellor and the Court will accept this if it is put in here. I do not see any reason why the Chancellor should reject it. These two bodies are not objectionable associations. Therefore, what I submit is that now that we are framing the statutes we are defining the various bodies that are to elect . . .

Mr. President (The Honourable Sir Abdur Rahim): This is not a recommendation by the Legislature: it is an enactment. If it was a mere recommendation, one could understand it. It is an enactment.

Nawabzada Muhammad Liaquat Ali Khan: May I request you, Sir, to ask the Honourable the Law Member to explain what the position is regarding the framing of the statutes?

The Honourable Sir Asoka Roy (Law Member): Sir, I understand the difficulty which seems to have arisen. It is quite obvious that the main Act must govern the statutes. Now, section 18 tells you what the court shall

[Sir Asoka Roy.]

consist of. It says that the court shall consist of the following persons, namely, Class I—*ex-officio* members, and they are mentioned, Class II—life members and Class III—other members. You have got the other members also specified. Sub-section (2) of section 18 says:

"The number of members to be elected or appointed under clauses (xi), (xii), (xiii), (xiv) and (xv), and the tenure of office of members to be elected or appointed under each clause of Class III, shall be prescribed by the Statutes"

So, the Statutes can only prescribe the number of members and their tenure of office. Further, it is provided by sub-section (2) that the mode of election of members to be elected under clauses (xi) and (xii) shall be prescribed by the Ordinances.

Now, Sir, when you come to the Statutes, you find that Statute 2 deals with the constitution of the Court. The first part refers to section 18(1). Sub-section (1) (ix) of section 18 makes mention of "such other *ex-officio* members as may be prescribed by the statutes". In other words, in addition to the *ex-officio* members mentioned in section 18(1), you have in clause (ix) of Class I "such other *ex-officio* members as may be prescribed by the Statutes". You have a long list of *ex-officio* members prescribed by the Statutes.

Let us go back to section 18, sub-section (2) which says that the number of members to be elected or appointed under various classes of Class III of section 18(1) shall be prescribed by the Statutes. You find that provision has been made in the Statutes for the various classes of members who are to be elected or appointed. Clause (4) of Statute 2 deals with "the number of persons to be elected as members of the court by associations or other bodies approved in this behalf by the Chancellor". This has reference to clause (xiii) of Class III of Section 18(1) of the Act. The Act provides that the associations or other bodies are to be approved in this behalf by the Chancellor. You cannot by adding to the Statute say that the following are going to be the Associations or bodies which the Chancellor must approve of. It would be going against the Act.

Mr. President (The Honourable Sir Abdur Rahim): It is not a recommendation, but it is an enactment. Section 18(1), Class III, item (xiii) is the category under which this is sought to be brought. This category is mentioned in parts (6) and (7) of amendment No. 5. But under item (xiii) of Class III the associations which are to elect persons under this sub-clause have to be approved by the Chancellor on the recommendation of the Court. Now, if the Legislature were to adopt amendment No. 5, categories (6) and (7), then it will be laying down something which would be inconsistent with the provision of the Act. I, therefore, hold that the amendment is beyond the scope of the Bill.

Syed Ghulam Bhik Nairang: Sir, I move:

"That in clause 16 of the Bill, in clause (6) of Statute 2 in the proposed Schedule for the word 'fifteen' the words 'sixteen at least half of whom shall be Muslims' be substituted."

Today I tried so far to keep my hands away from what certain sections in this House appear to be so afraid of, namely, communal amendments. Having found Government very obstinately opposed to my last amendment, I have now to make a present of a communal amendment to this Honourable House. We have talked so much of communalism during the course of the debates on this Bill that I think seriously minded people should give a few moments of anxious thought to the root cause of what leads to this much dreaded thing, communalism. After all, is it merely a childish fancy that has prompted us to take to this thing? That we must have communal representation whether it is necessary or not, whether it is possible or not, whether it is liked by others or not? How is it that we have come to this decision? What is really the matter? Sir, we have treated this House to facts and figures during the many speeches that were made by me and by other Honourable Members of my Party. We have shown that our position in the Delhi University is one of utter helplessness, that we are for all intents and purposes

a non-entity in that great body, and it is solely in the interests of higher education of the Muslims that we want a larger and more effective representation on this great body, the Court of the Delhi University.

An Honourable Member: Please speak up.

Syed Ghulam Bhik Nairang: My Honourable friend may rest assured that I am anxious to be heard, I am also anxious to be listened to, and if I feel sure that I shall be listened to, I shall take care to be heard all over the House. I say that merely to complain that we are putting forward the communal point of view again and again before this House is not solving the problem. You should think what it is that makes us repeat our requests in various forms, on various occasions, and with various arguments that Muslims should get adequate representation, effective representation in this great institution, the Delhi University. I have said and I say again at the risk of being charged with repeating the same thing over and over again that it is because we have suffered in the past, we have suffered all these 20 years that this great University has existed and it is because we have felt that our position in the University has been one of a non-entity that we are repeatedly putting forward the same kind of amendments and the same case over and over again in various forms.

Now, Sir, the present amendment which I have moved seeks to amend clause (6) of Statute 2 in the proposed schedule. We proposed to increase the number of persons to be appointed by the Chancellor to 16 and we want that at least half of them should be Muslims. I have moved this amendment in order to secure some representation. I do not mean to say that the mere fact that at least eight persons will be nominated by the Chancellor to the membership of the court will give us effective representation, but anyhow, to a certain extent, our position will be improved, if it is laid down that at least half of the 16 persons to be nominated by the Chancellor shall be Muslims. Originally, it was 15 and I could not ask for half of this, which is $7\frac{1}{2}$ and so I propose to increase the number to 16 and ask for half, that is eight. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved: "That in clause 16 of the Bill, in clause (6) of Statute 2 in the proposed Schedule for the word 'fifteen' the words 'sixteen at least half of whom shall be Muslims' be substituted."

Mr. J. D. Tyson: Sir, I think my Honourable friend was less than fair to us—and this is very unusual in him—he was less than fair to us in saying that he had tried us with non-communal amendments and we would have nothing to do with them—I think he said that we obstinately turned all of them down—and that therefore he must now come with communal amendments. Sir, I must point out that the first of his non-communal amendments I accepted and in the case of the second one, I do respectfully submit that all I did was to prevent the House from making a Statute which would have been repugnant to the Act.

Syed Ghulam Bhik Nairang: If my Honourable friend felt that the amendment was not non-communal, I could have explained a little further, if only I had been allowed to do so.

Mr. J. D. Tyson: But it was not in order. It was no use my Honourable friend explaining it at length.

Syed Ghulam Bhik Nairang: But you wanted to get my amendment ruled out by hook or crook.

Mr. J. D. Tyson: As regards the present amendment, I may point out that it does not do as much for my Honourable friend or his community as the amendment which I hope to move next will make possible, and I prefer my own amendment, for it opens the door for the Chancellor to help not only one community but communities other than that for which my Honourable friend at this moment is speaking. Sir, I cannot therefore accept the amendment.

Nawabzada Muhammad Liaquat Ali Khan: Sir, my Honourable friend the Education Secretary has opposed this amendment on the ground that his amendment is intended to do more for the Muslims and other minority communities than the amendment which has been proposed by my Honourable

[Nawabzada Muhammad Liaquat Ali Khan:] friend, Syed Ghulam Bhik Nairang. I do not know, Sir, how he makes out that it is so. All that he says in his amendment is:

"twenty-five of whom not less than eighteen shall be appointed to secure the representation of minorities not otherwise in his opinion adequately represented."

Sir, I do not know what he means by this.

Mr. J. D. Tyson: In the Chancellor's opinion.

Nawabzada Muhammad Liaquat Ali Khan: If the Chancellor whose ears are the Education Secretary, the Chief Commissioner, the Deputy Commissioner and the Tahsildar and whose eyes are the Superintendent of Police and the Sub-Inspector of Police, if he is satisfied that a certain community is not adequately represented, then he might nominate persons up to the extent of 18.

Mr. J. D. Tyson: My Honourable friend has not done so badly already.

Nawabzada Muhammad Liaquat Ali Khan: My Honourable friend says we have not done badly. Perhaps not in quantity, but in quality, we have done very badly. That is what I fear. What we proposed in all our amendments was that we wanted direct representation, elected representation for the Muslims, and it was with the deliberate intention that the Muslims who go to these various bodies and the Universities should be such who would fearlessly and independently put the point of view of Muslims in those bodies. Sir, what I have to say with regard to the amendment that will be moved by my Honourable friend Mr. Tyson, I shall reserve when it is moved. At present, what I am saying is this, that we do not want to leave our fate in uncertainty. We want that a definite number of Muslims should be on the court of the University. I am not ashamed to say this. I say this openly and fearlessly that we as Muslims do demand a share in every body that manages either the University or any other institution. I am not ashamed to say that. You may call it communalism, this 'ism' or that 'ism'.

Mr. President (The Honourable Sir Abdur Rahim): Now, it is five o'clock. Perhaps the Honourable Member would like to continue his speech the next day when this Bill is taken up.

Nawabzada Muhammad Liaquat Ali Khan: Yes, Sir. I will take sometime more to finish my speech.

STATEMENT OF BUSINESS.

The Honourable Sir Sultan Ahmed (Leader of the House): Sir, when I mentioned the question of further sittings last Monday you directed the House to sit till today and left the question of further sittings to be considered by you this afternoon. When the matter was mentioned by me on Monday last I at least could not realise that the next Monday would be a holiday being the Shab-e-Barat day, and I therefore submit to you and to the House that it is desirable that we should sit tomorrow. (Voices of "No, no".) If, however, the general view of the House is against it the House will have to sit from Tuesday onwards.

Mr. President (The Honourable Sir Abdur Rahim): I believe the House would like to know how long they will have to sit. Can you give us any idea?

Nawabzada Muhammad Liaquat Ali Khan (Rohilkund and Kumaon Divisions: Muhammadan Rural): I cannot answer that question. It is for the Government to say.

Mr. President (The Honourable Sir Abdur Rahim): I believe there is a large section of the House which is opposed to sitting on Saturday next. The House will therefore sit next Tuesday and from day to day until the Government business is finished.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 17th August, 1943.

LEGISLATIVE ASSEMBLY

Tuesday, 17th August, 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. Saiyid Rashid-uz Zaman (Government of India: Nominated Official).

SHORT NOTICE QUESTION AND ANSWER.

BRINGING INTO FORCE OF THE RECIPROCITY (AMENDMENT) ACT.

Dr. P. N. Banerjee: Will the Honourable Member-in-charge of the Overseas Department be pleased to state:

(a) whether the debates in the Central Legislature on the Pegging Legislation in South Africa have been taken into consideration by the Government of India, and, if so, whether any decisions have been reached thereon; and

(b) the approximate date on which the Reciprocity Act Amendment Bill recently passed by the Central Legislature is likely to be brought into force.

The Honourable Dr. N. B. Khare: (a) Yes. Government have taken the debates into consideration. I am not yet in a position to disclose what decisions, if any, have been reached.

(b) Owing to the amendment which was accepted in this House the Act automatically comes into force on the 1st September, 1943.

Dr. P. N. Banerjee: With regard to (a), may I know when the Honourable Member expects that the decision on this question would be reached?

The Honourable Dr. N. B. Khare: I am sorry I cannot give you the exact date, but it would be announced as early as possible.

Mr. Lalchand Navalrai: May I know from the Honourable Member if a copy of the debate which took place in this House on this question has been sent to the African Government.

The Honourable Dr. N. B. Khare: Sir, I want notice of that question.

Mr. Lalchand Navalrai: May I also know whether the question of retaliation which has been debated here has been brought to their notice?

The Honourable Dr. N. B. Khare: I want notice of that question also.

Mr. Govind V. Deshmukh: May I know, Sir, whether the Government has started making any rules to give effect to the Reciprocity Act? If not, why not?

The Honourable Dr. N. B. Khare: The framing of draft rules—both general and particular—has already been taken in hand.

Mr. Govind V. Deshmukh: May I know whether the Government has realized that this is the best time when exports from India of jute bags and import of wattle products from South Africa should be stopped.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is making a speech.

Mr. Govind V. Deshmukh: Sir, I am not making a speech; I am seeking information. I merely want to know whether this is the best time to put an embargo on the export of jute bags and import of wattle products from South Africa?

The Honourable Dr. N. B. Khare: The question does not arise.

Mr. Lalchand Navalrai: On a point of order. May I know, Sir, whether it is proper for the Honourable Members to say that they want notice when the information asked for is within their reach and they have not to gather it from outside?

Mr. President (The Honourable Sir Abdur Rahim): That is no point of order at all.

Mr. Lalchand Navalrai: In what way shall I put it then?

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

MOTION FOR ADJOURNMENT.

FAILURE TO PREVENT EXPORT OF RICE FROM BENGAL.

Mr. President (The Honourable Sir Abdur Rahim): I have received three notices of adjournment motions: from Dr. Banerjea; from Mr. A. C. Datta; and from Mr. Abdul Ghani. They all want to discuss a definite matter of urgent public importance, namely, the failure of the Government to prevent export of rice from Bengal.

Dr. P. N. Banerjea (Calcutta Suburbs: Non-Muhammadan Urban): Sir, may I explain? My adjournment motion seeks to refer to the export of rice from Bengal.

Mr. President (The Honourable Sir Abdur Rahim): I do not want the Honourable Member to make a speech. Does the Honourable Member wish to proceed with the motion?

Dr. P. N. Banerjea: Yes, Sir.

Mr. President (The Honourable Sir Abdur Rahim): I have seen the statement issued by three Chambers of Commerce in Calcutta on the 13th of August as well as the communique by the Government of India which appeared in the press on the next day. I should like to know from Dr. Banerjea when were these exports made and what was the quantity.

Dr. P. N. Banerjea: The exports have taken place very recently.

Mr. President (The Honourable Sir Abdur Rahim): I want to know the dates if the Honourable Member can give me.

Dr. P. N. Banerjea: The exports have taken place after the debate which took place in this House, and in the course of the debate.

Mr. President (The Honourable Sir Abdur Rahim): I do not want any speech. I simply want to know certain facts.

Dr. P. N. Banerjea: I did not catch your words. The news was published on the 14th of August last.

Mr. President (The Honourable Sir Abdur Rahim): I want to know the exact dates.

Dr. P. N. Banerjea: The exact dates have not yet been ascertained. But those are questions of fact which can be brought out in the course of discussion of the subject.

Mr. President (The Honourable Sir Abdur Rahim): Wait a minute. What was the quantity?

Dr. P. N. Banerjea: As regards quantity, there are disputes.

Mr. President (The Honourable Sir Abdur Rahim): I want to know your figures.

Dr. P. N. Banerjea: The four Chambers of Commerce said that a large quantity of rice was exported whereas in the communique it is stated 'very small quantities were sent'. However, those are questions of substance which can only be discussed when the adjournment motions are taken into consideration. These are not points of order. The Chair can rule out this motion only on the grounds mentioned on page 19.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not tell me what the Chair should do.

Dr. P. N. Banerjea: Those are points of substance which should not be discussed now.

Mr. President (The Honourable Sir Abdur Rahim): Order, order. I have seen the statement made by certain Chambers of Commerce recently. In fact since the announcement was made that rice would not be exported from Bengal or elsewhere there was exportation of some rice to South Africa. The statement issued by the Government of India says that only a small quantity.

Dr. P. N. Banerjea: That is a disputable point.

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Mr. President (The Honourable Sir Abdur Rahim): . . . about 727 tons—was exported to South Africa for the use of the Indian seamen—most of whom are Bengalis, I believe.

Dr. P. N. Banerjea: But these are points.

Mr. President (The Honourable Sir Abdur Rahim): Order, order. These being the facts I hold that the motion is out of order.

Dr. P. N. Banerjea: Sir, my motion does not refer to the export of rice to South Africa, but the general question of the export of rice from Bengal.

Mr. President (The Honourable Sir Abdur Rahim): That is the only one that has been mentioned. Then there is another motion by Mr. Datta.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): I do not think I can usefully add anything to it.

Mr. President (The Honourable Sir Abdur Rahim): Mr. Ghani's motion is the same thing.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Mine is about any kind of foodgrains.

Mr. President (The Honourable Sir Abdur Rahim): I hold that the motion is out of order.

THE DELHI UNIVERSITY (AMENDMENT) BILL—contd.

Mr. President (The Honourable Sir Abdur Rahim): Now the House will proceed with the discussion of the clauses of the Delhi University Bill.

I ought to make it clear to Honourable Members who have given notice of amendments that they must themselves be on the alert to move their amendments and rise in the order in which their names appear. They must not expect the Chair to call out the names of the Members.

Nawabzada Muhammad Liaquat Ali Khan (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, before I continue my speech, with your permission I wish to raise a point of order.

Mr. President (The Honourable Sir Abdur Rahim): With reference to what? **Nawabzada Muhammad Liaquat Ali Khan**: With reference to the amendments to the Statutes that we are considering now. It is a general point of order that will cover all the Statutes that we are considering.

Mr. President (The Honourable Sir Abdur Rahim): I do not understand you.

Nawabzada Muhammad Liaquat Ali Khan: I submit that under section 29 of the Delhi University Act of 1922, the power of amendment or addition to, or repeal of Statutes has been given to the Court of the University, and therefore as you ruled the other day, the Legislature will be usurping the function of the Court in amending these Statutes.

Mr. President (The Honourable Sir Abdur Rahim): Does not arise now.

Nawabzada Muhammad Liaquat Ali Khan: I will refer to section 29. You were good enough to remark.

Mr. President (The Honourable Sir Abdur Rahim): You mean as regards recommending certain Associations to the Court.

Nawabzada Muhammad Liaquat Ali Khan: Yes.

Mr. President (The Honourable Sir Abdur Rahim): But that is a different matter. That is in the Act itself.

Nawabzada Muhammad Liaquat Ali Khan: This is also in the Act. Section 29 says: "The first Statutes shall be those set out in the Schedule". Then it says: "The Statutes may be amended, repealed or added to by statutes made by the Court in the manner hereinafter appearing". Then it lays down a very elaborate procedure for the amending of these Statutes.

Mr. President (The Honourable Sir Abdur Rahim): But that does not bar the Legislature.

Nawabzada Muhammad Liaquat Ali Khan: According to this, I submit that the first Statutes can be amended by the Court only, unless the Legislature first amends this section.

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member realize that the whole Act can be amended or repealed by the Legislature, including the Statutes and everything?

Nawabzada Muhammad Liaquat Ali Khan: Yes, that is so. What I submit is that the Legislature cannot do anything against the Act that it has itself passed.

Mr. President (The Honourable Sir Abdur Rahim): I am afraid the Honourable Member is wrong. The Honourable Member can now go on with his speech.

Nawabzada Muhammad Liaquat Ali Khan: Anyhow, I had made a suggestion which might I thought end this debate. But it seems my point of order has not met with favour: so I will continue with my speech.

I was speaking on the amendment that was moved by my Honourable friend, Mr. Nairang; wherein it says that the number "fifteen" should be raised to "sixteen", half of whom shall be Muslims. This refers to the nomination to the Court by the Chancellor. Before the House adjourned on Friday, I was stating that we on this side of the House demand a definite share in the various bodies of the University as Mussalmans. The objection has been raised by the Government that they cannot accept any proposition based on communalism.

Sir, with your permission I would like to refer the House to the Statement of Objects and Reasons which was attached to the Delhi University Bill when it was introduced in 1922. That Bill, if the Honourable Members would refer to it, laid down certain principles which were to govern the Delhi University Bill. One of those principles was that it had provided for communal representation to a limited degree and no provision was made for such representation in the Academic Body. The original Bill had provided communal representation for the Mussalmans and that Bill was based on the Dacca University Act as is stated in the Statement of Objects and Reasons that was attached to that Bill.

Then, Sir, I would refer the House to the Report of the Joint Select Committee on that Bill. The majority report eliminated those particular clauses which referred to communal representation and the reasons are given in the Select Committee's report:

"We have eliminated from this clause the proviso to sub-clause 6 which was designed to secure a certain percentage of Muhammadan members on the Court. We desire it to be clearly understood that our motive is prompted purely by a disinclination to recognise communal dissensions of this nature in statutory provisions. We have no doubt that the Chancellor will consider any deficiency in the representation of any particular community at the time of making his nomination, and will rectify any inequality in so far as he is able."

Sir, the sentence that follows is very significant:

"We earnestly hope that Muhammadans will fully participate in the benefits of the University and that their interest will be represented upon its bodies."

Now, Sir, the Select Committee at that time eliminated those particular clauses because it hoped that the interests of the Mussalmans would be adequately represented on the various bodies of the University. I submit that later events have shown that that hope has been falsified. As I have stated in one of my previous speeches, Muslim representation on the various bodies of the University is very inadequate.

Mr. President (The Honourable Sir Abdur Rahim): I think the Honourable Member has said that before.

Nawabzada Muhammad Liaquat Ali Khan: I was only pointing out that the Government today are saying that they did not like the idea of communal representation. My point was that in the original Bill communal representation was provided for and it was only taken out because the Joint Select Committee expected that those who happened to be in a majority would give a fair deal to the Mussalmans. So, what I submit is this: that now, that experience has shown that the minority has not received a fair deal, it is the duty of the Government to provide statutory provisions for Muslim representation. That is the point that I am trying to make. Then, at that time, in one of the minutes of

dissent, the only Muslim Member Mr. Abdul Kasem who attended the meetings of this Joint Select Committee definitely stated:

"That the Muslim community and the public interested should have a voice in the selection of the Mussalman members of the Court. I therefore suggest that provision should be made in the statutes to the effect that one-third of the members elected by the different electorates should be Mussalmans."

So, from the very beginning, it was in the minds of those who framed this Act of 1922 that Mussalmans should have adequate representation. It would have been provided in the Statutes, I submit, but for the fact that the majority of the members of the Select Committee thought that the Mussalmans will receive a fair deal from the majority community. This experience of twenty one years has shown that the Mussalmans have not received their due share in the various bodies that administer the University of Delhi. Therefore, I submit that it is the duty of the Government now, after this experience of twenty one years to make adequate provision that Mussalmans will be adequately represented on the various bodies of this University, and I submit that their excuse that they cannot countenance any communal representation is a very lame one.

Mr. President (The Honourable Sir Abdur Rahim): All that has been said already.

Nawabzada Muhammad Liaquat Ali Khan: That is so, but I cannot impress this fact too much upon this Government. That is why I have to rub it in all the time, in the hope, which seems to be hoping against hope, that sometimes some wisdom may dawn on them.

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

"That in clause 16 of the Bill, in clause (6) of Statute 2 in the proposed Schedule for the word 'fifteen' the word 'sixteen' at least half of whom shall be Muslims' be substituted."

The motion was (after the Chair had asked for a show of hands) negatived.

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

Sir, I move:

"That in clause 16 of the Bill, in clause (6) of Statute 2 in the proposed Schedule for the word 'fifteen' the following words be substituted, namely:

"twenty-five, of whom not less than eighteen shall be appointed to secure the representation of minorities not otherwise in his opinion adequately represented."

The amendment itself requires little explanation. It aims at increasing the number of those who come to the Court by the direct intervention of the Chancellor, but is framed in such a way that the Chancellor shall be bound to use eighteen at least of the nominations to give representation to minorities. Of the present number of fifteen, seven of the Chancellor's nominees are Muslims. To judge from the names of the other eight, I am doubtful whether any other minority, as such, is represented. The present amendment, if adopted, will pointedly bring to notice the claims to consideration of other minorities. At the same time it should afford an opportunity for a substantial addition to the Muslim element in the court. I am well aware that there are quarters in this House where the principle of nomination is not favoured and where any addition to the nominated element will be unwelcome. But the principle of nomination to the Court or to the corresponding body of a university is found in the constitution of at least thirteen Indian universities. Out of the total numbers in Courts or Senates, which vary between 100 and 150, I find that the Chancellor nominates—in Madras as many as 30, in Bombay 40, in the University of the Punjab 60 out of 75 ordinary fellows, and in my friend Dr. Banerjee's University of Calcutta, 80 out of 100 ordinary fellows. In Delhi, if this amendment is adopted, the nominated element will number 25 out of about 135 members of the Court; and in increasing the number from fifteen to twenty-five, we propose to bind the Chancellor to restrict his choice for three-fourths of that number to members of minority communities whose improved representation, I am sure, will generally commend itself to the House as a laudable aim.

The Honourable Member from Sind, Mr. Lalchand Navalrai, asked me pointedly when I was moving my amendment to clause (4) of Statute 2 whether

[Mr. J. D. Tyson.]

Government had changed its policy during the debate on the Bill and whether it was now the policy of Government to introduce communal representation into education. The reply to that is "Yes and No". The Bill as introduced was for a limited purpose. We had no intention at that time of taking up matters of representation at all in this Bill except so far as was necessary for the very limited purposes of providing for women and professors in the Executive Council of the University; nor was any question of representation of communities raised in the second reading debate before the Bill went to Select Committee. The matter, however, has been raised, and indeed given prominence, in the subsequent debates. While we have not in this Bill been able to accept the remedy put forward by the Party opposite, we have felt that the elected bodies in the University do not reflect the numbers and weight of the various communities, and we are now taking the opportunity, though it was, I grant, not within the ambit of our original limited purpose, to do what we think is the fair thing. To that extent, out of deference to feelings not confined to one quarter of the House, we have expanded the original very limited purposes of the Bill, and the answer to that part of Mr. Lalchand Navalrai's question is, if I may say so, a qualified affirmative. We do not, however, regard ourselves as "introducing communal representation" into the Delhi University Act by the mere expansion of provisions which are in the Act already. As regards the suggestion that we have introduced these amendments to placate any Party in the House, I would only say that in deciding to introduce these amendments we had no reason to suppose that we would placate any one. Honourable Members who listened to the very earnest maiden speech of Mr. Piare Lall on Friday, will realise that these two new amendments which I have moved have the goodwill of certain persons in the House. On the other hand, I see that my Honourable friend, the Deputy Leader of the Muslim League Party, has come down to the House in "battle dress" armed with further amendments. We are not moving these amendments because we expect to placate any particular Party, but because we are not satisfied with the present position, and we consider it the best thing and a fair thing to take the opportunity open to us to do something to remedy it. My other amendment directed to this end was stigmatised by the Party opposite as a wishy-washy thing, a "milk and water" measure. I hope the House will find more spirit in the present amendment, though I hesitate to commend it on that ground to my Honourable friends of the Muslim League Party.

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

"That in clause 16 of the Bill, in clause (6) of Statute 2 in the proposed Schedule for the word 'fifteen' the following words be substituted, namely:

'twenty-five, of whom not less than eighteen shall be appointed to secure the representation of minorities not otherwise in his opinion adequately represented'."

Nawabzada Muhammad Liaquat Ali Khan: My Honourable friend, the Education Secretary, is perfectly right when he says that his amendment cannot satisfy the legitimate demand of the Mussalmans.

Mr. J. D. Tyson: Those are not my exact words.

Nawabzada Muhammad Liaquat Ali Khan: The language may be different but the meaning is the same. My Honourable friend has referred to battle dress. It is perfectly true. Our battle like our dress is clean, pure and spotless, and there is no camouflage about it. My Honourable friend has stated that this is one of the methods by which the Government think that some justice will be done to the Mussalmans as far as their representation on the Court is concerned. It reminds me of that well known saying:

"Gur khayin aur gulgon se nafrat."

I do not know how to translate it into English, but I am sure my Honourable friend has been long enough in this country to understand what I have stated. Government recognise the fact that Muslim representation is inadequate on the various elected bodies. They recognise that some Mussalmans are needed on the Court of the Delhi University, but they do not accept the method which we

suggest, a method which would satisfy the Mussalmans and would give them an effective representation on the Court. I do not wish to cast any reflection on the Chancellor, but as I have stated before, it is not the Chancellor who knows what type of people and what kind of people are being nominated to the Court. He does not know the individual qualifications of various persons. In the end it would really be some others who would recommend to the Chancellor for these nominations. And at the time of nominations it is a well known fact that other considerations than merit weigh when this question is dealt with. Like his other amendment I do not wish to oppose it, but I wish to make it quite clear that what we have been fighting for and will continue fighting for till this Bill is finished is representation of Mussalmans by people who would fearlessly and boldly put their point of view before the various bodies of the University, which I am afraid will not be possible under the provision which is sought to be made by means of this amendment.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): I oppose this amendment on two grounds. In the first place, I am opposed to the policy of increasing the power of Government over the Delhi University. If this amendment is accepted Government will have greater power over the Delhi University. Instead of 15 members they will have on this body 25 nominated members. And what sort of men are these members likely to be? They will not be men who will be able to show courage and independence, nor would they necessarily be men who are experienced in educational affairs. It is possible that these men will be nominated because of their subservience to Government officers, in that view of the matter I think the Government should not be allowed to extend its power over the Delhi University. My Honourable friend Mr. Tyson pointed out a few minutes ago that in almost all the universities the system of nomination exists. I admit that in the Calcutta University the Chancellor nominates a large number of members of the Senate but this he does in accordance with an Act which was passed nearly 40 years ago. A great deal of water has now flown down the Jumna Bridge and we should no longer take steps which were found to be necessary in 1904.

But there is also another ground on which I oppose this amendment, and that is that the Government is seeking to introduce communal representation by this amendment, although in an indirect way. I am one of those who think that the Delhi University should have a proper representation of all persons who are interested in its affairs. If in the past the minority communities have not had their due share in the different bodies of this University, the fault does not lie entirely with the major community. It has been due, it seems to me, to various causes. The present situation has been due as much to lack of interest, to backwardness in education and to other factors on the part of the minority communities as to want of foresight and lack of a proper appreciation of the changed circumstances on the part of the majority community. Now, the time has come when the majority community should adopt a more enlightened policy towards the minority communities and minority communities should also give up their policy of exclusiveness. That is the way to mend matters in the University. That is the way to create a better atmosphere in the University and for that purpose I wish to offer a concrete alternative suggestion. I should like to refer to the amendment of which notice has been given by my Honourable friend Pandit Lakshmi Kanta Maitra to the effect that 10 members may be co-opted by the Court. Now, Sir, if instead of the Government amendment the amendment of my friend is accepted I am sure there will be greater spirit of accommodation and greater attempt to arrive at a mutual understanding between the different communities. That would be a better and more healthy method of dealing with the question of minority representation than the method which has been proposed by my Honourable friend Mr. Tyson.

Sir, the different communities will have to live in India

Mr. President (The Honourable Sir Abdur Rahim): You need not go into all that.

Dr. P. N. Banerjee: If I am not allowed to develop my own arguments, I

[Dr. P. N. Banerjea.] will leave my place here and now. This morning you treated me very badly. I am not going to stand all this. If you will not allow me to develop my argument, how can I speak? I did not say a single word which was irrelevant.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member did not even hear me. I said that these general considerations are out of place when this particular amendment is under discussion.

Dr. P. N. Banerjea: These general considerations are not out of place. I want to refer to these considerations in order that I may develop my argument. If you will not allow me to do that, there is no use in my sitting here. We will all walk out.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better proceed with his speech, if he wants to say anything more on this amendment.

Dr. P. N. Banerjea: I was saying that the different communities in India will have to live together; and in order that they may live together peacefully and secure the progress of the country there must be mutual give and take. We want this particularly in the educational sphere. That is my own view, and that is the view of my Party, that there should be educational progress not only for the majority community but for all the minority communities. Therefore, I suggest that the Government should accept the amendment of which notice has been given by my Honourable friend Pandit Maitra and withdraw their own amendment. If that is done, the members of the Court will sit together and find out whether the different communities have been properly represented or not, and in a spirit of accommodation they will help the admission of more members of the communities which have not been properly represented. They will try to rectify inequalities. This method will be of very great use to the educational advancement of the country.

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa: Muhammadan): I do not want to take up much of the time of the House in discussing this. We find ourselves rather in an uncomfortable position when we see that the amendment which has been moved by the Government does not really satisfy any part of our demands. As the Deputy Leader of my Party has made it definitely clear, what we want is the representation of our people through our people who would have more courage and strength and take a more independent view on questions relating to Muslim education. However, we do not object to the amendment moved in the present instance and I must confess to a feeling of surprise that Dr. Banerjea has tried to oppose this amendment on the plea that it accepts communal proportion in that body of the University Council. Every one of us in this House and outside the House knows that in this country the communal issue has been the most predominating issue of the time and in all organisations, whether political or educational, we take our stand according to the colour we have in the matter of religion. The Honourable Member Dr. Banerjea had to admit that he does not mind if the Members of the Court, sitting together, nominate people to see that the disproportionate representation of a certain community which has not been able to get in by election is remedied, which means that he also concedes that point, of communal representation except that he tries to make the authority for making the choice somebody different from the Chancellor of the University. I do not know how far my Honourable friend Dr. Banerjea can take his stand on that issue. He has himself agreed to the principle. The only difference now is that he should have a wider choice. We say that we should have the right of choice and the Mussalmans should be able to send their own men. Dr. Banerjea feels that the members of the Court should have the right of choice and if they find that a certain community has not been adequately represented, they should co-opt members from that community and thus get them represented there. Government has come with an amendment to the effect that that choice should be in their hands. If they find that the representation of the minority communities, not only the Muslims but others as well, is not adequate, they will make that representation

good by their nomination. I am not very much against this amendment but, as I said, it does not satisfy us as much as our amendment would have satisfied had it been accepted by the Government. With these few remarks, I take my seat.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, the Bill, as it has emerged from the Select Committee, wants 15 members to be appointed by the Chancellor on the Court. The amendment that was put in by the Muslim League Party wanted that the number be increased to 16, half of them should be Muslims. The Leader of my Party has referred to an amendment which has been put in by my friend Pandit Lakshmi Kanta Maitra. That amendment seeks to increase the number of members by 10 but not by nomination by the Chancellor but by co-option by the Court.

Now, let me, first of all, try to point out what is the effect of these amendments. Originally, they did not ask for 15 members with a view to give any representation to any minority community, but the amendment of the Muslim League required that it should be on the communal basis. The other amendment that has been put in by Pandit Lakshmi Kanta Maitra does not say that these 10 members who have to be appointed should be appointed on the ground of giving representation to the Muslim community. It is a general amendment requiring 10 members. Therefore, my Honourable friend Mr. Muhammad Nauman cannot assume that the Leader of my Party is more or less conceding the communal representation. Our Party is opposed to communal representation. Not only in this case but in all other matters communal representation should now cease. It has lived long and it should now die out. Unfortunately, it is not dying out even from the University and the educational sphere where on the contrary it is being created. We say that it should be stopped. There should be no communal representation in the sphere of education. That is my humble submission which I have been making from the very beginning.

Now, I come to the remarks made by the Honourable Mover of this amendment. The reply that he gave was 'yes' as well as 'no'. That is blowing hot and cold at the same time. I do not think that should be the policy of the Government. I also find that the Muslim League Party is also blowing hot and cold. Whenever they ask for communal representation, they should not say that they would be satisfied with a lesser number and they should not accept any amendment which would give them a lesser number. On this point, they are not formidable; they are lukewarm. Therefore, I say that the reply from them is also 'yes' and 'no'. What I maintain is that there should be either communal representation or no communal representation. We say that communal representation is very pernicious and therefore it should not stand any more in any sphere.

Now, Sir, coming to the amendments themselves, I am against any nomination being made by the Government. I have already had a taste of that nomination in the Delhi University when my resolution was put in the University Court with respect to this three years course. I know what the situation was at that time. I looked all round and I found that there were professors, graduates and such other persons who have something to do with education and they were all under the control of the Educational Commissioner and also under the control of the Vice-Chancellor. Therefore, they did not show that courage which they otherwise would have shown. They did show that courage when the matter was decided by ballot. That is a proof to show how things are being done in the University when there is Government control and when persons are being cowed down. If you are adding to them the nominated members, which would be in the hands of the Vice-Chancellor, what do you expect they will do? They will all lean on the side of the Vice-Chancellor and the Government. Therefore, I am against any nomination. So far as co-option is concerned

Mr. President (The Honourable Sir Abdur Rahim): The question of co-option is not under discussion now.

Mr. Lalchand Navalrai: This amendment is certainly for nomination, but I wanted to show that any increase by nomination or by co-option by the Government or by the Chancellor should not be allowed as it will give rise to communal representation. I submit that so far as the Government attitude is concerned, Mr. Tyson says that the Government are not following a communal policy.

12 Noon. But my Honourable friend will excuse me if I say that in practice he is introducing communalism, though by lip profession he says, Government are not introducing communal representation. If the numbers are going to be increased not for the purpose of helping the minorities but for other purposes, that is a different thing. If you say that you are not going to help the communities on the communal basis, still you want to help the minorities for that purpose. Who are the minorities in India? The most important of them are the Muslims, they are the greatest in numbers. The other day an Honourable Member Mr. Piare Lall came forward and made a vehement speech asking the Government to support the Depressed classes, and Government say that that moved the Government. Was this speech made before or after the change of policy? It cannot be therefore said that he has moved the Government. I submit that their interests are already vouchsafed properly. The Muslims and other minorities feel that the Government can be cowed down and be made to side them for their own purposes. They take advantage of it and the minorities cry for more and more rights. When the minorities are given something, they say they want more and more. In like manner, the Depressed classes also from time to time put forward their claims, following blindly the example of the Muslim League. I submit the Depressed classes ought to be thankful that they have got a full-fledged and most able man on the Treasury Benches from their own community. What more do they want now? Their interests are quite safe. It is all lip assertion to say that a thing is going to be done not on account of Muslims but for Depressed classes. It is all wrong. My humble submission is that this is only change of policy to placate Muslims. The Muslims again come by the back door. (Interruption.) If you want to come by the front door, by all means do it. You are however refused there. Not that you should always come by the back door. That is wrong on your part. If you want to come by the front door, do so. But if you fail to come by the front door, then you should not say "I do not mind the back door. Give us something". This is not right. This should not have been done. It lowers the prestige of the Government when owing to some pressure in the shape of a large number of amendments or owing to some long arguments which they are confronted with, the Government yield and agree to change their policy slightly, which I call, 'yes and no' policy; the Muslims then come forward and demand something by the back door. I warn the Government that if they agree to this, they will have to agree in the case of others also. That will not be a good policy. Nor will it do Government any credit.

Qazi Muhammad Ahmad Kazmi (Meerut Division: Muhammadan Rural): Mr. President, I have been carefully listening to the speeches of my Honourable friends Dr. Banerjee and the Leader of the Muslim League Party and the one conclusion to which I have come is that representation of minorities in the Delhi University is not resented by anybody in this House. But the question is, is representation of minorities communalism? Is representation of a particular community, communalism? Is representation of the majority, communalism? The Government admit that the minorities should be represented. Now, Sir, the representation of minorities in educational service is to be according to a certain ratio—Muslims, Hindus and other communities. It may not be in the University itself. But to say that in the whole education Department, we have not got representation of minorities is baseless and absolutely wrong. Rights of Minorities are being considered, whether they be Muslims, Depressed classes or Sikhs, they are all being represented today in every walk of life, in every Department of Government, in Education Department, in military services and so on. Why should we pick up quarrel over

things which exist and which we admit do exist today. Sir, in the very beginning when the Delhi University Bill was brought forward, I had a talk with my Honourable friend Mr. Lalchand Navalrai and I was impressed with his arguments that officialism was being increased by the present Bill. They want to give greater powers to the Chancellor and I was opposed to it on that ground. But today if we analyse the position, who is responsible for increasing this officialism in the Delhi University? Is it the Muslims or the Hindus or the Government? The Muslims demand that a particular representation should be given them in the Delhi University. Our brethren the Hindus concede that minorities may be represented, but that they must be represented not by the front door but by the back door. What is the result? The result is the Government are in a very safe position. They come forward and say, we will nominate. Our Hindu brethren come and criticise this back door policy of the Government. Yes, it is a wrong policy. I am not sure that the Muslims will be really represented on the Delhi University by the proposed amendment. It will be at the sweet will and pleasure of the Chancellor to nominate whomever he likes. Do we not know how Muslims are nominated in this House? Are the Muslim nominated Members in this House the same as the Members of the Muslim League? Take for instance the Hedjaz pilgrimage question. The Muslim nominated Members did not vote for the Resolution that arrangements should be made for the pilgrimage to Hedjaz. Can the nominated Members act independently of the Government? We have got to look to our constituency? The nominated Members have got to look to their constituency. They fully represent the constituency from which they come. I give credit to my Muslim brethren who are nominated. Really they have got the good of their constituency at heart, just as we have got the good of our constituents at heart.

The Honourable Sir Sultan Ahmed (Leader of the House): I do not think they supported the Government on that either.

Some Honourable Members: Yes, some of them did support the Government.

Qazi Muhammad Ahmad Kazmi: At least they did not support us. Anyway, it is useless, it is camouflage and this camouflage, we want to remove. We want to finish this officialism once for all. How can we finish this officialism? Only if we agree today that so many Muslim Members are to be represented in the Delhi University, then all nominations will go away. If we agree that so many persons of the depressed classes should be represented on the Court of the Delhi University, the whole thing vanishes. We fight among ourselves and give a handle to Government and both of us complain that officialism is increasing. No one is satisfied, but Government also can say with justice that they cannot satisfy us because if they give representation to one side there is clamour on the other, and so as they cannot placate everybody they will reserve the power of nomination and consider the needs of the communities which are most vocal. And then the Chancellor will nominate them. It will not be in the hands of Government or of the Honourable Member in charge, but in the hands of the Chancellor or the Vice-Chancellor who is not even present here during this debate. We are today giving power to a gentleman whom we do not know and as such in whom we can have no trust. And this is being done only because we shirk the clear representation which is demanded by the Muslim League. The demand may be too big or too great but it cannot be met by either giving power to Government or giving the power of co-option to the members of the Court instead of to the Vice-Chancellor. So my humble suggestion is that it will be to the interest of the university and of doing away with communalism that a certain proportion of Muslims should be admitted to the university. Will the Chancellor or Vice-Chancellor consider the case of Muslims? He will only nominate persons with whom he has come into contact. There are no qualifications for persons to be nominated; therefore we do not know what sort of nominations will be made.

[Qazi Muhammad Ahmad Kazmi.]

I say that the adoption of any system of nomination is a definite denial of representation to minorities. It only creates a vicious circle which goes on continuously. Therefore it is time for us to understand this complicated position and instead of shirking the representation of minorities in the name of communalism we must admit it and avoid officialism and nomination of Members by Government.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Sir, we Mussalmans do not want anything which we are not ready to give to others. That has been our policy always; we do not want to be unjust to others while demanding our own rights. There is a feeling among certain people that Mussalmans while making their demands want to be unjust to other communities. But I can assure them that there is no such idea and we do not want to encroach on the rights of other people or introduce communalism in the working of the university. On the contrary we think the university cannot function properly without adequate Muslim representation on the various bodies, and education in Delhi as a whole cannot improve unless all the sections of the population of Delhi are represented there. My Honourable friend Mr. Tyson has made one thing clear that he recognises this principle; though he has enlarged the number of nomination, it will not satisfy the Mussalmans. Certainly it will not satisfy them and his amendment falls far short of their demands. Apart from the point that nominated members cannot be as alert as to the education of Mussalmans as the elected members, I will point out that in the Government of India services we had this principle that 33 per cent. of seats were reserved for minorities; which after some fighting 33 per cent. of posts were reserved for all minorities. The result was that after some time whenever a post fell vacant and went to some member of a minority community, a large number of people wanted to be included among the minorities in order to get these jobs, and the list was added to every year. Sikhs, Anglo-Indians, Parsis and others all came in, then Jains and others also were included and the Mussalmans got only one out of eight. Representations were made to Government and in 1933 or 1934 we had a discussion with the then Home Member and the Home Secretary,—both of whom later became Governors of my provinces—and they agreed that this giving of 33 per cent. to all minorities would not secure due representation for Mussalmans; and the principle was changed. Now by saying that 18 seats will be given to minorities I am not sure how many will go to Mussalmans and how many candidates will spring up from other minorities. Many communities will call themselves minorities and will demand representation. My Honourable friend Mr. Tyson said that at present out of 15 seats seven have gone to Mussalmans but I do not know how many out of 18 will go to them. Therefore it does not satisfy us to include Mussalmans along with the other minorities. I do not want to compete with the other minorities; I want to secure for them their due rights at the same time as I fight for my own rights.

It is a pity that my Honourable friend Mr. Lalchand Navalrai gave a lecture to the depressed classes who number 8 millions. He said, what more do they want when they have got a stalwart and well-fed man on the Treasury Benches. He thinks the claims of these depressed classes have been thereby met and nothing more is wanted. It may appeal to him but it does not appeal to Mussalmans. I do not want these 8 million people who are called the scheduled classes to be excluded on any ground whatever. Their rights should surely be preserved and their education should be given an impetus when they cannot support themselves. If they have not been able to get proper education it is the duty of Government and of the country to give them that education and thus bring them up to the same level as that of other communities. My friend, as a Caste Hindu, would not like to see them come up to the same level. But I belong to a community and religion which makes no distinction between an Arab and an Abyssinian: Bilal, who came

from the community which were called "slaves" at that time, was as much respected as any of the Hedjazis or even an aristocrat Quraish. We think that this community deserves proper education and in order to give them an impetus they must have representation in the different educational institutions.

My Honourable friend also said that so many depressed class people are coming forward now because there happens to be one Depressed Class Member on the Treasury Benches. He will find that dozens will come to the Education Department if proper representation is given to them in the Delhi University Executive Council.

Mr. Lalchand Navalrai: They will get everything on merits.

Sir Muhammad Yamin Khan: But you have to create that. You have been keeping them away for so long and you have disallowed opportunities to them. You have to develop their merits. When you can touch an animal and do not mind it, but you do not allow a man, who is definitely superior to an animal, to come near you, how can such a man come on merits. Sir, on this point I do not think any more comments are called for.

Therefore, Sir, I do not want that the Muslim representation should be mixed up with the Depressed Class representation; I want that to be given separately. The Government should openly tell us on the floor of this House as to how many out of the 18 seats will go to the Muslims. And while we are fighting for our own rights, we are not ignoring the rights of other people. We support them also, but we want to assure ourselves that we will get our due share. Mr. Navalrai's point is: don't allow the Mussalmans to come from the front door; don't allow them to come from the back-door; close the room from all sides and let me be in possession of the whole room.

Mr. Lalchand Navalrai: I will keep the door open for merits.

Sir Muhammad Yamin Khan: I have been in this House for the last 23 years and I have listened this question of merits and demerits so many times. They do not appeal to me at all. They may appeal to novices who may be lured by these expressions, but I have grown too old for them. There are no hard and fast rules to judge merits; the rules are changed to suit the circumstances. I can give you an example, Sir. A job was advertised by one department. Many candidates turned up. One of them was a Muslim graduate and others were Matriculates. This Muslim was not taken on the plea that the job carried a salary of Rs. 30 and he would not stick to it.

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

Sir Muhammad Yamin Khan: On the next occasion for another job there were graduates belonging to the other community but there was one Muslim Matriculate also who applied. He was discarded because 'he was only a Matriculate' and there were other better qualified candidates available. So, you can see that these rules are made and unmade for particular occasions. You can find qualifications and merits as you may choose to judge. A man wearing coloured glasses will see everything of the same colour. One person may be judged as fit by one man but he may be judged as totally unfit by the other. But the man is the same. I remember an I.C.S. friend of mine once told me that it was very difficult to get good marks in Economics. He said, "when I was tested by my own college I got 99 per cent. marks, but when I sat for another examination and was examined by somebody else I got zero." How strange! The same man gets 99 when he is tested by one man and zero when he is tested by another. So, merits are nowhere.

Coming to the question of education: What kind of qualifications will you prescribe for them? M.A., D.Sc., or Ph.D., or what? There may be many people who have had no degrees and yet they have devoted their whole time to the advancement of education. I think they are better qualified than M.As., D.Sc.s. and Ph.D.s. Academic qualifications do not count for much when you have to do public service, because in public service only those people can contribute something who have got love for their work, who can devote time to the work, irrespective of what they lose: time, health or wealth. That is the chief qualification. If my Honourable friend thinks that the Muslim

[Sir Muhammad Yamin Khan.]

community is lacking in that spirit, he is mistaken. There are thousands of Mussalmans who are devoting their time everyday in this City of Delhi for the advancement of education among Mussalmans and they take interest in that. They may not be those who have had their education in Germany, America or England; they may not have got degrees from there. But, let me point out, Sir, that in many cases I have found that even Government ignores these qualifications and do not take this into account. Can it be said that the Education Members have always been the highest qualified and degree holders of foreign Universities? No. Anybody can be an Education Member. Then how can you fix any particular qualifications for those who are to be represented on the Court of the University. That does not appeal to the minds of sensible people. Of course my Honourable friend, Mr. Navalrai, has made an exhibition of what may follow when the Round Table Conference of the people is convened to frame the Constitution.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member should confine his remarks to the amendment under consideration.

Sir Muhammad Yamin Khan: Very well, Sir. I think this amendment falls very short of the demands of Mussalmans, and the Government should explain the position carefully and say how much they would reserve for Mussalmans and how much they would reserve for other communities.

I do not oppose it simply because a Muslim can come through the back-door if he is not allowed to come through the front-door. Whatever may be the case, I do not want such Muslims, to be nominated whose names may be used to have vote with the Government as representing the Muslim opinion, while they will vote only to please some official. It is not the political department. It is not the place where votes should be the main consideration. We want people who can speak for the Muslim community and whose views may be the same as of the Muslim community outside and who may have the strength to speak in the Court what they feel for safeguarding the rights of the Mussalmans. We will not like that class of men whom the Government may make use of and then say to us: 'Look here, this is the Muslim view' just because you had these members represented there. With these words, Sir, I resume my seat.

The Honourable Sir Sultan Ahmed: The question be now put.

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

"That the question be now put."

The motion was adopted.

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

"That in clause 16 of the Bill, in clause (6) of Statute 2 in the proposed Schedule for the word 'fifteen' the following words be substituted, namely:

'twenty-five, of whom not less than eighteen shall be appointed to secure the representation of minorities not otherwise in his opinion adequately represented'."

The motion was adopted.

Rao Bahadur N. Siva Raj (Nominated Non-Official): Sir, I move:

"That in clause 16 of the Bill, to clause (6) of Statute 2 in the proposed Schedule the following be added at the end:
'three of whom shall belong to the Scheduled classes and two shall be representatives of Labour'."

Sir, the object of my amendment is to secure representation particularly in the Court of the Delhi University, for interests which otherwise can never hope to get represented in the Court. It has also got a double objective. It is not merely to secure the interests of scheduled classes as a minority but it also seeks to secure representation of labour as such. We have had today a number of speeches indicating to us the desirability or the necessity of having universities which ought to be based upon a communal representation. I perfectly well agree with the point of view of those who express that communities ought

to get representation even in university bodies. From my experience as a Member of the Senate of two Universities in Madras, I can assure Honourable Members of this Government and also the Honourable Members of this House that so far as the communities were concerned, fair representation was secured. It may not be necessarily in accordance with the wishes of the various communities which sought representation. As a matter of fact, irrespective of the fact whether a person was a Muslim or a Hindu, it was always possible in South India for us to do the right thing. In fact, one of the Honourable Members of this Government, the Member for Posts and Air, was a gentleman who not only occupied various positions in the Senate and the Syndicate of the Madras University but was ultimately elected by us as the Vice-Chancellor of the Madras University. Things, however, seem to be going a different way in these parts. So I feel that I shall have no sympathy whatsoever with the point of view expressed by Dr. Banerjea and my friend Lalchand Navalrai in regard to the method of securing representation by what is called co-option by the Court or by any other such method.

I have always mentioned in this House that whenever the Government talks of efficiency, their efficiency seems invariably limited to one class of persons. In most instances I have seen that the Government admit the efficiency of the white skin: in the case of the dark skin, the efficiency is slightly less. Whenever, the Hindu talks of efficiency he talks of the efficiency in public examinations, whereas all these ages he has reserved to himself every possible opportunity of education and every possible opportunity of study, and what is more they have taken steps to see that practically all the examiners are Hindus themselves: and then they ask everyone else to sit for competitive examinations. Therefore, efficiency in this way is sought to be an obstacle to the claims made by smaller communities to the various bodies. However, times have changed. It is too late in the day to obstruct seriously the claims of minorities in any body.

I have always had the advantage of enjoying the sympathy and the support from all quarters of this House whenever I had to represent the claims of my community. So I have no doubt whatsoever that even on this occasion this House will not refuse me that indulgence.

I am afraid, Sir, that not anticipating what the Educational Secretary was going to do, I unfortunately put "three of whom shall belong to the Scheduled Classes." That "three" was to be out of the original 15 that was mentioned. Now I should like to increase it to five if Mr. Tyson will not object; I would also ask for the representation of labour. While we are talking all this time about our universities and that universities have got a tendency on account of these representations to become communal only instead of being cultural as one would like to have it, we must not also forget that the times are coming when we are really going to have workers in universities; and if some of the statements made by the world statesmen, like Mr. Churchill and others, are true, that this war is being fought on the labour front, it is very very essential that the interests of labour ought to be protected. It is not something out of the way or unnatural for a university to take up the education of workers. As a matter of fact the University of London instituted a committee in the year 1910—a committee of the Board of Education which went into the question of the education of the working classes, at least by way of what is called extension lectures or tutorial classes. And it is very happy to find that the report refers to the fact that if there is any hope for people to spread real education, the acquisition of knowledge for the sake of knowledge, and the acquisition of the university spirit and university culture in the sense of striving after truth, it looked as if according to their report, that the workers seemed to give greater promise than the regular day students of the university. In this connection I would just like to read a few sentences from the report of the Royal Commission which refers to this report of the Board of Education—a special report made by two Inspectors, regarding tutorial classes; this passage

[Rao Bahadur N. Siva Raj.]

which defines in clear and admirable language the meaning of university education is followed by another in which the Inspectors say that they have applied the test to the work of the tutorial classes, and that—

"If . . . the question be put whether, so far as they go, and within the limits of time and available energy the classes are conducted in the spirit which we have described, and tend to accustom the student to the ideal of work familiar at a University, we can answer with an unhesitating affirmative; and in particular, the treatment both of History and Economics is scientific and detached in character. As regards the standard reached, there are students whose essays compare favourably with the best academic work."

They go on further to say:

"This result is due partly no doubt to the fact that the teachers are nearly all of them men actually engaged in university teaching, and not men making their living by conducting tutorial classes, but quite as much it is due to the enthusiasm, the zeal, and the sincere desire for truth animating the students, who are drawn almost entirely from the working classes."

So, Sir, I believe the time has come when even the Delhi University ought to have as its objective a provision for the education of the working classes during their spare hours. I also believe that the University must send its teaching staff to such institutions as may be in existence already or are likely to come into existence in the future for the educational benefit of the working classes and their children. It is from this point of view that I have brought forward this amendment. Sir, I move.

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

"That in clause 16 of the Bill, to clause (6) of Statute 2 in the proposed Schedule the following be added at the end:

"three of whom shall belong to the Scheduled classes and two shall be representatives of Labour."

Mr. J. D. Tyson: Sir, this amendment, if accepted, would in practice conflict with the amendment which the House has just adopted, under which the Chancellor is required to utilise eighteen seats out of twenty-five to secure the representation of minorities not otherwise in his opinion adequately represented. That discretion, I think, obviously must be exercised in the light of the position from time to time obtaining; and it would be wrong therefore to bind the Chancellor in advance as to the disposal of five of the seats.

Rao Bahadur N. Siva Raj: What about labour?

Mr. J. D. Tyson: Furthermore, in its reference to the Scheduled classes this amendment definitely appears to seek to introduce communal representation. Our approach to this question as set out in the previous amendment is already accepted, and it is wide enough to permit of nomination from the Scheduled Classes and for representatives of labour. I therefore hope that my friend will not press his amendment which I cannot accept.

Mr. M. Ghiasuddin (Punjab Landholders): Sir, from today's debate, two facts have become quite clear. One is the anxiety of Mr. Lalchand Navalrai for the prestige of the Government. He appealed to the Government in the name of their prestige that, if they accepted the amendment moved by my Honourable friends of the Muslim League, the prestige of the Government would suffer; and therefore as the arch-champion of the prestige of the British Government, Mr. Navalrai came forward. The other point which has become clear and which was not known to me so far is the horror of my Honourable friend Mr. Tyson for communal representation. Late in the day, after so much has been said on both sides for communal representation, he comes forward and refuses to accept this modest amendment of my Honourable friend, Mr. Siva Raj, because it will introduce communal representation. This horror is quite new to me. I lend my hearty support to the amendment moved by my Honourable friend Mr. Siva Raj for this reason; first of all, my point is that the proof of the pudding is in the eating; and whatever may be said for the communal representation—its vicious principles and all that in a temple of learning etc.—I want to know one thing: this university of Delhi has been going on now for twenty-one years; may I ask my Honourable friend Mr. Tyson how many members of the scheduled classes have been members of the Court?

An Honourable Member: Not one.

Mr. M. Ghiasuddin: I think somebody says 'not one'. I agree with it. What was the Government of India and particularly the Department of Education, Health and Lands doing all this time, knowing that the claims of a very important minority like the Scheduled classes were being trodden under foot by vested interests and all that? The Government of India just sat silent and let the thing go on. It is the biggest indictment one can bring against the Government for not looking after the interests of the community, a very important community, which has remained silent for such a long time. This is the greatest argument one can bring forward in support of this amendment.

One is gratified to learn of the new circular of the Home Department which recognises the claims of the scheduled classes in regard to services administered centrally, and when even this Government which had been ignoring the interests of the depressed classes for such a long period as 200 years, recognise this principle, how are people to come forward to fill those posts if the universities are barred to them. The Universities in the whole of India will remain barred to them until these people get proper representation in the administration of the universities and this very modest amendment of my Honourable friend, Mr. Siva Raj, only wishes to introduce this principle. I do hope that Mr. Tyson will reconsider the whole question and accept the amendment, because, after all, if out of 25 seats only three seats are earmarked for them I think nobody will suffer and even my Muslim friends will willingly give them this concession that three seats should be reserved for depressed classes and 2 seats for labour. I most strongly support the amendment.

Sir Muhammad Yamin Khan: The Muslim League Party whole-heartedly supports this amendment. I do not want to repeat what I have already said on the previous amendment. Our anxiety is to support fully the depressed classes in their attempt to get their full representation in the administration of educational or other institutions. I think we should have some representation of the scheduled classes as well as of labour. Some time ago I was the Chairman of the Education Committee of a certain Municipal Board and later on Chairman of the Municipality, and I may say that I received great benefit from the advice of the scheduled class members when I invited them to give me a method by which I could spread education in their community. They told me that it was not possible to keep the schools open for the day time because most of the people were wage earners and they could not draw any benefit from the day schools. So I opened night schools for the benefit of these scheduled classes, and within two or three months the number on the rolls increased to some thousands. Very elementary education only was imparted to depressed classes boys and girls together which helped a great deal in making them alive to many matters which were essential for their living. Now, many of these scheduled class members will not sign or put down their thumb impression on a *bahi khatha*, which may be fictitious, so that all their wealth might be transferred into the hands of a small body of moneylenders. That has given them great protection. I think if some members of the depressed classes are present in the Delhi University administration the university will receive great help from the advice given by them from time to time as to how best to give them education. With these words I support this amendment.

Mr. Piare Lal Kureel (Nominated Non-official): I shall only speak a few words in support of the amendment of my Honourable friend, Rao Bahadur N. Siva Raj. The other day I gave certain facts and figures showing that separate representation for depressed classes was very essential. I gave so many arguments which I shall not repeat now. Nothing short of separate representation is going to satisfy the appetite of the scheduled classes. India is a cockpit of warring communities among which prejudices and differences of the acutest nature have free play. Religion and caste in India divide the people rather than unite them. Caste is not merely a series of certain religious rules or community restrictions but a terrible force which makes life a misery for millions of people of India. In these circumstances separate representation

[Mr. Piare Lall Kureel.]
for certain minorities is indispensable. I think the scheduled classes are the weakest minority in India, not from the numerical point of view but from the point of view of the status which they hold to-day and therefore rightly deserve separate representation.

Sir, I have got certain facts and figures which I would like to put before the House. This is a very shameful record of what the Hindus are doing for us. I shall take up the universities of the U. P. About the Delhi University my Honourable friend has already said much and many others have also expressed their views, but now I shall tell you something about the universities of the United Provinces. Let me first take up the Allahabad University. The representation of the scheduled classes on the Court of that university is nil, on the Executive Council nil, on the Academic Council nil, on the teaching staff nil. Take the Benares Hindu University. The representation of the scheduled classes on the Court is nil, on the Executive Council nil, on the Senate nil, on the Syndicate nil, on the teaching staff nil. Take the Aligarh University. The representation of the Scheduled classes on the Court is nil, on the Executive Council nil, on the Academic Council nil, and on the teaching staff nil. Take the Lucknow University. The representation of the scheduled classes on the Court one, on the Executive Council nil, on the Academic Council nil, on the teaching staff nil. Agra University—on the Court one (of course, this man is the same as the one in the Lucknow University), on the Executive Council nil, on the Board of Inspection nil, on the teaching staff nil. The Board of High School and Intermediate Education in the U. P.—there was one man namely Mr. Karan Singh Kane but he is not on it now. Let me take some of the technical and professional institutions in the U. P. In the Teachers' Training College, Benares there is not a single member of the scheduled classes on the teaching staff; same is the case with the Government Training College, Allahabad, so also Government Training College, Lucknow. As regards the Government Normal School, Lucknow there is one member of the scheduled classes on the teaching staff. As regards the Medical College, one of my friends said the other day that there is one representative of the scheduled classes. But I absolutely deny that statement, there is not a single member of the scheduled classes on the teaching staff of the Medical College, Lucknow. Take the Medical College, Agra. There is not a single scheduled caste member on the staff. Thomason College of Civil Engineering—the representation of the Scheduled Castes on the Advisory Council is nil and there is also not a single member on the teaching staff. The Benares Hindu University Engineering College—there is no representation of the scheduled classes in this college also. There are many other colleges and schools where there are no members of the scheduled classes on the managing committees and on the teaching staff. This is the record of what the Hindus and other communities are doing for us. Am I not justified if I stand up and say that we want separate representation. Is it not a just demand? We have been deprived

I P.M. of these opportunities for a long time and now we want to see our community raised. We must fight for separate representation because only then we will have some chance of ameliorating our condition. I shall take up the case of the Allahabad University. This University has been monopolized by the Brahmins. In 1939, the Honourable Mr. H. N. Kunzru moved a resolution that the scheduled castes should be exempted from the tuition fee. That resolution was rejected and it is surprising to note that the main opposition was led by the Honourable Mr. P. N. Saprú. The scheduled castes wanted this exemption because of their economic condition. They are very poor and are always in the bloody clutches of money lenders. They are miserably involved in debt. Sometimes the labour of the whole family is employed in satisfying the claims of creditors whose appetite is never satisfied even though they may have realised double the amount they borrowed from them. This is what is their economic condition and yet the Honourable Mr. P. N. Saprú opposed the resolution with the result that it was rejected.

My friend Dr. Banerjee said that we should give up the policy of exclusiveness. How does he think that our condition will be improved if we do not have separate representation? Mr. Kazmi said that the depressed classes and other minorities are fully represented in the Military. Perhaps he does not know that the Military service is not even open to the scheduled castes. They are not recruited even as soldiers.

Qazi Muhammad Ahmad Kazmi: I said that the Minority communities are represented in all departments.

Mr. Piare Lall Kureel: You did mention the scheduled castes.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must confine himself to the amendment.

Mr. Piare Lall Kureel: I shall not take much time. I say that we should not be placed at the mercy of the Vice-Chancellor, because he can be easily influenced and the scheduled caste members may have to suffer. I would say that education is the most necessary thing. We do not want such measures as the temple entry. You cannot improve our condition in that way. If the scheduled castes go to the temples, they will have to spend money on flowers, fruits and also for ceremonial purposes. It will considerably weaken their economic condition. Moreover it will divert their attention from political affairs towards religious affairs. They do not want such a measure. I in fact do not think that such a measure will in any way ameliorate the condition of the depressed classes. We must improve ourselves educationally and therefore we must have representation on all the educational institutions including the universities. The scheduled castes must have scholarships, so that they may be relieved of their financial difficulties and for this also we want a proper share of representation in all kinds of educational institutions.

Now, I shall seek the co-operation of my Hindu brethren. I am told that I have been very cruel to my Hindu brethren the other day but I still look upon them as my brothers, if I may say so. I ask them to co-operate with us and help our cause. They can win us through love, service and affection. But the more they oppose us, the more they will find us firm and determined in our work. They should come forward and co-operate with us and not add one more black chapter to the book of their religious absurdities. I hope they will come forward and support us. I shall make the same request to my Muslim brethren. I am glad that they have already supported the amendment. I hope others will also do the same. I must make special mention of what the Government has done for us. I ask it to do something more. It does not matter if a few seats are reserved for us. It will not affect the progress of education. I must also seek the co-operation of my Christian brethren. They were the first men to take up the work of the amelioration of the depressed classes. They might have had motives of their own in coming forward to help the depressed classes but they were the first to help the depressed classes. All other social organisations were started after them. I am therefore particularly thankful to the Christian Missions. I hope they will also support the amendment. In the end, I will conclude by quoting a Persian couplet.

*Batare az áhe mazloomán keh hangáme dúá kardan,
Ijábát az dare haq bahre istiqbál mi áyad.*

With these words I strongly support the amendment.

Mr. Kailash Bihari Lall (Bhagalpur, Purnea and the Sonthal Parganas: Non-Muhammadan): I do not know how to express myself on this amendment especially after the pathetic appeal made by the last speaker. I really sympathise with him but I must congratulate Mr. Tyson on the bold stand that he has taken against communalism. On the last amendment I was about to speak but it would have been very difficult for me. I was not wholesale for the amendment of Mr. Tyson because of the number that he wanted but even then I was going to tell the House that officialisation is better than communalisation and I still believe that in the interest of the country we have to see whether officialisation is doing more harm to the country or communalisation. (An Honourable Member: "You want officialisation rather

[Mr. Kailash Bihari Lall:] than Indianisation?') I am wholeheartedly for Indianisation. Now, when Mr. Tyson took the bold stand I think the point should be cleared, so that Mr. Piyare Lall may not have any ill feeling towards his Hindu brethren for not listening to the pathetic appeal that he has made. I may inform him that I am myself the President of the Harijan Sevak Sangh in my district and I myself took many Harijan candidates to the Superintendent of Police and got them appointed in the Police. I have always been trying for them but, helping them to come up to the level of the general run of the people and helping them to carve out a Harijanistan for them as against Pakistan are two different things. What I am opposed to is, and what the Government also would appreciate is, that the Government does not want either Pakistan or Harijanistan.

An Honourable Member: They only want Officialistan.

Mr. Kailash Bihari Lall: Whether they want it or not, it is there all the same. It is because of all sorts of 'istans' that there is Officialistan.

Sir Muhammad Yamin Khan: You do not want even Hindustan.

Mr. Kailash Bihari Lall: Hindustan is there and nobody can deprive us of it.

Sir Muhammad Yamin Khan: But you said you do not want any 'istan'.

Mr. Kailash Bihari Lall: Hindustan is the only 'istan' that will remain. So, your attempt to carve out a Pakistan even in the Delhi University has been very strongly opposed by the Government and we should be thankful to the Government for giving the right lead in this matter. If your anxiety has been really for securing the interests of certain communities, then it is understandable and everybody should have sympathy for it and should stand for it. But your interest is only for the recognition of a certain principle which is vicious in itself and which is going to cut at the very root of the nation. That should not be tolerated. Even this amendment, if they want to carve out Harijanistan, in the Delhi University, it should not be supported and I am at one with the Government in opposing it. For the consolation of the Mover of this amendment and other friends who have so pathetically supported it, I may say that their interests should be safe. I think the Government has awakened to the necessity of keeping their interests safe. The Muslim Members wanted only 8 seats for the Mussalmans, but the Government wants 25 seats, out of whom 18 will be reserved for the minority communities. So, the Harijans may rest assured that their interests will not suffer. These 18 seats are reserved for nominating the members of the minorities and these minorities will not come from Heaven. The minorities are the Muslims and the Scheduled Castes.

Sir Muhammad Yamin Khan: Do you call the Scheduled Castes a minority when their number is 8 millions?

Mr. Kailash Bihari Lall: Then how are the Muslims a minority community? They are also 10 crores.

Seth Yusuf Abdoola Haroon (Sind: Muhammadan Rural): They are a nation.

Mr. Kailash Bihari Lall: It is better that you are awakened in the day and the Government has not given you any nationhood in this Bill. When you are reasonable, you have our sympathies; but when you go out of the bounds of reason, then, of course, there will be no sympathy either from the Government or from us. If the Government mean to do something good, then they should look to the interests of the nation as a whole.

As to the point that was made by Sir Muhammad Yamin Khan that because some people see with coloured glasses, they do not want to do justice. I want to tell him that they should not mislead our Scheduled Caste brethren by such glasses which they are wearing. Sir Muhammad Yamin Khan himself said in his speech that they are one with the Mussalmans of Abyssinia, Arabia.

Sir Muhammad Yamin Khan: On a point of personal explanation, Sir. I never said the words which my Honourable friend is saying.

Mr. Kailash Bihari Lall: As I understood his speech, Sir Muhammad Yamin Khan said that his heart is so wide that even the Mussalmans of Abyssinia and Arabia.

Sir Muhammad Yamin Khan: I never said that.

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

Mr. Kailash Bihari Lall: I never meant to give offence to my Muslim brethren.

Mr. President (The Honourable Sir Abdur Rahim): Is the Honourable Member finishing his speech now? It is now quarter past one.

Mr. Kailash Bihari Lall: I will take a few minutes more.

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. Hooseinbhooy A. Lalljee (one of the Panel of Chairmen) in the Chair.

Mr. Kailash Behari Lall: Sir, I was referring to the remark made by Sir Muhammad Yamin Khan. Since then, he has cleared the point and I accept what he said. I never meant anything against him. A friend of mine suggested that by my speech I am giving offence to some of my friends. Far from it. I never meant to give any offence to anybody. I am always eager to see that the nation is not disrupted. It is only from that point of view that I speak in this House. Some of my friends charge me as Utopian, that I am an extraordinary creature and so on. It is always from the point of unifying India that I speak.

Nawabzada Muhammad Liaquat Ali Khan: Have you read Mr. Savarkar's statement published in the Press this morning?

Mr. Kailash Behari Lall: I am coming to that. While speaking in the last Session, when somebody reminded me about Mr. Savarkar's definition of a nation, I said that Mr. Savarkar's was not the last word on the subject. My Honourable friends should see that a nation will evolve and will be built up in spite of anybody, in spite of Savarkars who try to disrupt it. If the Leader of the Muslim League, or if the Leader of the Hindu Mahasabha, or if any one of them want to disrupt the nation, then they should not be encouraged or countenanced. That is my view point. The interest of the nation must be above all these personalities. In the Legislature, when we legislate about any measure, we should look to the interest of the nation as a whole; we should not say that because some injustice has been done to a particular group, or a particular individual or a particular community, the whole thing should be so ordered that the nation may go to rack and ruin.

Nawabzada Muhammad Liaquat Ali Khan: What is a 'nation'?

Mr. Kailash Bihari Lall: A nation is 'Hindustan' and 'Hindu'. (Interuption.) As I told the other day, my Muslim friends are 'Hindu-Muslim'. They are called 'Hindu-Muslims' everywhere in the world, in Arabia, in Turkey and other places. I am sure my Honourable friend Sir Muhammad Yamin Khan will corroborate me in this respect. If you look to the Finance Bill Debates of 1942, you will find that Sir Muhammad Yamin Khan himself made this statement. This is in the official reports of the Assembly dated 12th March 1942.

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadan): May I ask you, Sir, if this is all relevant to the amendment now before the House?

Mr. Kailash Bihari Lall: Pakistan and everything else was brought in in this amendment. From the very beginning, during the course of the discussion on the amendments, my Honourable friend Nawabzada Muhammad Liaquat Ali Khan said that he was frankly communal. When you heard all these things quietly, you should not bother about how this thing has crept in in this Bill. If you analyse the whole thing, you will see how this topic has come into the

[Mr. Kailash Bihari Lall.]

University Bill. I am not coming before you to talk about communalism or officialism. So far as I am concerned, my purpose will be served if I remind my Honourable friends that they should bear always in mind that they should possess the widest outlook in dealing with such questions. They should not disrupt the nation. We have been discoursing here that in the name of wide nationalism, injustice is being done. How was it all relevant to the amendment? It is only my Muslim friends that brought forward this question. My only submission is that you should have patience. The Government have reserved for themselves the right to nominate 18 persons to redress inequalities so far as minorities are concerned. You may rest assured that the minority rights will not be trampled upon.

Kunwar Hajee Ismaiel Ali Khan (Nominated Non-Official): You agree that nominated Members are more sensible than elected ones.

Mr. Kailash Bihari Lall: My Honourable friend Qazi Muhammad Ahmad Kazmi preferred communalism to officialism. I quite realise his patriotism. I quite realise the way in which we have been taught to go against the officials, in the name of patriotism. I still agree that officialism should go. But when we are confronted with two demons, the demon of communalism and the demon of officialism, because communalism has spoiled the nation so much, we should be afraid of introducing it again and prefer officialism. We should not introduce communalism in the temple of learning in the University. It is on that ground we say that we prefer the demon of officialism to the demon of communalism. We should wait for the independence of the country, we should wait for Swaraj, but we should see that the very existence of the nation is not jeopardised by the introduction of communalism. If communalism is introduced, then the nation is gone. The nation is disrupted. If communalism is introduced in the University, then our children who are the products of the University will be imbued with such a spirit that they would not like to sit together at a common table and study. The Hindu children and the Muslim children will develop quite different outlook, and the Indian nation that we all dream of, would never come to be realised.

Mr. Chairman (Mr. Hooseinbhoj A. Lalljee): The Honourable Member is repeating his arguments.

Mr. Kailash Bihari Lall: Then I leave that argument.

I am afraid, my opposing this amendment might have led some of my Honourable friends belonging to the Scheduled caste to think that I am unsympathetic to their claims. Not at all. I am not unsympathetic. I am not at all against their getting justice at the hands of the Government. If they want to come to their own, then let them make a demand that there should be a separate portfolio, separate department set up to look after their interests. Let my Honourable friend Rao Bahadur Siva Raj be in charge of that department. Let there be a five years plan chalked out for the Government of India to eradicate this evil of untouchability. If you adopt this plan, then your inferiority will go, your untouchability will vanish. Not that if you have Pakistan or Schedulistan or some other devise, your ills will be cured. If the Scheduled caste people want to come to the level of other communities, you should adopt a five year plan. They should press on the Government that they should not tolerate this untouchability any longer. The late Lala Lajpat Rai suggested that one crore of rupees should be set apart to eradicate this evil of untouchability. I say let the Government adopt some such plan and then this inferiority will go, this blot will go out of the country. The way in which you want the Government to handle this problem is derogatory for the nation, it will disrupt the nation.

With these few remarks, I oppose this amendment. I hope my Honourable friends belonging to the Scheduled class will not take it in any other light. I appeal to my Scheduled caste friends to bring in such measures as would enable

them to merge with the nation and get their full share of their demands, of their rights along with other nationals.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): Sir, in lending my cordial support to the amendment of Rao Bahadur Siva Raj a very strong argument has come to help me. Mr. Kailash Bihari Lall's speech has proved to the hilt that the caste Hindu of today remains the same as in the days of that greatest of Indian law-givers, Manu. Manu says that an untouchable has no right to acquire knowledge or listen to the verses of the vedas, and if he dares to listen to the Vedas the king for the time being shall order that a ladleful of molten metal should be poured into his ear. That teaching, though it has changed its character and form, remains fundamentally unaltered. The untouchables have no right to acquire knowledge,—that is what the Hindu says; and to support that contention he manufactures all sorts of arguments. I do not know what Pakistan had to do with it, but I will remind my Honourable friend that Pakistan is a term used thousands of years ago by the Hindus themselves. "Pak" means sacred and "istan" means land, and so the word means the land of the sacred just as we refer to the holy land of the Hedjaz. The whole of Northern India including the Punjab, Sind and North-West Frontier Province was looked upon by them as sacred. Sree Ramchandra was born in Pakistan and therefore this land according to Hindus is Pakistan. Then, Sir, Kurukshetra, every particle of which is sacred, is included in Pakistan.

Mr. Chairman (Mr. Hooseinbhoj A. Lalljee): The Honourable Member should confine himself to the amendment.

Maulana Zafar Ali Khan: The word "Pakistan" has been mentioned in the course of this discussion so often that I must point out that according to the Hindus themselves Pakistan is sacred, and only when Muslims come in it becomes impure and polluted. So the Muslim also is an untouchable like the depressed classes. This reminds me of a story about myself. When I was a prisoner in the Montgomery Jail . . .

Mr. Chairman (Mr. Hooseinbhoj A. Lalljee): I hope the Honourable Member will confine these personal remarks to a very few words.

Maulana Zafar Ali Khan: I will relate it in a very few words. In that jail I called my sweeper one morning and told him I would give him equal status with myself. He did not understand my meaning and when I asked him to bring a pitcher of water and fill a tumbler. He thought that as I was in solitary confinement my brain must have gone wrong. But I threatened him with a cane and trembling with fear he filled the tumbler with water. I told him to drink it, and he was now convinced that I had gone mad. But I again threatened him with a cane and he drank half of it. Then I drank off the rest, and showed him that he was my equal. I did this as I was a Mussalman.

Mr. M. Ghiasuddin: Was he sure of your sanity after that?

Maulana Zafar Ali Khan: That is what my religion teaches me,—according to Islam water drunk from a cup used by a human being is pure. But Hinduism does not teach the same to the Hindu who says that when any one touches you or your food or your drink it becomes polluted. Go to any railway station and you will find "Hindu water" and "Muslim water", as if God made two kinds of water, one for Hindus and another for Muslims. When my friend speaks of Pakistan let him remember that it will come, whether he likes it or not, and with its coming will dawn the day of India's independence, because the independence of India is bound up with the Muslims getting their proper share in representation according to their population; and after being enfranchised Mussalmans will fight for the untouchables. Hindu public opinion has to a certain extent taken up the cause of the depressed classes. Voices are here and there raised in their support and even Mahatma Gandhi speaks of lifting the untouchables to a level with others; but the majority of the Hindus remain the same as in the days of Manu. Therefore, Sir, when my Honourable friend Rao Bahadur Siva Raj makes a modest demand that out of 25 members

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of the Senate of which eighteen shall be reserved for the minorities, three should go to the depressed classes, he makes a perfectly justifiable demand; and nothing will prevent them sticking on to this demand till it is fulfilled. And when my Honourable friend the Education Secretary protests, pleads against the temple of learning being polluted by communalism, he is up against them as he is up against us. The temple of learning only means the right of the majority to enter it and denying the minority the right of being elected; The minority is thrown upon the mercy of the Chancellor. When he finds that a certain section of the community is in a minority it is open to him to throw a few crumbs from the imperial table to them. But that will not do. The time has come when the right demanded by the depressed classes should be given to them. We Mussalmans have declared very often and declare emphatically again that however strong your imperial argument may be, those who have awakened after a long time and realised their position in the country will have their statutory share in the representation. One member elected is more valuable than 25 nominated. Nomination and election, the Honourable Mr. Tyson knows, very well, are different, and he wants us to be content with nomination of so many members. We are not content with it, and we will not remain content with it and we will go on shouting and stouting at the top of our voice till we are hoarse and till those who listen to it have become sure that nothing will prevent us from doing so.

One more point is efficiency versus inefficiency. The Delhi University has been in existence for 21 years. During those 21 years the Mussalmans in the various Governing Bodies of the University had very little representation—nearly nil. Then it dawned upon the Honourable the Education Secretary that the Mussalmans who had really been very badly treated should be given something. And then one fine morning he introduced the amendment that so many seats shall be provided for the minorities and given to them by way of nomination. Among the minorities he includes the Mussalmans, the Harijans, the Sikhs, the Parsis, the Jains. But who will nominate them and on what basis? They will be nominated, not on the basis of communalism, not on the basis of nationalism but on the basis of efficiency and merits. Then of course the Mussalmans will have to go to the wall with his back to the wall because according to the official phraseology a Mussalman is he who is inefficient and who has no place in the governing body of any department in the administration of this university. Well, Sir, all depends upon power, and this power when acquired by us will have its effect and that effect will be that adequate and effective representation will not be denied to us. Otherwise the Government will be stultifying itself having given us communal award and accepted the position that in this great country of India those who were hitherto called a 'minority' claim to be not a minority but a separate nationality with a right to be treated equally and fairly. When the Mussalmans will come again with this argument they will have nothing to add to it. With these few remarks I lend my support to the amendment and resume my seat.

Some Honourable Members on Treasury Benches: The question may now be put.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): On a point of order. I have been given to understand that there is no time limit for discussion over matters like this. But I find, Sir, that on two occasions motions like 'the question may now be put' have been suggested by the Treasury Benches. The intention appears to be to gag the House so that Members may not have their full say. I protest against this and hope that the matter will be allowed to be discussed.

Mr. Chairman (Mr. Hooseinbhoj A. Lalljee): I feel that sufficient discussion has taken place. It is within the power of the Chair to judge whether sufficient discussion has taken place or not, and as I am of the opinion that sufficient

discussion on this amendment has already taken place, I am prepared to put the closure motion.

The question is:—

"That the question be now put."

The motion was adopted.

Mr. Chairman (Mr. Hooseinbhoj A. Lalljee): The question is:

"That in clause 16 of the Bill, to clause (6) of Statute 2 in the proposed Schedule the following be added at the end:—
'three of whom shall belong to the Scheduled classes and two shall be representatives of Labour'."

Those who are in favour will please rise in their seats.

Mr. M. Ghiasuddin: Sir, I think a very important principle is being laid down by this amendment and the Honourable Members should be given a chance, to record their votes for and against the motion. I think you will be

pleased to observe that many of the non-official Members are also in favour of this amendment and therefore I would most respectfully say that we should be given a chance to record our names.

Mr. J. D. Tyson: I would support what has fallen from the lips of the Honourable Member.

The Assembly divided.

AYES—16.

Abdul Ghani, Maulvi Muhammad.
Abdullah, Mr. H. M.
Azhar Ali, Mr. Muhammad.
Choudhury, Mr. Muhammad Hussain.
Essak Sait, Mr. H. A. Sathar H.
Ghiasuddin, Mr. M.
Liaquat Ali Khan, Nawabzada Muhammad.
Murtuza Sahib Bahadur, Maulvi Syed.

Nairang, Syed Ghulam Bhik.
Nauman, Mr. Muhammad.
Piare Lall Kureel, Mr.
Raza Ali, Sir Syed.
Siddique Ali Khan, Nawab.
Siva Raj, Rao Bahadur N.
Yamin Khan, Sir Muhammad.
Zafar Ali Khan, Maulana.

NOES—36.

Ahmad Nawaz Khan, Major Nawab Sir.
Aiyar, Mr. T. S. Sankara.
Ambedkar, The Honourable Dr. B. R.
Azizul Huque, The Honourable Sir M.
Banerjee, Dr. P. N.
Bewoor, Sir Gurunath.
Chapman-Mortimer, Mr. T.
Chatterji, Mr. S. C.
Daga, Seth Sunder Lall.
Dalal, Dr. Sir Ratanji Dinshaw.
Dalpat Singh, Sardar Bahadur Captain.
Deshmukh, Mr. Govind V.
Habibur-Rahman, Khan Bahadur Sheikh.
Haidar, Khan Bahadur Shamsuddin.
Imam, Mr. Saiyid Haidar.
Ismail Alikhan, Kunwer Hajee.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Kailash Bihari Lall, Mr.

Khare, The Honourable Dr. N. B.
Lalchand Navalrai, Mr.
Mackeown, Mr. J. A.
Maitra, Pandit Lakshmi Kanta.
Maxwell, The Honourable Sir Reginald.
Muazzam Sahib Bahadur, Mr. Muhammad.
Pai, Mr. A. V.
Raisman, The Honourable Sir Jeremy.
Ray, Mrs. Renuka.
Roy, The Honourable Sir Asoka.
Sargent, Mr. J. P.
Spear, Dr. T. G. P.
Spence, Sir George.
Sultan Ahmed, The Honourable Sir.
Thakur Singh, Major.
Trivedi, Mr. C. M.
Tyson, Mr. J. D.
Zaman, Mr. S. R.

The motion was negatived.

Mr. Chairman (Mr. Hooseinbhoj A. Lalljee): Supplementary List No. 2. Pandit Lakshmi Kanta Maitra.

Pandit Lakshmi Kanta Maitra (Presidency Division: Non-Muhammadan Rural): In view of the fate of the last amendment, I shall not be moving the amendment in my name.

Syed Ghulam Bhik Nairang (East Punjab: Muhammadan): Sir, I move:

"That in clause 16 of the Bill, in sub-clause (v) of clause (1) of Statute 3 in the proposed Schedule for the word 'five' the word 'seven' be substituted and after the words 'their own number' the following be added:

'and at least three shall be Muslims elected by the Muslim members of the Court from among their own number';"

You will see, Sir, that with the consideration of Statute 3 we enter on the composition of the Executive Council of the University and the Executive Council is the most important body in the entire constitution of the University. The powers which have been assigned to it in the parent Act itself are very

[Syed Ghulam Bhik Nairang.]

wide and now an accession to those powers will result as a consequence of passing the present measure. You will see that section 22 of Act 8 of 1922 gives the powers of the Executive Council as follows:

(a) shall hold, control and administer the property and funds of the University, and for these purposes shall appoint a Finance Committee to advise it on matters of finance. The Treasurer shall be the Chairman of the Committee, and the remaining members shall be appointed from among the members of the Executive Council, provided that at least one member of the Committee shall be a member elected to the Executive Council by the Court;

(b) shall determine the form, provide for the custody and regulate the use of the Common Seal of the University;

(c) shall lay before the Governor General in Council annually a full statement of the financial requirements of the University and the Colleges;

(d) shall administer any funds placed at the disposal of the University for specific purposes;

(e) subject to the provisions of this Act and the Statutes, shall appoint the officers (other than the Chancellor, the Pro-Chancellor, the Vice-Chancellor, the Rector and the Treasurer), teachers, clerical staff and servants of the University, and shall define their duties and the conditions of their service, and shall provide for the filling of temporary vacancies in their posts;

(f) shall have power to accept on behalf of the University transfers of any moveable or immovable property;

(g) shall arrange for the holding or, and publish the results of, the University examinations;

(h) shall, subject to the powers conferred by this Act on the Vice-Chancellor, regulate and determine all matters concerning the University in accordance with this Act, the Statutes and the Ordinances:

provided that no action shall be taken by the Executive Council in respect of the appointment or emoluments of examiners, or the number, qualifications or emoluments of teachers otherwise than on a recommendation of the Academic Council; and

(i) shall exercise all other powers of the University, not otherwise provided for by this Act or the Statutes.

That is to say, Sir, all the powers of the University for any practical and useful purpose are centred in the Executive Council, and therefore, the composition of such a body is a matter of great moment. Statute 3 as it stands now tells us that the members of the Executive Council, in addition to the Vice-Chancellor, the Rector and the Treasurer, shall be—

Class I.—*Ex-officio* members.

(i) the Superintendent of Education, Delhi and Ajmer-Merwara;

(ii) the Deans of the Faculties;

(iii) the Principals of recognised Colleges;

(iv) the Educational Adviser to the Government of India.

Then we have class II—Other Members:

(v) five members of the Court elected by the Court at its annual meeting, of whom at least two shall be graduates of the University elected by the registered graduates from among their own number.

It is here that we want to make this amendment, because we feel that otherwise history will repeat itself; what has been the position of the Muslims in the Executive Council of the Delhi University so far will continue to remain after the present measure has been passed. The present position is that in the Executive Council there are 24 members in all, out of whom there are only 3 Muslims—that is, one-eighth of the entire body. You can understand and the House can appreciate what the position of those three members must be in a body, the strength of which aggregates 24. In order, therefore, to give the Muslims a better and I should say more tangible—I cannot say more effective—representation in that body, I have by this amendment moved that the word five should be replaced by the word seven; and that the words “at least three shall be Muslims elected by the Muslim members of the Court from among their own number” should be added. The object is clear. If these two at least are assured to us, under all circumstances, the varying fortunes of the Executive Council may under certain circumstances give us a few more, and our total number in this most powerful body may be such that we may not be a nullity in the whole body. It is a pity indeed that any motion moved in this House with the object of improving the representation of the Muslims in the Delhi University is denounced as an attempt to communalise the University. So

much has been said from different quarters in this House on that subject, for and against that proposition, that I do not really want to detain the House long over that subject. Some of the Members have spoken against what they call communalism with a certain amount of restraint and have tried to clothe their views in a garb which may not be offensive; but there have been cases every now and then during these debates when some Members absolutely lost all mental balance. I would not like to say anything about our absent friend, Mr. Jamnadas Mehta—he is not in the House at the moment; what he said is of course on the record; but I will not comment on it in his absence. But there is my honourable friend, Mr. Kailash Bihari Lall, whose effusions we had the privilege of listening to only a few minutes ago. He went so far as to really act like a person who cuts his nose in order to spite his face. He says “I would rather officialise an institution than communalise it”. I think it is a most acute case of communophobia and I cannot imagine a more acute case of that malady than that. The arguments which he gave as arguments were really worth nothing. They amounted really to this: possession is nine points of law. That was the only thing, to which the whole thing boiled down. “If I happen to be in possession of a certain property, title or no title, justification or no justification, I am there and I must not be disturbed.” That really is his position. Otherwise I cannot understand why in a sister university, the example of which has been referred to before, in the Dacca University, on this very subject of the Executive Council, the position in the statute itself should be like this. In the Schedule to the Dacca University Act, in Statute 3, the law relating to the constitution of the Executive Council is laid down as follows:

Class I.—*Ex-officio* members.

The Commissioner of the Dacca Division;

The Deans of the Faculties;

The Provosts of the Dacca and the Muhammadan and Jagannath Hall.

Class II.—Other members.

Two Non-Muhammadan Members of the Court elected by the Non-Muhammadan members thereof at its annual meeting.

Here is a communal constituency created and the return of members by that communal constituency statutorily laid down. Then—

Two Muhammadan members of the Court elected by the Muhammadan members thereof at its annual meeting.

The same thing. A communal constituency, and that constituency returns members belonging to the community of which the constituency consists. Then—

Four members, of whom at least two shall be teachers appointed by the Chancellor, provided that so long as one-half of the non-European members of the Executive Council as constituted under sub-clause (1) excluding the Vice-Chancellor and the Treasurer are not Muhammadans, any person so appointed shall be a Muhammadan.

Now, I think this Dacca University Act, being an Act of the Indian Legislature and passed not long ago—only in 1920, just two years before the Delhi University Act was passed—clearly recognises in unmistakeable terms the necessity of giving representation on the Executive Council to Muslims, elected by Muslims, and non-Muslims elected by non-Muslims. This is the very thing which, as a term of contempt and derision and denunciation, is called communalism. I think, Sir, that the attitude of gentlemen of that type is really not intelligible to the ordinary thinking man. What they took with avidity in the Dacca University they are not willing to give to others in the Delhi University. It is really the attitude of one who would say, heads I win tails you lose. Where I get a thing under a certain principle I will take it, but where you get a thing under that very principle, I will denounce it as communalism. This sort of so-called nationalism is monopolism masquerading under the false garb of nationalism. It is pure monopolism, pure exclusivism, pure castism if I may be allowed to coin that word, it is the same old, old mentality of caste domination which has contaminated the entire social and political atmosphere of India throughout the long ages of history and continues to contaminate it even to-day. The words now used are different but the mentality is the same, the object is the

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same. I do not think, Sir, that I need make a long speech over such a self-evident proposition, and although we have been disappointed again and again in the attitude which Government have adopted over this matter, I think up to the last moment I shall continue to hope that wisdom may dawn on the mind of Government and a sense of fairness may prevail and they may accept this amendment. The attitude of the Government is all the more deplorable. How can they have the face, after passing the Dacca University Act, to say, in Delhi we shall not allow this canker of communalism to creep into the educational system? They at least are estopped by their conduct in relation to the Dacca University, and ought to have at this late stage at least, at the eleventh hour at least, the fairness to accept this amendment. Sir, I move.

Mr. Chairman (Mr. Hooseinbhoj A. Lalljee): Amendment moved.

"That in clause 16 of the Bill, in sub-clause (v) of clause (1) of Statute 3 in the proposed Schedule for the word 'five' the word 'seven' be substituted and after the words 'their own number' the following be added:

'and at least three shall be Muslims elected by the Muslim members of the Court from among their own number';"

Mr. J. D. Tyson: I am sorry, Mr. Chairman, to disappoint my Honourable friend—(An Honourable Member: "Nothing new.") This amendment is in line with a number of amendments which the House has already discussed and my reply must be on the same lines. I do not dispute the Honourable Member's figures about the state of representation in the Court except that I think he has included the Rector, a post which, so far as I know, has never been filled. As I have said already, I cannot accept amendments on these lines.

Mr. Lalchand Navalrai: I had no intention to speak on this amendment. (Interruption). Every now and then the Dacca University is being quoted as one which should give a lead to the other universities also. I do not think that that University has been acknowledged anywhere to be an ideal university, and I also submit that the conditions and environments there are very different from those in the Delhi university or in other universities.

An Honourable Member: In what respects?

Mr. Lalchand Navalrai: In the number of Muhammadans there. The Honourable Member must know that. I need not go into that question, but there is a difference between that university on the one hand and the Delhi and other universities on the other in India. If it were an ideal university it would have been followed by other universities by this time, but that has not happened. Therefore one should not harp upon that fact—that because one university has given certain communal representation or is working on some communal basis, it should be any guide to other universities. My submission is that each university must be considered on its own merits and according to its own circumstances and environments. I have only one more word to say and then I will sit down. You will observe that Government moved a little bit and gave by backdoor something which was wanted by the Muslims. Though the latter said that they did not want, still they welcome it and they are thanking the Honourable Member for it. But let the Government note that when you have given them an inch they are asking for an ell. This amendment not merely wants representation for Muslims, but it says that the election should also be by Muslim members of the Court. They ask for two communal bases to be adopted, one, that there should be Muslim members, and the other is that they should be exclusively elected by Muslim members only. This, I submit, is an indignity to other members of the Court, and I hope that Government won't be a party to it. In this way they will be asking for communal basis more and more, but if Government are bent upon following a certain policy of their own, they should stick to that policy and not move for pleasing some people only.

Maulvi Muhammad Abdul Ghani: The number is 20 and it is raised to 22 by the present amendment. If you look at the various bodies constituting the Executive Council you will find that only one seat is possible for the Muslims

to secure, and that is item (iii)—Principals of recognised Colleges, and under it the Principal of the Arabic College may get a seat there. Out of 20 seats only one is for Muslims and the rest will go to Muslims against whom all the 19 doors are shut. The amendment seeks to remedy that defect. I am glad that Mr. Tyson has after all accepted the force of the argument advanced by the Muslim League about representation of Muslims on the various bodies of the Delhi University. But I regret that although he admits that there is necessity of Muslim representation on the various bodies of the Delhi University, he comes forward with the plea that he cannot support anything based on communalism. I assure him that whatever we want is not based on communalism, it is based purely on nationalism because we are a nation and we demand our representation as a nation. And all demands put forward by the Muslim nation are national, not communal. Communal representation, may be based on the caste system of the particular nation. For instance, as has been pointed out by the speaker over there representing the depressed classes, the majority community consists of various castes, and caste representation, if it had been urged by any one, would have amounted to communalism. But the demands made by the Muslims and the scheduled classes are based on a national basis, and not on a communal basis. The scheduled castes are the original inhabitants of this country and the Mussalmans are also the inhabitants of this country and they are two nations. Their demands are not communal demands and it has been urged that this Executive Council is all in all. It has every power of recognising colleges and dispensing with the services of teachers, professors and so on. All power lies in their hands. Our fear is that our interests will suffer if we do not have adequate representation on it. After admitting our claims it does not lie in the mouth of my learned friend Mr. Tyson to go back on his word and come forward with this kind of opposition. I am not sure whether he will agree to give the representation in the other House.

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

I hope he will move there amendments on the lines of those of which we have given notice. With these words I wholeheartedly support the amendment of my friend.

Mr. Ananga Mohan Dam (Surma Valley cum Shillong; Non-Muhammadan): I rise to oppose the amendment which has been moved. I must first of all congratulate my friends of the Muslim League on the fact that they were able to make the Government concede their demand on a previous occasion. (Voices: "No, no"). The result is that they are increasing their demand inch by inch. (An Honourable Member: "Notice of these amendments was given long ago".) I really sympathise with the Government, because it was my friend Mr. Tyson who set the ball rolling. The result is that my friends of the Muslim League are asking for more and more. This amendment has given us something new to consider. Three Mussalmans are to be elected and they should be elected by the Muslims alone. This is a circle within a circle. The Court of the Delhi University should not be allowed to elect members as a whole but only the Muslim Members will be able to elect the Muslim members. This is a thing which should not be allowed in any constitution. Then my friend Mr. Abdul Ghani said that there are two nations. Therefore the proportions should be fixed.

Maulvi Muhammad Abdul Ghani: Half and half.

Mr. Ananga Mohan Dam: This is introducing the vicious principle of communal proportions in educational institutions. This amendment will usher in a new thing. It will spoil every educational institution. The only logical result should be that there should be separate educational institutions for Hindus, Muslims and other communities. There will be so many different cultural universities and they will all manage their own affairs in their own way. There is no way out of it. If in every constitution these communal proportions are introduced, the whole thing will be vitiated and it will be unworkable. I oppose the amendment.

[17TH AUGUST, 1943.]

Several Honourable Members: The question be now put.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That the question be now put."

(Voices of: 'Ayes' and 'Noes'.)

(After counting the numbers of Honourable Members saying 'Ayes' and 'Noes', the Chair declared, the 'Ayes' have it.)

The motion was adopted.

Maulvi Muhammad Abdul Ghani: On a point of order, Sir. We are very keen on having Divisions so that our names may be recorded.

Mr. President (The Honourable Sir Abdur Rahim): It has been often ruled in this House following the practice of the British Parliament that it is not necessary to take down names. The question is:

"That in clause 16 of the Bill, in sub-clause (v) of clause (1) of Statute 3 in the proposed Schedule for the word 'five' the word 'seven' be substituted and after the words 'their own number' the following be added: 'and at least three shall be Muslims elected by the Muslim members of the Court from among their own number'."

(Division bell began to ring.)

Nawabzada Muhammad Liaquat Ali Khan: On a point of order, Sir. I think on the 'closure' motion you had declared that 'Noes have it'. Therefore, the discussion should have been continued.

Mr. President (The Honourable Sir Abdur Rahim): I did make a slip and then I corrected it.

(After the division bell stopped ringing and Mr. President had repeated the motion, the 'Ayes' challenged 'Noes'. Thereupon, the Chair asked the 'Ayes' and the 'Noes' to rise in their places. After a count was taken, the Chair declared: 'Noes have it'.)

The motion was negatived.

Maulvi Muhammad Abdul Ghani: Sir, we want to know how many are 'Ayes' and how many are 'Noes'.

Mr. President (The Honourable Sir Abdur Rahim): It is not necessary. I declare 'Noes have it'. Honourable Members do not know the practice of the House.

Mr. H. A. Sathar H. Essak Sait (West Coast and Nilgiris: Muhammadan): On a point of order, Sir. I have got a ruling here—it was given in 1938—where it was ruled that the names of those who are in favour should be recorded and their names have been recorded here. If there is any other ruling . . .

Mr. President (The Honourable Sir Abdur Rahim): I have considered the matter very carefully and I have laid down that names need not be recorded.

Sir Muhammad Yamin Khan: On a point of order, Sir . . .

Mr. President (The Honourable Sir Abdur Rahim): I have given my ruling and there can be no more point of order.

Sir Muhammad Yamin Khan: My point is that the actual words given in the book are that the President will call for a division and will take the division. The words are:

"Votes may be taken by voices or division, and shall be taken by division if any member so desires. The President shall determine the method of taking votes by division."

So, what is left to the President is to take the votes in the usual manner. It gives no discretion to the President not to have the votes recorded.

Mr. President (The Honourable Sir Abdur Rahim): I considered all that long ago. Next amendment.

Maulvi Muhammad Abdul Ghani: Sir, I move:

"That in clause 16 of the Bill, in sub-clause (v) of clause (1) of Statute 3 in the proposed Schedule for the word 'five', the word 'seven' be substituted and after the words 'their own number' the following be added:

"of whom at least three shall be Muslims to be elected by the Muslim registered graduates from their own number."

Sir, under sub-clause (v) the Court has to elect five members, of whom two shall be graduates of the University elected by the registered graduates from among their own number. I am raising by this amendment the number to be

elected by the Court from five to seven, and I am also prescribing that three Muslims should be elected by the Muslim registered graduates. Sir, I am not asking that any outsider should be brought in here. I am not suggesting that any man without education should be brought in. The only demand is that there should be a Muslim. Of what class? Of the graduate class and elected by the Muslim graduates. So, I submit it is not going too far and I hope my Honourable friend will accept this amendment, which only lays down the principle of election of educationists by registered educationists. I do not think the Government can grudge this to us. This is the way in which we claim representation on the Executive Council. It has already been pointed out several times that in Delhi there is 50 per cent. population of Muslims. So, our culture and religion must be safeguarded by Muslim graduates who come from our community. Such safeguards should not be grudged to us. There will be 22 Members in all in the Executive Council as per this amendment and out of this number we only want three for Muslims to be secured by election from among the Muslim graduates. Three Muslim graduates cannot do any harm at all, even if they intend to do so. Our only desire is they will have their say in the Executive Council regarding appointments, recognition and withdrawal of recognition, regarding advancement of Islamic culture and Islamic studies. This is a very modest demand and I hope the Government will accept this amendment and I hope the Government will not oppose it on the pretext of communalism. Here no question of communalism is involved. Our demand is based on nationalism pure and simple. I only want that we should be represented by one who is well conversant with educational matters and not by a layman. My Honourable friend has already accommodated the Members of this House by conceding their right to send in their representation. It is not certain that all of whom will be graduates. That is why I move this amendment.

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

"That in clause 16 of the Bill, in sub-clause (v) of clause (1) of Statute 3 in the proposed Schedule for the word 'five', the word 'seven' be substituted and after the words 'their own number' the following be added:

"of whom at least three shall be Muslims to be elected by the Muslim registered graduates from their own number."

Mr. J. D. Tyson: Mr. President, the principle involved in this amendment is substantially the same as that in the last amendment, which was negatived. There is only a slight narrowing of the constituency from which it is proposed that the Members should be elected. Sir, I must oppose this motion.

Mr. Muhammad Nauman: Sir, I do not want to take much of the time of the House. Of course the amendment is a very simple one and probably it does not require very great arguments because similar arguments have been advanced in this country on those lines for over forty years. The same arguments which were advanced before the Joint Parliamentary Committee and during other Round Table Conferences hold good here also. We should have our own constituency where the Muslims should have right to return Muslim candidates. The same force of arguments applies here also. We say that the Muslim graduates should form a constituency of their own through which the Muslim Members of the Court will be returned to the extent of three out of seven, in this particular case. As my Honourable friend Maulvi Muhammad Abdul Ghani pointed out, even in that case where the total number comes to 22 our position at best would be only three out of 22. Of course the Government bring forward their own arguments against this amendment. The Government are in the habit of changing their positions according to circumstances or as suits them. They have accepted this principle of separate representation for Muslims in political organisations and everywhere else, they have accepted the principle that the Muslims are a separate nation. I cannot therefore imagine why the Government should apply this principle only where they think they can apply and not apply it always and in all other organisations. I do not know why the Government should not be guided by the same principle and apply the same to the University organisation as well. We, Muslims, have

[Mr. Muhammad Nauman.] made it definitely clear that the education of this country and particularly in the area where we form 50 per cent. of the population must reflect our own culture and position. There is no possibility of any safeguard being secured in that direction unless the Muslims are given due representation and through Muslim constituency. What I mean is that unless the representatives are sent with that mentality of which the population happens to be composed at the moment, the Muslim interests will not be safeguarded. That is the only argument which I have to place before the House. I know the Government are adamant in the position they have taken up in this Bill and we are also trying to make our position definitely clear before this House, before the country and before the world at large that we have tried our level best to ventilate the grievances of our community, and of our nation. We have made it abundantly clear to the Government that they are doing something for which they will have to repent in future. They cannot go on blowing hot and cold, arguing on the same lines but differing decisions to suit whims. Once the Government concede that we should have separate electorate, through separate voting and when we have also consented to this course in this House I do not understand why the Government should adopt a different principle altogether in respect of the University Bill. My Honourable friend Mr. Tyson said that the same principle is involved in this amendment as in the one which was negatived only a few minutes ago. I quite understand that. But he must realise from the way in which we are pressing our point of view that we wish to make it definitely clear to this Government that we cannot accept any position other than we have taken. Sir, I support the motion.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That in clause 16 of the Bill, in sub-clause (v) of clause (1) of Statute 3 in the proposed Schedule for the word 'five', the word 'seven' be substituted and after the words 'their own number' the following be added: 'of whom at least three shall be Muslims to be elected by the Muslim registered graduates from their own number'." The motion was negatived.

Mr. Lalchand Navalrai: Sir, I move: "That in clause 16 of the Bill, in sub-clause (vi) of clause (1) of Statute 3, in the proposed Schedule for the word 'two' the word 'four' be substituted and after the words 'elected by the Academic Council' the words 'of whom two shall be Professors of the University (salaried and honorary)' be inserted." The present Bill provides for two members of the Academic Council to be elected by the Academic Council. My object in proposing four is that the Professors of the university should not be excluded and they should have two seats. They are interested in education and therefore they should have representation on the Executive Council. I do not want to say much on this because my Leader has put in a dissent on this and I agree with his remarks. Sir, I submit that this amendment should be accepted and I move.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved: "That in clause 16 of the Bill, in sub-clause (vi) of clause (1) of Statute 3, in the proposed Schedule for the word 'two' the word 'four' be substituted and after the words 'elected by the Academic Council' the words 'of whom two shall be Professors of the University (salaried and honorary)' be inserted."

Mr. J. P. Sargent (Government of India: Nominated Official): Sir, quite a long time ago now, it seems to me, the discussion on this Bill left the educational field and ascended into regions where I am neither competent nor disposed to follow it. I may, perhaps, therefore, be allowed to welcome it back again to what is a strictly educational consideration. It may appear to Members of this House that the amendment under consideration is very much the same as the proposal contained in the Bill as amended by the Select Committee. But in actual fact there is rather an important difference. It is true that under the amendment two Professors would be added to the Executive Council but they would be elected by members of the Academic Council. Our proposal was

that the Professors should be elected by their own body; and for this reason. The Executive Council, as defined by the Act and as I suppose accepted by common sense, is the executive body of the university, and it is desirable that as many interests as possible should be represented upon it. It is conceivable that the Professors as a class may have a point of view to put forward which may not be that of any other interest represented on the Executive Council. I can conceive that a Professor who is responsible for his department might be anxious to see changes effected in its organisation or administration or in regard to its standards which might not possibly be the same as those desired by teachers engaged in the department who might be members of the Academic Council. And we feel therefore that the Professors would be free to give impartial advice as Professors to the Executive Council if they depended for their election on their own class rather than if they had, should such occasions of difference arise, to depend on the suffrages of teachers possibly members of their own department, who are in the Academic Council. That I think is a point of practical administrative efficiency. It is quite true, as my Honourable friend Dr. Banerjee pointed out on a previous occasion, that the number of Professors at the moment in the University is small, not more than five, and I think he has described that as a rotten pocket-borough. No one regrets more than I do that after 20 years of life the University of Delhi only possesses five Professors, and these are of very recent creation. If we are put in a position by this House to proceed with the present reorganization scheme, I know—I can say this from my knowledge of the working of the University—that it is the intention of the University very rapidly to increase the number of professors, so that before long the electorate, I hope, will ascend to what may be regarded as a respectable sort of electorate. Consequently, without taking more time of this House, we feel very strongly that the professors should be represented in the chief executive body of the University by people capable and free to speak and to represent the views of the professorial class only and, therefore, although the difference may apparently be small, I regret we are unable to accept this amendment.

Dr. P. N. Banerjee: Sir, in supporting the amendment moved by my Honourable friend, Mr. Lalchand Navalrai, I have only a few brief observations to make.

Sir, my Honourable friend, Mr. Sargent, has pointed out that the Professors may have interests different from those of the other teachers of the University. I fail to follow him in this line of argument. The interests of the professors must be of an academic character and so also the interests of the teachers. Therefore, to my mind there is an identity of interest and not a separation of interests between these two bodies.

Besides, Sir, wholesome working of the University will be possible if only the Professors are regarded as the leaders of the whole body of teachers and for that purpose the Professors should be elected by the Academic Council and not by a small coterie which on a previous occasion I described as a 'pocket borough'. Fancy a body of five persons, of whom three only are salaried, electing two out of their own number. This is not a regular sort of election. It is a very undesirable sort of election. It will not help the maintenance of an academic atmosphere in the Delhi University if you insist that these Professors should be returned by a small coterie, instead of by a substantial body of members such as the Academic Council.

There is also another point of view which I may place before this House, and that is that the professors and teachers must work together. Professors will be the heads of the departments, as has been pointed out by my Honourable friend Mr. Sargent; but because they will be heads of the departments they should not work in an autocratic manner. If they are allowed to work in an autocratic manner, that will vitiate the whole atmosphere of this University. I want that there should be a pure atmosphere in the University of Delhi, and therefore I support the amendment which has been moved by my Honourable

[Dr. P. N. Banerjea.]

friend. I am very sorry that the Government on this occasion has not seen eye to eye with us and have not been able to accept this amendment; but I hope that the course of discussion on this subject will enable them to change their mind and they will accept this amendment.

Nawabzada Muhammad Liaquat Ali Khan: Sir, my Honourable friend, Mr. Sargent, kept out of the affray when communal matters were under discussion but when the representation of professional interests was brought forward he came out boldly to defend the interests of the 'professionals' in the University.

Sir, the amendment that has been moved by my Honourable friend, Mr. Lalchand Navalrai, is one which on principle I do not think, the Government could take any objection to unless the intention of the Government is to create different classes amongst the teachers of the University, and to create a differentiation of interest between that of professors and others who carry on the work of education in the University. My Honourable friend the Educational Adviser, as I was listening to him, would have been a very good champion of the proposition which we had put forward. He wants that every interest should adequately be represented in the Executive Council of the University. If I could only convince him that there is such a thing in India as 'Muslim interest' he probably would have supported our cause much more vehemently than what he is doing in defending the case of the professors, because I can assure him that the interests of Mussalmans are much more important for the advancement of education in India than the safeguarding of the interests of a few professors in the University.

Sir, as has been pointed out, there are only five professors so far and the Government are providing representation for them with weightage which is unheard of anywhere. Five persons are to elect two representatives to the Executive Council. I do not know if my Honourable friend the Education Secretary can give us any instance from any of the other Universities where such a provision exists. I am not aware of one. Here, what the amendment proposes is that as the professors are really connected with the academic side of the University, their election should be by the Academic Council. My Honourable friend, Mr. Navalrai, objects to reservation of seats for the Mussalmans but he does not object to reservation of seats for professors.

Mr. Lalchand Navalrai: That is not communal.

Nawabzada Muhammad Liaquat Ali Khan: I can only say that it is worse than communal. It is that you are giving representation to a class of people whose interests are more intimately connected with the University inasmuch as their jobs depend on the sweet will of the executive. This is much worse than giving representation to independent people who will not be looking to the man who happens to be at the helm of affairs of the University for retaining his position in the University. However, it seems to me that the Government have made up their mind. They are not open to any arguments. Their mind is like a closed book which is moth-eaten, and therefore it does not seem to me to be any use trying to convince them and when I take part in this debate and when I shall do so later on it will not be in the hope or with the object of converting the Government to our point of view. But it will be, because I feel that if we gave expression to our views, then at least as far as we are concerned, we will not be held responsible for any mishaps that might happen later on in the administration of the University of Delhi. I support the amendment that has been moved by my Honourable friend, Mr. Navalrai. If the Professors have to be given a separate representation, if their interest is considered separate from that of the other teachers of the University, then I think that the method which is suggested in this amendment is less harmful than the method which is proposed by the Government, namely, that five persons should elect two representatives to the Executive Council. I support the amendment that has been moved.

Rao Bahadur N. Siva Raj: Mr. President, I am not quite so sure if my friend, the Mover of the amendment, Mr. Lalchand Navalrai, or Dr. Banerjea,

has cleared the position. It seems to me that the object of this is to secure on the Executive Council the two points of view, which however much Dr. Banerjea may say are the same, are from my experience different, namely, the interests of the teachers and those of the Professors, and my fear is that by clubbing these amendments together the one interest which, at any rate, will suffer will be the interest of the teachers, and I am more or less certain that persons in the position of Professors will invariably be returned from the Academic Council. I think it would rather harm the smaller element in the teaching staff than do any good, and I hope my friend Mr. Lalchand Navalrai will not press his amendment.

Mr. Govind V. Deshmukh: If I am not mistaken the suggestion embodied in this amendment has been really approved by the University itself, and if I am right I cannot understand why any reasons have not been given to differ from the view put forward by the University. Another point is this. It has been said that the interests of the teachers and the interests of the Professors are different, they are conflicting. But nothing has been said as to why their interests differ. Why should they? Whether teachers or Professors, they are interested in promoting the education of the students who belong to this University—and there should not be any selfish interest—and if the sole intention of the Bill is to promote education, then I cannot understand why this amendment should not be accepted. As a matter of fact it may help the promoters of this Bill if they have in view the expanding of the circle of Professors.

In the light of these remarks, it would be advisable on the part of the Government to accept the amendment.

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

"That in clause 16 of the Bill, in sub-clause (vi) of clause (1) of Statute 3, in the proposed Schedule for the word 'two' the word 'four' be substituted and after the words 'elected by the Academic Council' the words 'of whom two shall be Professors of the University (salaried and honorary)' be inserted."

The Assembly divided:

AYES—25.

Abdul Ghani, Maulvi Muhammad.
Abdullah, Mr. H. M.
Azhar Ali, Mr. Muhammad.
Banerjea, Dr. P. N.
Chattopadhyaya, Mr. Amarendra Nath.
Choudhury, Mr. Muhammad Hussain.
Dam, Mr. Ananga Mohan.
Deshmukh, Mr. Govind V.
Essak Sait, Mr. H. A. Sathar H.
Kailash Bihari Lall, Mr.
Kazmi, Qazi Muhammad Ahmad.
Lalchand Navalrai, Mr.
Liaquat Ali Khan, Nawabzada Muhammad.

Maitra, Pandit Lakshmi Kanta.
Mangal Singh, Sardar.
Murtuza Sahib Bahadur, Maulvi Syed.
Nairang, Syed Ghulam Bhai.
Nauman, Mr. Muhammad.
Parma Nand, Bhai.
Raza Ali, Sir Syed.
Siddique Ali Khan, Nawab.
Umar Aly Shah, Mr.
Yamin Khan, Sir Muhammad.
Yusuf Abdoola Haroon, Seth.
Zafar Ali Khan, Maulana.

NOES—34.

Ahmad Nawaz Khan, Major Nawab Sir.
Aiyar, Mr. T. S. Sankara.
Amhedkar, The Honourable Dr. B. R.
Azizul Huque, The Honourable Sir M.
Bewoor, Sir Gurunath.
Chapman-Mortimer, Mr. T.
Chatterji, Mr. S. C.
Daga, Seth Sunder Lall.
Dalal, Dr. Sir Ratanji Dinshaw.
Dalpat Singh, Sadar Bahadur Captain.
Habibur-Rahman, Khan Bahadur Sheikh.
Haidar, Khan Bahadur Shamsuddin.
Imam, Mr. Saiyid Haidar.
Ismail Alikhan, Kunwer Hajee.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Khare, The Honourable Dr. N. B.
Mackeown, Mr. J. A.
The motion was negatived.

Maxwell, The Honourable Sir Reginald.
Mnazzam Sahib Bahadur, Mr. Muhammad.
Mudaliar, The Honourable Dewan Bahadur Sir A. Ramaswami.
Pai, Mr. A. V.
Piare Lall Kureel, Mr.
Raisman, The Honourable Sir Jeremy.
Ray, Mrs. Renuka.
Roy, The Honourable Sir Asoka.
Sargent, Mr. J. P.
Siva Raj, Rao Bahadur N.
Spear, Dr. T. G. P.
Spence, Sir George.
Sultan Ahmed, The Honourable Sir.
Thakur Singh, Major.
Trivedi, Mr. C. M.
Tyson, Mr. J. D.
Zaman, Mr. S. R.

[Nawabzada Muhammad Liaquat Ali Khan.]

yourself, you would not have come forward and opposed this amendment. This is not a communal amendment in the sense that it gives representation to Mussalman or Scheduled castes or Christians as such. This is an amendment which is intended to give representation to all those interests that have so far not had a fair chance in the affairs of the University of Delhi. I submit that this hollow claim of the Government that they were genuinely interested in the minorities was really practising a kind of fraud on the people. As I have submitted, the Court has not got any power now. It is only a body that is there as a glorified assembly. All the powers have been taken away from the Court and they have been entrusted to the Executive Council. Unless these minorities have an effective representation on the Executive Council, their interests cannot be safeguarded. I am sorry that the Government have not seen fit to give representation to these interests, the justice of whose claims they recognise themselves. On the Executive Council and my Honourable friend has opposed an amendment which cannot by any stretch of language be classed amongst the communal amendments. I support the amendment that has been moved by my Honourable friend Mr. Essak Sait.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 18th August, 1943.

LEGISLATIVE ASSEMBLY.

Wednesday, 18th August, 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.

THE DELHI UNIVERSITY (AMENDMENT) BILL—*contd.*

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume discussion of the following amendment:

"That in clause 16 of the Bill, in clause (1) of Statute 3 in the proposed schedule, after sub-clause (vii) the following new sub-clause be inserted and the existing sub-clause (viii) be renumbered as (ix):

(viii) Four persons to be elected by the members of the Court elected or appointed under sub-clause (xi) of clause (1) and clauses (4) and (6) of Statute 2."

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Sir, yesterday when the House adjourned for the day, the amendment moved by my Honourable friend Mr. H. A. Sathar H. Essak Sait was under discussion, that is election of four persons by bodies which were approved and accepted by the Government on previous occasion while we were discussing the constitution of the Court. During that discussion, a few bodies like the Muslim Chamber of Commerce and the Delhi Wakf Majalis were given representation on the Court. This amendment propose to give them some representation on the Executive Council. I do not think the Government will have any objection to accepting the principle which they have already accepted. Various bodies have been given representation on the Executive Council of the Delhi University. We only hope that those bodies which have been given representation on the Court will be allowed to elect four persons to represent them on the Executive Council. I whole heartedly support the amendment.

Syed Ghulam Bhik Nairang (East Punjab: Muhammadan): Sir, the amendment which has been moved by my Honourable friend Mr. H. A. Sathar H. Essak Sait is to my mind an acid test of the *bona fides* of the Government. When we tried to point out to the Government the necessity of securing adequate representation of Muslims on the Court and the Executive Council we were consistently met with the plea that that would be introducing communalism into matters of education. But this amendment which is now under consideration is of an entirely different nature and I think if my Honourable friend Mr. Tyson will give a little thought to the subject, he will find that the proposal does not suffer from being, what he abhors, communal. You see, Sir, that under sub-clause (xi) of clause 1 of Statute 2, we shall have the Sadars of Majalise Aukaf constituted under the Muslim Wakf Act. Under clause (4) of Statute 2 we shall have at the most 12 representatives of such Associations as are approved by the Chancellor: that is to say, those Associations evidently will not all be Muslim Associations, one or two Muslim Associations may come in for approval from high quarters, but a majority of these Associations are bound to be non-Muslim. Then comes clause (6) of Statute 2 under which 25 Members will be nominated to the Court by the Chancellor and we have been told by the wording of the amendment now passed on the motion of Government that care will be taken that at least 18 of them shall represent minorities and such other interests as in the opinion of the Chancellor are not adequately represented. So, Sir, there too, as has been pointed out the Muslims stand just a chance of getting a share of the favours which will be showered on certain individuals by the Chancellor. It is impossible, of course, that all the 25 or all of the 18 may be Muslims; but only a few, just a sprinkling will be Muslims. So, Sir, the constituency which we have outlined in this amendment is a mixed constituency in which there will be just a few Muslims and the rest will be all non-Muslims. We say that such a constituency should be given the right to return four Members elected by them from among themselves to the Executive Council. Now, Sir, I do not know why the Government is behaving like the ostrich in the story. The ostrich is called *Shuturmurgh* in Persian, which literally means

Syed Ghulam Bhik Nairang: Sir, I move:

"That in clause 16 of the Bill, to sub-clause (vi) of clause (I) of Statute 3 in the proposed Schedule the following be added at the end:

'of whom at least one shall be a Muslim'."

You will see that two members of the Academic Council elected by the Academic Council are to be members, under that sub-clause, of the Executive Council, and our object is that at least one of them shall be a Muslim. If they both happen to be, by some fortuitous combination of circumstances, Muslims, well and good; but if not, at least one of them shall be a Muslim. I do not think I need expatiate on that point at all. The reason which has prompted us to move this amendment, and many amendments of this kind, is obvious and has been stated again and again, and perhaps the House may have by this time got tired of our repeating the necessity for protecting the educational interests of Muslims in the Delhi University and also of listening to denunciations of what is looked upon as communalism in certain quarters of the House. I move.

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

"That in clause 16 of the Bill, to sub-clause (vi) of clause (I) of Statute 3 in the proposed Schedule the following be added at the end:

'of whom at least one shall be a Muslim'."

Mr. J. D. Tyson: Sir, the principle of this amendment is the same as the principle of a number of amendments that have been discussed in the House and I have nothing to add to what I have said in respect of them. I cannot accept it.

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

"That in clause 16 of the Bill, to sub-clause (vi) of clause (I) of Statute 3 in the proposed Schedule the following be added at the end:

'of whom at least one shall be a Muslim'."

The motion was negatived.

Mr. Lalchand Navalrai: Sir, I move:

"That in clause 16 of the Bill, for sub-clause (vii) of clause (I) of Statute 3, in the proposed Schedule the following sub-clause be substituted:

'(vii) two women co-opted by the Executive Council'."

This amendment is connected with amendment No. 21. The clause which I seek to substitute wants that two women shall be co-opted by the Executive Council. When I say that it has connection with the other amendment, I mean that we find at present four persons nominated by the Chancellor of whom at least two shall be women. My amendment seeks this. As the Bill now stands, the power is given to the Chancellor to appoint two women. We object to that nomination. We want that they should be co-opted by the Executive Council itself.

The Honourable Sir Sultan Ahmed: How can that come in under (vii)? The Honourable Member is arguing (viii). The Honourable Member wants to substitute (vii)?

Mr. Lalchand Navalrai: Yes. I want that they should be co-opted by the Executive Council and I do not want nomination by the Chancellor. My point is that the democratic way of election should take place rather than nomination. I do not think I should advance a long argument over it. I move.

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

"That in clause 16 of the Bill, for sub-clause (vii) of clause (I) of Statute 3, in the proposed Schedule the following sub-clause be substituted:

'(vii) two women co-opted by the Executive Council'."

Mr. J. D. Tyson: The effect, Mr. President, of accepting this amendment will be that the present sub-clause (vii) will go opt altogether and "two members to be appointed by the Professors of the University (salaried and honorary

from their own number" will disappear. I do not know whether that is the intention of the Honourable Member. We certainly wish, as the House well knows, to have professors added to the Executive Council and I could not possibly accept an amendment which will have the effect of cutting them out altogether.

Dr. P. N. Banerjee: The most important point involved in this amendment is election of two women to the Executive Council by the method of co-option. In the Statement of Objects and Reasons appended to the original Bill, we read that it was necessary to have some women on the Executive Council. I agree that there should be some women on the Executive Council in order that the educational interests of women may be promoted to a greater extent than they are now. But the question is: How are the women to be elected? The Government view is that these two women should be nominated by the Chancellor. I have on several occasions objected to this system on the ground that already the Government exercises a great deal of power over this university both directly and indirectly, and I am reluctant to give them further powers. If the Government proposal is accepted, then two more nominated persons will sit on the Executive Council and that will strengthen the Government block. But if the amendment of my Honourable friend is accepted, then women who are experienced in educational matters, who enjoy the confidence of the educational world, who possess courage and independence to express their views, will be elected by the Executive Council itself. Then there is the question, who is in a better position to decide as to proper sort of women to be associated with the work of the Executive Council? The Government's answer is Chancellor. I say, No. The Chancellor is not fully acquainted with the work of the Delhi University and to place this work of nomination in the hands of the Chancellor will merely mean that the power will be exercised by some person in the Education Department. To that I take the strongest objection. On the other hand, if we entrust this work of selection to the Executive Council, a better sort of persons will be able to come and help in the administration of the Delhi University. They will be able to show more courage and independence, they are likely to be better acquainted with the educational affairs of Delhi, and they will be able to work in greater cordial relations with the other members of the Executive Council than otherwise. On these grounds I support this amendment.

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

"That in clause 16 of the Bill, for sub-clause (vii) of clause (I) of Statute 3, in the proposed Schedule the following sub-clause be substituted:

'(vii) two women co-opted by the Executive Council'."

The motion was negatived.

Syed Ghulam Bhik Nairang: Sir, I move:

"That in clause 16 of the Bill, in sub-clause (vii) of clause (I) of Statute 3, in the proposed Schedule for the word 'two' the word 'one' be substituted."

Mr. J. D. Tyson: To shorten discussion,—if my Honourable friend, in the interests of good grammar, will say, "two members" instead of "two" and "one member" instead of "one", I am prepared to accept the amendment.

Nawabzada Muhammad Liaquat Ali Khan: In the interests of good grammar we accept the correction.

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

"That in clause 16 of the Bill, in sub-clause (vii) of clause (I) of Statute 3, in the proposed schedule for the words 'two members' the word 'one member' be substituted."

The motion was adopted.

Mr. H. A. Sathar H. Essak Sait: Sir, I move:

"That in clause 16 of the Bill, in clause (I) of Statute 3, in the proposed Schedule, after sub-clause (vii) the following new sub-clause be inserted and the existing sub-clause (viii) be re-numbered as (ix):

'(viii) Four persons to be elected by the members of the Court elected or appointed under sub-clause (xi) of clause (I) and clauses (4) and (6) of Statute 2'."

[Mr. H. A. Sathar H. Essak Sait.]

The House knows that we are still dealing with the constitution of the Executive Council. I hope Mr. Tyson will realise that this amendment has nothing of communalism connected with it, not that I fight shy of communalism. I have always fought for my community and I am proud to do so and I shall go on fighting for my community but so far as the present amendment is concerned, for Mr. Tyson's information I draw his attention to the fact that this is not communal at all. I suggest that four persons should be elected to the Executive Council out of those whom I have mentioned here and I will explain who they are. Sub-clause (xi) of clause (1) of Statute 2 which we passed two days ago mentioned the two sadars of the Majalis-i-Aukaf. They are Muslims I cannot help it, but so far as clauses (4) and (6) of Statute 2 are concerned, the position is this. I read from those sub-clauses: 'Persons to be elected as Members of the Court by associations or other bodies approved in this behalf by the Chancellor'. I hope that nobody will accuse me of communalism here at all, because these are bodies which are to be approved by the Chancellor and as we have been defeated on this very often, this has nothing to do with Muslims or Muslim bodies.

Then comes clause (6) of statute 2. That reads 'Persons to be appointed by the Chancellor under clause (xv) of sub-section (1) of section 18 shall be fifteen' and who are to be appointed by the Chancellor? The attempt in this amendment is to get a few more people on the Executive Council which, as explained by my friend Syed Ghulam Bhik Nairang, is the most important of the three bodies that are going to be set up under this Bill. The idea is to have representative people who will look to the interests of their constituencies rather than follow the ukase of the Chancellor or the Vice-Chancellor or any man in authority. This is the attempt that is being made by this amendment and I hope Government will have no difficulty in accepting this amendment. I move.

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

"That in clause 16 of the Bill, in clause (1) of Statute 3, in the proposed Schedule, after sub-clause (vii) the following new sub-clause be inserted and the existing sub-clause (viii) be re-numbered as (ix):

"(viii) Four persons to be elected by the members of the Court elected or appointed under sub-clause (xi) of clause (1) and clauses (4) and (6) of Statute 2."

Mr. J. D. Tyson: This is a proposal to add four members to the Executive Council. Our feeling is that the Executive Council should be kept small. We hesitated for some time before suggesting any addition to it at all. We have proposed to add two women and we did propose to add two Professors but out of deference to the feeling of the House and also because we felt that this was already too large a body we have reconciled ourselves to having only one Professor. I am bound to say that we do not like this addition of four more people to the Executive Council. For one thing, we do not want to see too heavy a weightage from the Court in the Executive Council, which is an executive body and the Court is already fairly represented there: and absolutely, as has been said already, we do not wish to see the numbers increased. I am afraid I cannot accept this ingenious amendment.

Nawabzada Muhammad Liaquat Ali Khan: It is really very difficult to understand the logic of my Honourable friend the Education Secretary. When he could not find any other argument against the amendment which we have proposed, he has come forward with the argument that they do not like the idea of the Executive Council having a few more members on it. According to their scheme, there were to be 27 members of the Executive Council. The House has just now reduced the number by one in the case of the representation of professors. Therefore, it would only mean in actual fact an increase of 3 more members.

The other argument that has been advanced is that they do not like the representation of the Court to be more than what is provided here on the Executive Council. If my Honourable friend would study the composition of the Council, he would see that there are to be fourteen *ex-officio* members of this Council. There are 5 only out of 27 or 26, as it is now, who will be representatives of the Court. So, if you add these 4 more then out of 30, the representation of the Court on the Executive Council will be only 9. So, I do not

see that the Court is going to have an over-representation on the

Executive Council. The argument that they do not like to give the Court a great representation on the Executive Council is, not, I am afraid, very convincing. I could have understood if by our proposal the Court would have had even half of the members of the Executive Council. At the most, the representatives of the Court will be only 9 after adding these 4 more. Therefore, I am afraid I do not see the strength of the argument which has been advanced by my Honourable friend.

Sir, I do not want to hide it from this House as to why we have proposed this amendment. It is recognised that the Executive Council is the most powerful body in the whole scheme that has been placed before us. The Executive Council will, in fact, be the chief administrative and executive body of the University of Delhi. Certain interests which have been recognised by my Honourable friend, the Education Secretary, that they should be represented on the Court will not have a chance of being represented on the Executive Council. So, what is the use of your giving representation to those interests on the Court when they are not going to be represented on the Executive Council which, in fact, is the most important body of the University. By this method, we certainly intended that those interests which have not had a fair deal so far would be able to have a place on the Executive Council of the University. If my Honourable friend will look at the composition of the Court, he will find that the amendment says that 4 have to be elected by the members who are members of the Court under (1) (xi) and clauses (4) and (6) of Statute 2. Clause (xi), as has been pointed out by my Honourable friend the Mover, consists of the Sadars of the Majalis-i-Aukaf. Then under clause (4) will be 12 representatives to be elected by the various associations which will be recognised by the Chancellor on the recommendation of the Court. Then, Sir, under clause (6) there will be 25 persons who would be nominated by the Chancellor to the Court. We were told when we were considering the question of the composition of the Court that by this method of increasing the number of representatives of the associations and increasing the number of persons to be nominated by the Chancellor the Government were really doing justice to the case of those who have not had a due share in the administration of the University and who were not fortunate enough to be represented on the various bodies of the University. Sir, you will remember, when the amendment was moved regarding the composition of the Court, I definitely stated that it was an eye-wash that the Government were coming forward with such an amendment. Everybody knows that under this new Bill of yours you have reduced the position of the Court to a nullity. It has no power now. All the powers have been taken away by the Statutes and have been entrusted to the Executive Council. So, what was the use of the Government coming forward and trying to deceive the world at large that they were really giving representation to the Mussalmans and other minorities by moving their amendments. If you are not prepared to give any representation to these interests, about whom you yourself admit that they have not been represented fairly and justly on the various bodies of the University, on the Executive Council, then I submit that it is a fraud—I use the word fraud deliberately—that you are practising on the people of this country. You are only showing to the world at large that you are very much interested in the welfare of the minorities when you really have not got the slightest regard for the interests of the minorities. If you really had any regard for the interests of the minorities, the justice of whose claims you have recognised

[Syed Ghulam Bhik Nairang.]

camel bird. When the ostrich was asked by some one to carry a load for him, he said, "I am not a camel, I am a bird; do birds ever carry a load?" But when the ostrich was asked to fly, he said "I am a camel; do camels ever fly?" Well, Sir, we do not know how to impress this Government with the necessity of granting at least, the barest possibility of some Muslims, just a few Muslims coming into this great body the Executive Council. When we say there should be such and such Muslims they say it is communalism; when we say, here is a mixed constituency, the voters will be Muslims and non-Muslims and they will elect from among themselves only a few Muslims the rest being non-Muslims,—we stand only a very small chance,—we are met with the plea that that will make the Executive Council a very unwieldy body. What is there unwieldy in it? As at present envisaged, this Council is to consist of 27 members and if this amendment is accepted it will make the number 30. One fails to see what great disproportion will result from this and how 30 members will make it unwieldy. Here is a chance for Government to prove its *bona fides* by accepting this amendment because they will find after going into details that this will not introduce communalism but will only introduce a sort of popular element into the Executive Council. I need hardly go into greater details but one thing I will point out that although we did make very great efforts to get a few more Muslims into the Court, yet that body is more or less an ornamental and ceremonial body; because the powers of the Court as outlined in section 20 of the Delhi University Act are:

"(a) of making Statutes, and of amending or repealing the same.
(b) of considering and cancelling Ordinances, and
(c) of considering and passing resolutions on the annual report, the annual accounts and the financial estimates."
and the Court—

"shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by this Act, or the Statutes."

So, as has been pointed out, the exercise of powers for the good or otherwise of any body or institution rests with the Executive Council. Among other powers of the Executive Council we find in sub-section (c) of section 22 that they shall

"lay before the Governor General in Council annually a full statement of the financial requirements of the University and the Colleges;"—

Now if the financial requirements of the Colleges are to be laid annually by the Executive Council before the Governor General in Council, surely all the Colleges become interested for that reason in having some voice in the deliberations and recommendations made by the Executive Council. I will not say how many Colleges there are and who the parties interested are, but surely we happen to have a college of our own in the Delhi University, and we are interested to that extent in seeing that our interests are not ignored or lightly treated by the Executive Council. And therefore having failed to impress Government with the need of allowing Muslims as such to come into the Executive Council through Muslim constituencies as such we are now making an effort to induce this Government to allow us to have a chance,—though not a certainty,—of having a few Members on the Executive Council through this constituency which we have outlined. Sir, I support the amendment.

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

"That in clause 16 of the Bill, in sub-clause (i) of Statute 3 in the proposed schedule, after sub-clause (vii) the following new sub-clause be inserted and the existing sub-clause (viii) be renumbered as (ix):

"(viii) Four persons to be elected by the members of the Court elected or appointed under sub-clause (xi) of clause (1) and clauses (4) and (6) of Statute 2."

The Assembly divided:

AYES—15.

Abdul Ghani, Maulvi Muhammad.	Murtuza Sahib Bahadur, Maulvi Syed.
Abdullah, Mr. H. M.	Nairang, Syed Ghulam Bhik
Azhar Ali, Mr. Muhammad.	Nauman, Mr. Muhammad.
Choudhury, Mr. Abdur Rasheed.	Siddique Ali Khan, Nawab.
Choudhury, Mr. Muhammad Hussain.	Siva Raj, Rao Bahadur N.
Essak Sait, Mr. H. A. Sathar H.	Yamin Khan, Sir Muhammad.
Ghiasuddin, Mr. M.	Zafar Ali Khan, Maulana.
Liaquat Ali Khan, Nawabzada Muhammad.	

NOES—34.

Ahmad Nawaz Khan, Major Nawab Sir.	Muazzam Sahib Bahadur, Mr. Muhammad.
Aiyar, Mr. T. S. Sankara.	Noon, The Honourable Malik Sir Feroz Khan.
Ambedkar, The Honourable Dr. B. R.	Pai, Mr. A. V.
Azizul Huque, The Honourable Sir M.	Parma Nand, Bhai.
Bewoor, Sir Gurunath.	Piara Lal Kpreel, Mr.
Chapman Mortimer, Mr. T.	Raisman, The Honourable Sir Jeremy.
Chatterji, Mr. S. C.	Ray, Mrs. Renuka.
Dalal, Dr. Sir Ratanji Dinshaw.	Roy, The Honourable Sir Asoka.
Dalpat Singh, Sardar Bahadur Captain.	Sargent, Mr. J. P.
Dam, Mr. Ananga Mohan.	Spear, Dr. T. G. P.
Habibur-Rahman, Khan Bahadur Sheikh.	Spence, Sir George.
Haidar, Khan Bahadur Shamsuddin.	Sultan Ahmed, The Honourable Sir.
Imaial Alikhan, Kunwer Hajee.	Thakur Singh, Major.
Jawahar Singh, Sardar Bahadur Sardar Sir.	Trivedi, Mr. C. M.
Kamaluddin Ahmad, Shamsul-Ulema.	Tyson, Mr. J. D.
Khare, The Honourable Dr. N. B.	Zaman, Mr. S. R.
Mackeown, Mr. J. A.	
Maxwell, The Honourable Sir Reginald.	

The motion was negatived.

Mr. Amarendra Nath Chattopadhyaya (Burdwan Division: Non-Muhammadan Rural): Sir, I move:

"That in clause 16 of the Bill, in sub-clause (viii) of clause (1) of Statute 3, in the proposed Schedule for the word 'four' the word 'two' and for the words 'of whom at least two' the words 'both of whom' be substituted respectively, and after the word 'women' the words 'and that the nomination will hold good for the first three years only after which there shall be an election and the system of nomination shall cease' be added."

Sir, this is practically an amendment against system of nomination. In the 20th century all institutions which are going to be set up should be set up on democratic lines. It is a pity that Government is going to set up a University at Delhi—an educational institution—and is urging for more and more nomination. I understand that the present scheme of three years is an experiment and if it has its intrinsic worth and if Government is sure that it will prove useful to Indian constitution. I believe that there would not be any nervousness in the Government. I agree with the Government with regard to this three years scheme, but I do not think that Government has any justification for having nominated members to help them. This amendment of mine only wants that instead of 4 persons only 2 should be nominated and those two should be women. The original provision is "4 persons nominated by the Chancellor of whom two shall be women". There is no need of increasing the number from 2 to 4 and if two of them are to be women let two only be nominated and not four.

Sir, on our left we find that Government is crazy about getting more and more power to control the University. On our right we find our Muslim friends becoming crazy about getting more representation for Mussalmans. We are in between two horns of the dilemma. We can neither support the Government in their urge for more and more power, nor can we support our Muslim friends to get more and more representation for their community; yet, I believe the Honourable Member in charge will readily accept this amendment which is only for diminishing two members out of the nominated number.

With regard to the second part of the amendment, the nomination will hold good for the first three years. I can see that in order to make this experiment a success Government desires to have more power.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): A very large concession.

Mr. Amarendra Nath Chattopadhyaya: . . . and we cannot persuade Government to give up this idea of nomination because we are less in number here. We accede to the proposal that this nomination shall continue for three years only. After three years there should be no nomination at all. So far as women are concerned, this amendment urges that two women, if they are to be taken in the Council at all, shall be taken by selection. With these words, I move.

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

"That in clause 16 of the Bill, in sub-clause (viii) of clause (7) of Statute 3, in the proposed Schedule for the word 'four' the word 'two' and for the words 'of whom at least two' the words 'both of whom' be substituted respectively, and after the word 'women' the words 'and that the nomination will hold good for the first three years only after which there shall be an election and the system of nomination shall cease' be added."

Mrs. Renuka Ray (Nominated Non-Official): Sir, I rise to support this amendment that has been moved by my Honourable friend, Mr. Amarendra Nath Chattopadhyaya. So far as the first part of the amendment is concerned, he has explained his position. It is in regard to the second part that I am speaking. If those who are desirous of improving the status of the Delhi University want that for the first three years the two women should be nominated, no great harm can be done. But it seems to me that there is no reason whatever to perpetuate a system of nomination for the representation of women on the Executive Council. Nomination is never a good principle, and certainly I agree with my Honourable friend that in these days we should try and avoid it and not perpetuate it. It is against the ideals of Indian woman. Of course, I am aware it might be pointed out that I am here myself as a Nominated Member and that at the instance and the request of the All-India Women's Conference, which is one of the premier women's organizations in the country. But I think Honourable Members are aware that this was for a particular purpose and it was because there is no woman at present in this House who is in a position to put forward the woman's point of view at a time when interests particularly pertaining to women were up for consideration. It does not in the least detract from the stand that women have taken, that they do not like the principle of nomination, and in any case they would not like to perpetuate it in an Act such as the Delhi University Act. It would be all right for the first three years, but it should really not be perpetuated for all time.

The other method that might be brought in for the appointment of women could be by the method of co-option. It would really amount to co-option if the Executive Council selected the women. This would not be the best procedure, but it would certainly be a much better procedure than nomination.

There is another procedure which I should like to suggest, and that is that the two women should be elected by the Registered Graduates from amongst prominent women educationists in this country. This is not a procedure which is entirely unheard of. It is somewhat on the lines of the election of the Rector of the Glasgow University who is elected by the Registered Graduates and undergraduates from amongst prominent personages in the country.

I hope that my Honourable friend, Mr. Tyson, will find his way to accept this amendment and bring in either the one or the other procedure that I have mentioned as a way of representing women rather than that of pure nomination after the period of the first three years.

The appointment of the Vice-Chancellor which was in the original Bill by pure nomination, was not commendable and did not meet with the approval of all. The sponsors of this Bill themselves had agreed to the changes brought in by the Select Committee. Of course I do not contend that the appointment of the two women is as important or of such urgency as that of the Vice-Chancellor; but at the same time I do urge that it is of sufficient importance for my Honourable friend to accept this amendment.

Sir, it is not my desire, nor do I wish Honourable Members of this House to think that I am one of those who have joined in the merry game that has been going on in this House for the last few days of dilatory tactics to put off the passage of this Bill. I support this measure because I consider it is one of great importance. I heard on the first day of this debate some of the Honourable Members saying that this Bill was being rushed through with too much haste, that adjustments would have to be made and that difficulties would arise. It is quite true that in any new scheme that is brought in adjustments are necessary. During a transition period there are many difficulties that arise. But if these are to be made a reason for not trying a new

experiment, however beneficial it may be to the community, I think it shows a mentality which is entirely against any improvement for the community as a whole.

But though I support this Bill in so far as it is bringing in the three years' course, and is an improvement which has had the blessings, I should say, of all major educational bodies, I would at the same time request once more my Honourable friend, Mr. Tyson, to accept this particular amendment, as it will, to my mind, make a great improvement in the Bill as a whole.

Mr. Kailash Bihari Lal (Bhagalpur, Purnea and the Sonthal Parganas: Non-Muhammadian): Sir, I rise to support this amendment, and I remember that while I was speaking yesterday I said that officialisation is better than communalisation. Then some friend remarked that I was getting a reactionary. It is to clear that point that I take the opportunity of supporting this amendment and opposing in a way the system of nomination. Of course nomination is not necessary. Previously the charge was levelled against Congressmen that they always followed their leader like a flock of sheep and voted without understanding what they were doing. We find a similar thing going on with regard to this Bill. There are many who talk with us about the Bill but their hearts are elsewhere. I shall not name the persons. Let them search their hearts. It is an open secret. Everybody knows that the voting is taking place in this fashion and it is for that reason that I support this amendment so that those who are engaged in work that requires independence may be left alone to work with a free will. With nomination there is always the idea, which we have heard times out of number in this House—and people have spoken frankly about it—that one has only to obey the mandate of one's constituency. Just as those who are elected have to obey the mandate of their constituencies, so in their own way those who are nominated have also to obey a mandate. It has been so said here on the floor of this House. So we can understand that, when it is by nomination, those who are nominated think they will have to do things according to the wishes of those who nominate them. It is for that reason that I support this amendment that there should be no more of nomination where we wish that things should go on with some amount of free will. It is for that reason that this amendment seeks that women should be elected and nomination should last only for three years till they are in a position to elect. Of course it is not clear from this amendment as to who will elect them after three years. That will be seen later on and I think perhaps Government will find out an elective body of women who will elect them; but it is surely healthy that the system of election should be introduced so far as the representation of women is concerned and the system of nomination should be abolished altogether. With these words I support this amendment.

Mr. J. D. Tyson (Secretary, Department of Education, Health and Lands): Sir, this is frankly, as the Honourable the Mover has said, an amendment to eliminate the nominated element from the Executive Council.

Dr. P. N. Banerjee: Reduce.

Mr. J. D. Tyson: Eliminate. The effect of this amendment will be to reduce our proposal of 4 nominees; of whom 2 are to be women, to two, and these again will be eliminated as nominees after three years. That is elimination of the nominated element, and in fact the Honourable the Mover quite frankly stated that that was his idea. We believe that nomination on a small scale has advantages from the point of view of the university. Of the two members who are nominated at the moment, one is a representative of a minority community, and we think that the possibility that the Chancellor can rectify inequalities to some extent in that way is in itself one argument for retaining a small element of nomination in the Executive Council.

Nawabzada Muhammad Liaquat Ali Khan (Rohilkund and Kumaon Divisions: Muhammadan Rural): And the other? Whom does he represent?

Mr. J. D. Tyson: I think he represents commercial interests. So far as I remember, this other one is a gentleman from the commercial community. In this connection, I may say that I find that there is an amendment—I do not

[Mr. J. D. Tyson.]

know whether it will be moved—from the other side of the House—in the name of Dr. Sir Zia Uddin—to raise the nominated element from 4, as we have suggested, to 6, of whom 2 are to be Muslims: so that, though no one has spoken from that side of the House, I believe that to some extent I am voicing their feelings that a nominated element should be retained. After all, if after trying this experiment, after the experience of some years of having, as we hope, 4 nominated members of whom 2 will be women, the University have suggestions to make, there are ways by which they can put forward their suggestions for change, and no doubt they will be considered on their merits. It does not involve legislation.

There is also one point,—that I do not think in any case I could have accepted an amendment which left the whole procedure to be followed so much in the air as this one does, that nomination will hold good for the first three years only, after which “there shall be an election and the system of nomination shall cease”. It is not there even suggested from what constituency or by what means election should take place. I cannot accept the amendment.

Rao Bahadur N. Siva Raj (Nominated Non-Official): Mr. President, I oppose this amendment moved by my friend Mr. Chattopadhyaya and for these reasons. In the first place, I must frankly state that it is a matter of self-interest for me to oppose this motion, because it reduces the number of seats from 4 to 2, and reserves those two seats entirely and solely for the purpose of representation of women, thereby depriving what chances I have, should I have any chance at all, of getting representation for a member of my community. As you will see later, I have an amendment in my name where I say that one at least of the two seats left over shall be filled in by a member of the scheduled castes. The second reason for my opposition to this amendment, as Mr. Tyson has already pointed out, is that it is somewhat vague and indefinite. Even supposing that this House accepts that there ought to be a method of election after three years, the electorate and the method of election is vague. The third reason why I oppose this amendment is this: it has recourse to a principle which is sought to be substituted in favour of nomination, whereby the minority communities will not get adequate representation at all. In fact in a way, it is true to say that the women of India, with the rapid progress in education that they have made generally, constitute really a very cultured and capable majority. In fact I think it is the biggest minority, should it be considered at all a minority, in India; whereas people like the scheduled castes are occupying a very very inferior and subordinate position generally in the life of this country in all its aspects. Consequently, we feel there ought to be some protection for communities like mine and, probably also for communities like the Muslim community.

But so far as the question of nomination and election is concerned, I do not know how far it is open to us at any rate in India to say which of the two methods has been really a good method. I find that, whereas nomination by itself is not to be condemned, it is open to people to say that the authorities who have got this power vested in them have probably abused this power of nomination. It is just possible that by the power of nomination we may be able to get the best persons available for any of these bodies or institutions. It is because this power has been abused in the past that in some cases nomination is generally condemned. Nor can one suppose that election has thrown up the best men or women possible as a result of those elections. Even as people can say that there are toadies of the Government, it is equally true to say that there are toadies of the Congress and perhaps later on there will be toadies of the Muslim League also; and so I do not believe that either because the authority which has got the power of nomination is abusing that power or because the members nominated as a result of that behave as if they have absolutely sold their souls to the powers which nominated them, that nomination by itself is bad. Whatever might be the result in the case of political institutions, certainly in

bodies like a university, nomination ought to be resorted to to set right certain inequalities, or what is more important, to bring on any body or authority of the university persons whose presence is desirable and necessary for the proper conduct of the university work. With these words I oppose the amendment.

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

“That in clause 16 of the Bill, in sub-clause (viii) of clause (1) of Statute 3, in the proposed Schedule for the word ‘four’ the word ‘two’ and for the words ‘of whom at least two’ the words ‘both of whom’ be substituted respectively, and after the word ‘women’ the words ‘and that the nomination will hold good for the first three years only after which there shall be an election and the system of nomination shall cease’ be added.”

The motion was negatived.

Dr. Sir Zia Uddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): I move:

“That in clause 16 of the Bill, in sub-clause (viii) of clause (1) of Statute 3 in the proposed Schedule for the word ‘four’ the word ‘six’ be substituted and at the end of the sub-clause the words ‘of whom at least two shall be Muslims’ be added.”

I wanted to bring this Act into line with the recommendation of the Calcutta University Commission for the constitution of the Executive Council. This recommendation was for both the Dacca and the Calcutta Universities. We had an enactment for the Dacca University and this provision was made therein. We have not yet had an enactment for the Calcutta University, but I hope that when it is made, this provision will be made. In the case of the U. P. this was not needed because we have a Muslim University at Aligarh which is really serving the purpose in the U. P. One of the greatest proofs that I can give in support of all the arguments and all the speeches that have been delivered on the floor of this House,—not only in connection with this Bill but in connection with all constitutional problems that we discuss here—the discussions in them are a proof and an indication that a provision of this kind is necessary. You should take the situation as it is and not as it ought to be. If you want to lay the foundation of a university in an ideal society on the plane at Mars and not in India or somewhere else—if you want to do so, you can make any enactment you like. But when the university is to be for the benefit of the people of the country and ‘people’ includes all classes and all sections, we know what the mentality of the people here is. If you want academic support, it is there of the Calcutta University Commission, but there is nothing academic in my suggestion. I just want to bring it into line with the recommendations of the Calcutta University Commission.

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

“That in clause 16 of the Bill, in sub-clause (viii) of clause (1) of Statute 3 in the proposed Schedule for the word ‘four’ the word ‘six’ be substituted and at the end of the sub-clause the words ‘of whom at least two shall be Muslims’ be added.”

Mr. J. D. Tyson: This amendment is again on lines which have become familiar to the House and I am afraid I cannot accept it.

Nawabzada Muhammad Liaquat Ali Khan: As was expected, the Government have once again come forward and opposed this amendment. A little while ago the lady Member of this House was pleased to remark that there has been “a merry game” going on on the floor of the House. It may be merry for her who is siding with those who have come to play with loaded dice, but I can assure her that it is not a merry game for us. Then she accused us of dilatory tactics. I wish to say with all the emphasis that I can command that there is no such thing as far as we are concerned. If this Bill is taking longer than any measure of this type should have taken, it is due entirely to the attitude of the Government. If they had accepted the motion that was made in the last Session for the circulation of the Bill, Honourable Members would have been in possession of opinions from independent quarters. But, in the absence of that, the responsibility that has fallen on the shoulders of the Honourable Members is great and we would be failing in our duty if we did not, according to our lights, put our point of view before the Legislature. I wish to assure the House that as far as we are concerned there is no intention, there has never been any intention of any dilatory tactics.

[Nawabzada Muhammad Liaquat Ali Khan.]

The amendment that has been moved by my Honourable friend, Dr. Sir Zia Uddin Ahmad, was intended to give some representation to the Mussalmans without depriving other minorities of their representation on the Executive Council. But the Government have opposed that. May I ask the Honourable the Education Secretary what proposal they have to give some kind of representation to the Mussalmans on the Executive Council? As I said yesterday, the Executive Council under your new scheme is going to be the most important body. Is it right, is it fair, is it just to deprive one community of any voice in the deliberations and decisions of this Executive Council? It seems to me that to the present Government the word "Mussalman" is like a red rag to a bull. Wherever there is mentioned the word "Mussalman", they think that, "Goodness knows, what is behind this?" Perhaps the whole of the university will be demolished because the word "Mussalman" is mentioned somewhere in this measure that is being enacted! Sir, I really do not see why Government go on making these professions, that they want to safeguard the interests of the minorities. Why don't you come out openly and frankly like honest people and say, "We are not concerned with the interests of minorities or anybody, we want to hand over this university to the majority community", and be done with it? Don't waste our time, don't waste your time. But their coming forward and saying that they are most concerned about the interests of the minorities, that the Chancellor will make nomination under which the Mussalmans and other minorities will get adequate representation is all rubbish and humbug. I am sorry I am using those expressions but I hope you and the House will forgive me because I would much rather that they came out openly and honestly and put forward what their case is. Of course, my Honourable friends of the Nationalist Party and the lady Member of the House are perfectly satisfied with the Bill as it is, because the "haves" are always satisfied and it is the poor "have-nots" who have to fight for their rights. I support the amendment that has been moved.

Before I resume my seat, I would again wish to assure the House that our intention is not to use any dilatory tactics. Whatever we are putting forward and the amendments that have been drafted and notice of which has been given—they have all been considered most carefully and we consider that it is our duty as long as we represent the public opinion in this House to put forward our point of view before this Honourable House.

Rao Bahadur N. Siva Raj: I will not take much time in supporting this amendment. I will just give only one reason, and that is, the more the merrier for the minorities.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions; Muhammadan Rural): The question here is about nomination and Dr. Sir Zia Uddin Ahmad could not perhaps for some reason quote the decision arrived at by the Calcutta and Dacca Universities. I would like to read to this House two passages, one from the Calcutta University and the other from the Dacca University to enlighten Honourable Members of this House and the Government. On page 214, this is what the Calcutta University Report says about the educational needs of Mussalmans:

"In designing the Executive Council of the reorganised Calcutta University we have provided that out of 17 members three at least must be Mussulmans, while our proposed Academic Council is to include 'four representatives with educational experience, two at least of whom should be teachers to be appointed by the Chancellor after report from the Muslim Advisory Board'."

Then on page 216 of the same report it is said:

"As regards the other constituent bodies of the University we have suggested that the Court should always contain, among others (a) 30 graduates of the University, of whom 15 should be Muslim graduates elected by the Muslim graduates, and (b) 40 members appointed by the Chancellor, of whom not less than 20 should be Mussulmans."

Mr. President (The Honourable Sir Abdur Rahim): What is the Honourable Member reading from?

Mr. Muhammad Azhar Ali: I am reading from the Calcutta University Commission Report, Vol. V. The report goes on to say:

"and that the Executive Council should always include four persons appointed by the Chancellor, of whom two shall be Mussalmans, one being a teacher of the University and four persons elected by the Court, two of these being elected by the Muslim members of the Court who have registered themselves as Mussalmans from among their own number."

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not read all that.

Mr. Muhammad Azhar Ali: Then, coming to the constitution of the Executive Council, this is what we find on page 391 of the Report, Volume IV:

"Two members appointed by the Chancellor, one of these to be a Mussulman, and one a representative of experience in industry and commerce. Two members appointed by the Government of Bengal, one of these to be either the Director of Public Instruction, or, in his place, a representative of experience in secondary education. Three members appointed by the Court, one of these to be a Mussulman and none of these to be a salaried officer of the University, or of any institution connected with the University."

Mr. President (The Honourable Sir Abdur Rahim): All these matters have been fully discussed.

Mr. Muhammad Azhar Ali: This matter has not been dealt with so far. Then the Report says:

"Three University teachers appointed by the Academic Council, one of these to be a Mussulman; the term University teacher to include teachers of constituent colleges giving public instruction in the University as well as teachers wholly paid by the University."

Then, Sir, besides the acts of commission and omission on the part of the Government of India, so far as this Bill is concerned, we on this side of the House are not in any sense indulging in dilatory tactics. We are doing our level best to convince the Government that our claims are right and that they have been supported by the enactments of other Universities. We are doing our duty to our constituents and we shall be guilty of not discharging our duties properly if we do not put forth the claims of the Mussalmans. Is it suggested by Members of the House that we should not discharge our duties properly. It is our misfortune that we have to discharge our duties, which is not liked by the Government or other Members of the House. With these words I support the amendment.

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

"That in clause 16 of the Bill, in sub-clause (viii) of clause (1) of Statute 3 in the proposed Schedule for the word 'four' the word 'six' be substituted and at the end of the sub-clause the words 'of whom at least two shall be Muslims' be added."

The Assembly divided:

AYES—19.

Abdul Ghani, Maulvi Muhammad.
Abdullah, Mr. H. M.
Azhar Ali, Mr. Muhammad.
Choudhury, Mr. Abdur Rasheed.
Choudhury, Mr. Muhammad Hussain.
Essak Sait, Mr. H. A. Sathar H.
Ghiasuddin, Mr. M.
Kamaluddin Ahmad, Shamsul-Ulema.
Kazmi, Qazi Muhammad Ahmad.
Liaquat Ali Khan, Nawabzada Muhammad.

Murtuza Sahib Bahadur, Maulvi Syed.
Nairang, Syed Ghulam Bhik.
Nauman, Mr. Muhammad.
Piare Lall Kureel, Mr.
Siddique Ali Khan, Nawab.
Siva Raj, Rao Bahadur N.
Yamin Khan, Sir Muhammad.
Zafar Ali Khan, Maulana.
Zia Uddin Ahmad, Dr. Sir.

NOES—32.

Ahmad Nawaz Khan, Major Nawab Sir.
Aiyar, Mr. T. S. Sankara.
Ambedkar, The Honourable Dr. B. R.
Azizul Huque, The Honourable Sir M.
Bewoor, Sir Gurunath.
Chatterji, Mr. S. C.
Dalal, Dr. Sir Ratanji Dinshaw.
Dalpat Singh, Sardar Bahadur Captain.
Habibur-Rahman, Khan Bahadur Sheikh.
Haider, Khan, Bahadur Shamsuddin.
Imam, Mr. Saiyid Haider.
Ismael Alikhan, Kunwer Hajee.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Kailash Bihari Lall, Mr.
Khare, The Honourable Dr. N. B.
Mackeown, Mr. J. A.
Maxwell, The Honourable Sir Reginald.
The motion was negatived.

Muazzam Sahib Bahadur, Mr. Muhammad.
Mudaliar, The Honourable Dewan Bahadur Sir A. Ramaswami.
Pai, Mr. A. V.
Parma Nand. Bhai.
Raisman, The Honourable Sir Jeremy.
Ray, Mrs. Renuka.
Roy, The Honourable Sir Asoka.
Sargent, Mr. J. P.
Spear, Dr. T. G. P.
Spence, Sir George.
Sultan Ahmed, The Honourable Sir.
Thakur Singh, Major.
Trivedi, Mr. C. M.
Tyson, Mr. J. D.
Zaman, Mr. S. R.

Syed Ghulam Bhik Nairang: Sir, I move:

"That in clause 16 of the Bill, to sub-clause (viii) of clause (I) of Statute 3 in the proposed Schedule the following be added at the end:
'and at least two shall be Muslims'."

Sub-clause (viii) says:

"Four persons nominated by the Chancellor, of whom at least two shall be women."

And I add to it that at least two shall be Muslims. This may look like dividing the number provided by this sub-clause for nomination by the Chancellor among Muslims and women. But I do not think that can by itself be any objection. In fact, I think if the matter is looked at more deeply, it will carry out the intention of that provision much more rationally than if the amendment were not made. After all, by providing that at least two shall be women, it is sought to give the fair sex representation on the Executive Council. I think the consciousness or the feeling underlying that provision is that otherwise women are not likely to get any representation on the Executive Council, so that a provision should be made for compulsory nomination by the Chancellor of two women to that body. That is to say, an element in the population of India which is otherwise likely to go entirely unrepresented should be given the right to come in and secure a place on the Executive Council by the door of nomination. I say, by parity of reasoning, the Muslims are also entitled to the benefit of that nomination. The House must have seen by this time how all the doors are barred, bolted, locked and sealed against the Muslims for having any access to the portals of this temple of learning. If, in spite of all that we say against nomination and believe against nomination, we do get at least two seats by nomination on the Executive Council, I think it will yet be something. It will certainly not be all that we want and it will certainly not be such a valuable thing as it might have been under a system of election such as we envisage in some of our amendments. But having failed to get that, we may act on the principle:

Sara mal jata janiye to adha dije bant.

If we see that the whole of the property is being lost, we may distribute half of it among others and keep the other half to ourselves. So, I say let us have at least two Muslims by nomination under this sub-clause.

Sir, I move.

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

"That in clause 16 of the Bill, to sub-clause (viii) of clause (I) of Statute 3 in the proposed Schedule the following be added at the end:
'and at least two shall be Muslims'."

Mr. J. D. Tyson: Sir, my Honourable friend, if I understood him aright, seemed to argue on the basis that it was inconceivable that one of these two ladies, who are to form half of the nominated element, could be a Muslim. I am sure he did a wrong

Syed Ghulam Bhik Nairang: No; I did not assume that. I talked of women as women.

Mr. J. D. Tyson: The Honourable Member, as far as I could follow him, seemed to assume that as there would be two ladies, they must get their two Muslims nominated from the other half—the men. If, however, I did him wrong, I will not pursue the matter. I submit the amendment is in the same category as those that we have already been discussing and I am afraid I cannot accept it. There is one nominee at present, and I hope that out of the two ladies, one certainly will be nominated from a minority community, but I do not care to put it into the Statute.

Maulvi Muhammad Abdul Ghani: Sir, I thought good sense would have prevailed upon my Honourable friend Mr. Tyson, but we have been thoroughly disappointed in that. Our demand is only for a period of three years. The members of the Executive Council other than *ex-officio* members shall hold office for a period of three years. I see, Sir, that community after community is being created. The Government have created a women community as against men community. When so many communities are being created afresh, I fail

to understand why they dislike all proposals put forward by Muslims. I think the word 'Muslim' seems to be very much pinching to all here, and it is due to the fact that the Government ears have been poisoned by slogans outside this House and inside this House. I may point out for the information of the House that the British Government have clearly accepted the principle of separate electorates and we are in this House by virtue of the acceptance of that principle.

Mr. President (The Honourable Sir Abdur Rahim): All that has been said before.

Maulvi Muhammad Abdul Ghani: But, I say now

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot repeat his arguments.

Maulvi Muhammad Abdul Ghani: I am not repeating. I am simply referring to it because our very existence in this House is due to that.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not go on repeating that argument.

Maulvi Muhammad Abdul Ghani: I am simply putting forward this argument so that my Honourable friend may be convinced of the justice of our case and understand our position. After all if the Honourable Member does not understand it in the first instance, we have to plead it a second time.

Mr. President (The Honourable Sir Abdur Rahim): That is not allowed. He cannot go on repeating the same arguments.

Maulvi Muhammad Abdul Ghani: However, Sir, I leave it there. My Honourable friend Dr. Zia Uddin Ahmad raised the nominated seats to six and out of those four, he demanded two, but that too was not acceptable to my Honourable friend. It is now urged that two out of those four should be Muslims. The Government are out again to oppose it. I think it is only fair that he should leave the decision of this question to the elected representatives of the House. Let them decide it. The Government are legislating for the people of Delhi Province, or as they say for the people of India. Then why should the Government poke their nose? They should keep aloof, if they have got sincerity of heart. Sometimes in the name of democracy, sometimes in the name of fairness, sometimes in the name of something else, they urge all these arguments. Afterwards, they say, well it has been passed by the House, what can we do. In that connection, I have got the right to say, if he has got the courage to say to the outside world that it has been passed by the House, then let it be passed by the elected representatives of the House and by no one else. Then, the Honourable Member shall have the right to say to the world at large that it has been passed by the House; that it was passed by the representatives of the people. He has in his pocket a large number of nominated votes, and particularly at a time when most of the elected representatives are absent from the House, he is carrying everything by sheer force of voting strength which he can command. It is not at all fair. We have all along been fighting and crying for due representation of those interests who are 50 per cent. here. But that right of representation is going to be denied. Here the number of Executive Council Members will be 19. Out of these only one seat is to be given to Muslim? Is it fair that a nation whose population in Delhi City is 50 per cent should be given only one seat? I think the Government ought to think twice before doing this. The administration cannot go on in this way when a nation which has half the population is denied all representation. After all we have got to safeguard our culture, our Islamic studies, our Islamic traditions, our religion and everything concerning Muslims is to be safeguarded. We are not going to entrust our case to one man, who may perhaps be absent at the time of the meeting. In that case, who will voice our views, and the voice of a nation may go unheard there. The other day, I submitted to you, Sir, that this body is an all powerful body. It exercises the greatest possible influence in matters of education, in matters of recognition, disaffiliation of colleges, etc. It is not fair at all that Government

[Maulvi Muhammad Abdul Ghani.]

should act on their whims and fancies and to regard whatever they think to be proper. So, Sir, I give my wholehearted support to this amendment.

Qazi Muhammad Ahmad Kazmi (Meerut Division: Muhammadan Rural): Sir, at first sight, I felt the same difficulty as regards this amendment as was felt by Mr. Tyson. I thought the two seats were reserved for women and the two are claimed by Muslims, and therefore there will be no further representation. But that has been made clear, that we do not want two male Muslims. They may be female Muslims and therefore the provision would not make the whole representation go to these two classes.

Now, Sir, looking at the constitution of the Executive Council, I want to compare the constitution of this Executive Council with the constitution of the Court. There in the case of the Court, the Government had taken steps in the amendment which they put before the House to provide for 25 persons of whom not less than 18 shall be appointed to secure the representation of minorities not otherwise in the opinion of the Chancellor adequately represented. There is provision for representation of minorities on the Court. But when we come to the Executive Council, there is no such provision. The only provision for nomination is contained in this clause. They make reservation for women, but no reservation for minorities. I do not know if the Government will think it advisable to consider whether, even if they are not prepared to nominate Muslims directly, they may not follow the example of amendment No. 7 that was moved by Mr. Tyson and add to this clause that 'two' shall be appointed to secure representation of minorities not otherwise in the opinion of the Chancellor adequately represented.

Nawabzada Muhammad Liaquat Ali Khan: If all the minorities are to be included, then 'three' at least.

Qazi Muhammad Ahmad Kazmi: So if such provision is made there may be some question of representation of minorities in the Executive Council, but as the present section stands there will be absolutely no provision for the representation of minorities. In view of this I hope Government will reconsider their position and come with a better amendment if they are not prepared to accept the clear amendment of the Muslim League Party that two should be Muslims.

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

"That in clause 16 of the Bill, to sub-clause (viii) of clause (1) of Statute 3 in the proposed Schedule, the following be added at the end:
'and at least two shall be Muslims'."

The motion was negatived.

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

"That in clause 16 of the Bill, to sub-clause (viii) of clause (1) of Statute 3 in the proposed Schedule, the following be added at the end;
'and one a member of the Scheduled classes'."

I think the need for making a speech in support of this amendment does not arise having regard to the fact that while Government are not prepared to openly recognise in the Statute, they have at least got at heart the need for securing representation to the Scheduled classes as a minority in some of these bodies. In view of that I will not take the time of the House any further. Sir, I move.

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

"That in clause 16 of the Bill, to sub-clause (viii) of clause (1) of Statute 3 in the proposed Schedule, the following be added at the end:
'and one a member of the Scheduled classes'."

Mr. J. D. Tyson: Sir, it is our hope that in making these nominations the Chancellor will consider minority communities; but it will not be in keeping with my attitude on many amendments that have already been considered by the House that I should accept this, and I hope my Honourable friend will not press it.

Maulvi Muhammad Abdul Ghani: Sir, when the Honourable Member gives an assurance I do not think there should be any objection to accepting this

modest amendment on the part of a nation which deserves the utmost sympathy of all sections of the country. It is only fair and just that the scheduled classes should be assured of their position so far as their interests in the Delhi University are concerned. I therefore think it is proper for Government to accept this amendment.

Qazi Muhammad Ahmad Kazmi: Sir, I had just pointed out how the Honourable Member has himself provided representation to minorities in the case of the Court, and I have not yet understood why he shirks the same provision in the case of the Executive Council. The Honourable Member says that in accordance with his attitude in regard to many previous amendments he has to oppose this. But what I pointed out was that he has not named the minorities at all. If instead of the present provision he brings in an amendment himself that these four seats are meant to make up for the representation of minorities two of whom may be women, we can understand that the matter of representation of minorities in the Executive Council has also been taken into consideration by the Legislature. No doubt the Honourable Member hopes that this will be done by the Chancellor but when the matter is before the Legislature they should decide it and not leave it to the whims and fancies of the Chancellor whom we do not know. So if Government are serious in hoping that minorities will be represented under this clause, it is better to make the necessary amendment in the Bill and in view of this I hope Government will reconsider their attitude in this matter.

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

"That in clause 16 of the Bill, to sub-clause (viii) of clause (1) of Statute 3 in the proposed Schedule, the following be added at the end:
'and one a member of the Scheduled classes'."

The motion was negatived.

Syed Ghulam Bhik Nairang: Sir, I move:

"That in clause 16 of the Bill, after sub-clause (viii) of clause (1) of Statute 3 in the proposed Schedule, the following be inserted:

"(ix) Four members of the Court elected by the Muslim Members of the Court'."

Some people must be wondering why, in spite of the stubborn attitude of the Government Benches and the generally hostile atmosphere that prevails in the House against all amendments moved from this side of the House, I persist in putting forward amendment after amendment which is practically to the same effect, and why, in view of the most unreasonable and irrational attitude of the Government and the most unsympathetic and even hostile attitude of the House, if only as a matter of protest, I do not decline to move the rest of my amendments. But, Sir, to adopt an attitude of that kind would be un-Islamic. We have not yet ceased to believe in the corrigibility of human nature. We think that even a lost soul can be redeemed and those who convinced against their will are of the same opinion still may yet, by some chance, see the light of reason and get a temporary fit of fairness. With such considerations present to our mind we are continuing our efforts to put forward the case which has been put forward in so many shapes, with so many arguments and with so many appeals, although of course with little success so far.

This amendment also relates to the composition of the Executive Council. We say that after sub-clause (viii) add sub-clause (ix) whereby 4 members of the Court be returned by the Muslim Members of the Court to the Executive Council. Under other heads and other amendments we tried to secure representation on the Executive Council which might not have numerically amounted to much and if Government had yielded in respect of those amendments we would certainly not have moved this. But we find that whether we try to get a chance in a mixed constituency, such as was proposed in the amendment moved by my Honourable friend Mr. H. A. Sathar H. Essak Sait or in other ways we are met by the same cast iron reply: "We are unable to accept this amendment." Possibly, in fact most probably, we are going to have the same sort of laconic reply to any amount of argument that we may address to the Government Benches in respect of this amendment as well, but, as has been said, we are here to do our duty.

[Syed Ghulam Bhik Nairang.]

We did not at all relish the remarks made by the lady member of the House who thought we were indulging in dilatory tactics. Nothing of the sort. If she had only tried to place herself in our position she would have realized what duty we owe to the people whose interests are at stake. But I would not further comment on the remarks of the lady as that would be unchivalrous. I simply repeat with other members of my Party that there is nothing like dilatory tactics in our intentions. All that we do intend is to put forward the Muslim case again and again till at last, perhaps, Government may relent and come round to a rational and just and equitable way of thinking. Sir, I move.

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

"That in clause 16 of the Bill, after sub-clause (viii) of clause (1) of Statute 3 in the proposed Schedule, the following be inserted:

'(ix) Four members of the Court elected by the Muslim Members of the Court'."

Mr. J. D. Tyson: Sir, I am afraid I cannot accept the amendment which is in line with a number of amendments already considered by the House.

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Sir, I do not know what words should I use to express the sense of regret that I and my Party have at the attitude which the Government has taken. The amendment before this House is just and reasonable and I do not believe that the Government representative, who probably thinks that he holds the monopoly of all the wisdom in the world, is so devoid of understanding as to what we are trying to seek by this amendment. My Party has taken a definite stand and we feel reluctant to advance the same arguments which we have been reiterating, namely that in view of our separate existence as a nation in this world, in this country and in this House we have a claim to have a separate existence in that organization for which the Bill is brought forward—the Delhi University. We are not asking for a separate University; we are not asking as yet for an absolutely separate educational organization; what we are asking for is a modest share in that organization for which we are taxed to finance and for which we are required to pass this Bill and to do everything else. This Government, with all the callousness that they have shown, have the audacity to come before this House and before the elected Members, who have been elected on definite tickets of separate electorate, to ask us to give our sanction to a Bill under which position of Muslims has been absolutely ignored,—not only ignored but made worse,—under which a new philosophy has been adopted that the Muslims will have nothing to do with the culture and the method of education in that citadel the existence of which they claim their own, and to whose prosperity and culture they have made very great contributions for centuries past. The University of Delhi today is established on the ruins of that educational culture which was introduced, nursed and brought up by Muslim civilization of many hundreds years but it is being sacrificed today at the altar of the whims of the officials of the British Government by this enactment. Therefore, Sir, I refuse to accept the position which Government wants us to accept.

I do not understand the suggestion which has been made by the lady Member of this House regarding dilatory tactics of my Party. My Deputy Leader has made the position sufficiently clear and I need not dilate on that point. But what I want to say is this: What else can we do? Are we not, here to give vent to that feeling of the people that we represent? Are we not here to tell the Government, the House and the world at large that this is what Mussalmans want? This is their due, and this is their rightful claim.

Mr. President (The Honourable Sir Abdur Rahim): I think the Honourable Member had better speak to the amendment now.

Mr. Muhammad Nauman: In the amendment we are asking for a very modest share of representation from amongst the members of the Court. What I have been trying all this while to impress upon the Government is that we have taken a definite stand and this is the legitimate share that they should

concede to us. Therefore, I once again request with all the emphasis that I can, or demand with all the power that I, my Party and the Mussalmans of the country have, that Government should concede our request and show at least some sense of justice and prove that they have not become so callous as not to be amenable to any sane argument whatsoever. It is very easy to see that Government have taken a definite stand against these amendments. It is simple for my friend, Mr. Tyson, to say that the amendment does not bring in anything new. Of course it does not. But all along the principle is there, viz., that some share in representation should be given to the Muslims. We should not be asked to be left at your mercy and at the mercy of a Government which is not sympathetic to us, a Government that is trying to rush things and push it against our will and against our definite opinion expressed by the elected Members of this House. I do not think I need illustrate my point any more. I have done what I could. I have tried my best to bring home to the Government that our position is clear. With these few words, I resume my seat and support the amendment.

Maulvi Muhammad Abdul Ghani: I just want to say a word or two. If this amendment is accepted the number of the members of the Executive Council would be 30. Then out of the 30, one seat can be secured for the Principal of the Arabic College and the additional four seats may be given to the Muslim nation. After all the right of election is going to be given to the Members of the Court, not to any outside body, and it is to be regretted if Government has not any confidence even in the Court of the Delhi University. This total of 5 seats is only 1/6 of the full number 30, although the percentage

of Muslims here is 50. So I hope the Government would reconsider their decision and not persist in opposing such modest demands put forward by the Muslim League Party.

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

"That in clause 16 of the Bill, after sub-clause (viii) of clause (1) of Statute 3 in the proposed Schedule, the following be inserted:

'(ix) Four members of the Court elected by the Muslim Members of the Court'."

The Assembly divided:

AYES—17.

Abdul Ghani, Maulvi Muhammad.
Abdullah, Mr. H. M.
Azhar Ali, Mr. Muhammad.
Choudhury, Mr. Abdur Rasheed.
Choudhury, Mr. Muhammad Hussain.
Essak Sait, Mr. H. A. Sathar H.
Kamaluddin Ahmad, Shamsul-Ulema.
Kazmi, Qazi Muhammad Ahmad.
Liaquat Ali Khan, Nawabzada Muhammad.

Murtuza Sahib Bahadur, Maulvi Syed.
Nairang, Syed Ghulam Bhik.
Nauman, Mr. Muhammad.
Siddique Ali Khan, Nawab.
Umar Aly Shah, Mr.
Yamin Khan, Sir Muhammad.
Zafar Ali Khan, Maulana.
Zia Uddin Ahmad, Dr. Sir.

NOES—38.

Ahmad Nawaz Khan, Major Nawab Sir.
Aiyar, Mr. T. S. Sankara.
Ambedkar, The Honourable Dr. B. R.
Azizul Huque, The Honourable Sir M.
Banerjee, Dr. P. N.
Bewoor, Sir Gurunath.
Chapman Mortimer, Mr. T.
Chatterji, Mr. S. C.
Chattopadhyaya Mr. Amarendra Nath.
Dalal, Dr. Sir Ratanji Dinshaw.
Dalpat Singh, Sardar Bahadur Captain.
Dam, Mr. Ananga Mohan.
Habibur-Rahman, Khan Bahadur Sheikh.
Haider, Khan Bahadur Shamsuddin.
Imam, Mr. Saiyid Haider.
Ismail Alikhan, Kunwer Hajee.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Kailash Bihari Lall, Mr.
Khare, The Honourable Dr. N. B.
Mackeown, Mr. J. A.

Maxwell, The Honourable Sir Reginald.
Muazzam Sahib Bahadur, Mr. Muhammad.
Mudaliar, The Honourable Dewan Bahadur Sir A. Ramaswami.
Pai, Mr. A. V.
Parma Nand, Bhai.
Piare Lal Kureel, Mr.
Raisman, The Honourable Sir Jeremy.
Ray, Mrs. Renuka.
Roy, The Honourable Sir Asoka.
Sargent, Mr. J. P.
Siva Raj, Rao Bahadur N.
Spear, Dr. T. G. P.
Spence, Sir George.
Sultan Ahmed, The Honourable Sir.
Thakur Singh, Major.
Trivedi, Mr. C. M.
Tyson, Mr. J. D.
Zaman, Mr. S. R.

The motion was negatived.

Syed Ghulam Bhik Nairang: Sir, I move:

"That in clause 16 of the Bill, to clause (c) of Statute 4 in the proposed Schedule, the following be added at the end:
"providing adequate representation of Muslims and minority communities in the services of the University."

With this amendment we enter upon the consideration of statute 4. That Statute deals with the powers of the Executive Council and says:

"Subject to the provisions of the Act, the Executive Council shall have the following powers, namely:—

- (a) to institute, at its discretion, such Professorships, Readerships, Lectureships or other teaching posts as may be proposed by the Academic Council;
- (b) to abolish or suspend, after report from the Academic Council thereon, any Professorship, Readership, Lectureship or other teaching post;
- (c) to appoint or recognise teachers of the University and to appoint officers, clerical staff and servants, in accordance with the Statutes.

It is here that I want to add the words "providing adequate representation of Muslims and minority communities in the services of the University". The intention and meaning and object of my amendment are self-evident and the principle which I want to be recognised by means of this amendment is one on which I hope Government will think twice before it goes back. This is the principle which, after long ages of experience, has been accepted by Government itself and has been incorporated in very formal and solemn resolutions of the Government of India. The Resolution of the Government of India of July 1934—I am speaking from memory and subject to correction—on the subject of communal proportions in the services of the Central Government is well known, and I think it was after very serious and prolonged deliberation and consideration of all the circumstances that that Resolution was passed and it has been in force ever since, in spite of complaints which are made now and then about its non-enforcement in certain departments or in certain sections of the service. Recently another Resolution, which was long overdue, has been passed by the Government of India recognising the right of the scheduled caste to representation in the Government services, and that has only recently been published and need not be quoted from or referred to at any length. That principle being a well-recognised one, I do not think that even my very Honourable and very amiable friend, Mr. Tyson, will in spite of the attitude which he has been forced to adopt—I say forced to adopt because I know it is not in his nature to adopt such an attitude with regard to reasonable amendments—I think even he situated as he is will not deny the validity of that principle and will not hesitate in incorporating that principle in the statute as my amendment requires. Sir, for the present, I think there is no need for me to detain the House longer on that subject; and in the confident hope that in this particular matter at least my Honourable friend Mr. Tyson will agree with me, I simply say that I move.

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

"That in clause 16 of the Bill, to clause (c) of Statute 4 in the proposed Schedule, the following be added at the end:

"providing adequate representation of Muslims and minority communities in the services of the University."

Mr. J. D. Tyson: My difficulty about this amendment is that I am afraid it would not be workable in practice. The wording is so wide that I think the addition which it is sought to make to clause (c) of Statute 4 would certainly cover readers and teachers of the University. This is how it would read: The powers of the Executive Council would include power—

"(c) to appoint or recognise teachers of the University and to appoint officers, clerical staff and servants, in accordance with the Statutes, providing adequate representation of Muslims and minority communities in the services of the University."

If that, as I read it myself, is going to apply to teachers and readers, then I cannot accept it. Teachers of the University itself at the moment cover two Faculties, Law and Science, and without knowing a great deal more about the University's requirement I should demur to introducing a statutory communal reservation in the Faculty of Science where I feel that the University will probably want to get men on the basis of their degrees and not on the basis of their religion. Over and above that, we shall have a category of teachers who come from colleges but are recognised as teachers of the University. There will

arise the greatest difficulty in applying any such recommendation as this, I think, to the teachers who are drawn from colleges which are, to some extent, at all events, communal in themselves. I confess that if this had referred only to the clerical staff and other servants of the University and not to the teaching staff I would not have minded it, though it is questionable whether the Legislature should direct the University even in that matter. But covering as I am afraid it does the teachers, I cannot accept the amendment.

Maulvi Muhammad Abdul Ghani: The Honourable Member has not made it clear as to what extent he is going to accept the amendment. If he meant that he could accept it only with regard to services, say, officers, clerks and other members of the staff, he might have put in an amendment to this amendment and then we would have known what he thought about this. But now he says that in matters of the appointment of teachers he would not accept this principle. I ask, except in regard to teachers, in all other matters is he going to accept this amendment? Besides, the amendment does not seek any proportion, any fixed proportion. It only says that adequate representation of Muslims should be had in the services of the University. That is a safeguard against any arbitrary action on the part of those in power in the University and nothing else. Here there is no question of any share at all, but the acceptance of the principle which the Government of India have repeatedly urged, as has been rightly pointed out by the Honourable Mover of the amendment. They are every day open to conviction in the matter of revision, and they are going on accommodating interests unrepresented in the matter of services. I submit that Government should make their position quite clear as to the extent to which they are prepared to accept this amendment, so that we may think over and come to a decision accordingly.

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. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

Nawabzada Muhammad Liaquat Ali Khan: Sir, before the House adjourned we were discussing amendment No. 27 which was moved by my Honourable friend Mr. Nairang. The amendment seeks to make provision for adequate representation of Muslims and other minorities in the services of the University. My Honourable friend, the Education Secretary, has opposed this amendment on two main grounds, one was that the Government could not accept the principle of communal representation in the services as far as the question of appointment of professors or Readers or teachers of the University was concerned. I assure him that when we moved this amendment our intention was not only to get representation in what are called the menial services of the University. We do want representation for Muslims and other minorities in all the services of the University. We are not ignorant that certain of the staff is employed by the various colleges which are more or less autonomous as far as the question of appointment of staff in a particular college is concerned. We know that and when we moved this amendment it was with the deliberate purpose of making provision for representation of Mussalmans and other minorities in the services that are recruited directly by the University. The Mussalmans have, I am sorry to say, not given that attention to the question of university education in the country that it deserves. The deplorable state of affairs that exists in the University of Delhi prevails in every University in India and if we took up the position that we have, it was because it was the first opportunity that we could have of putting forward the legitimate grievances and the just demands of the Muslims for their adequate share in the administration and services of the universities in general. I wish to assure this House and I want to disabuse the Members of this idea, which seems to be prevalent particularly amongst the Official Benches, that we have given notice of these amendments and are moving these amendments just for the fun of it. We have studied the question of university education very carefully and every amendment that has been given notice of has been drafted and has been moved with a definite purpose and that definite purpose is to secure for Mussalmans an adequate share in the universities in the country. Perhaps it will not be out of place if I refer the Honourable Members

[Nawabzada Muhammad Liaquat Ali Khan.]

of this House to the position of Muslims that exists in other Universities of India. I have taken a little trouble in preparing these figures and I would like to place them before the Honourable House. There are five universities out of 16 (I have excluded the University of Aligarh and the Benares Hindu University) which do not employ any Muslim teacher in any subject whatsoever and those universities are the Andhra University, the Annamalai University, the Mysore University, the Nagpur University and the Travancore University. Then there are 11 universities out of 16 which do not employ a single Muslim teacher of any status, namely, Professor, Reader, Lecturer or Demonstrator in any science subject. The importance of science nowadays cannot be over-emphasised and it is indeed deplorable that the Mussalmans are deliberately kept out of this department in these 11 universities. These 11 universities are Agra, Allahabad, Andhra, Annamalai, Bombay, Delhi, Madras, Mysore, Nagpur, Punjab and Travancore.

Dr. P. N. Banerjee: Punjab also?

Nawabzada Muhammad Liaquat Ali Khan: Yes.

Dr. P. N. Banerjee: But the Vice-Chancellor is a Muslim there. He is a science man so far as I know.

Nawabzada Muhammad Liaquat Ali Khan: But he is not on the teaching staff of the University and my Honourable friend should know that the appointments are not made by the Vice-Chancellor and that is why we had been fighting all this time for representation for Mussalmans on the Executive Council of the University of Delhi. There are four universities that employ some Muslim teachers in science subjects. In the University of Calcutta, there are two Muslims out of 120, in the University of Dacca there are four Muslims out of 43, in the University of Lucknow there are two Muslims out of 40 and in the University of Patna there are two Muslims out of 31. In Calcutta both the teachers are of lower grade and in Dacca the teachers are of lowest grade. In Lucknow, one of the teachers is an Indian Educational Service officer whose services have been lent by the Government. So, he in fact was not employed by the University of Lucknow as such. Then it is worth noting that in the 16 Indian Universities there are only 3 Muslim Professors and all of them are I. E. S. officers whose services have been lent to the University and there is only one Reader who is a Muslim. And there are only 6 teachers of the lowest grade who are Muslims.

Sir, I have got here figures giving in detail the representation of Mussalmans in various branches of studies, but I shall not waste the time of this Honourable House by quoting them. Let me tell the House that I have collected these figures from the compilation called the Inter-University Board, India Handbook of Indian Universities, 1942.

When my Honourable friend comes forward and says that they cannot accept the principle of representation for Mussalmans in the services of the University, I wonder if he really realises the significance of such a statement. He is indirectly taking upon himself the responsibility of keeping the Mussalmans of India as a whole out of the services of the various Universities in the country. Sir, I am afraid the Government have come forward to oppose these proposals without making a proper study of the subject. I would, indeed, be surprised if my Honourable friend the Education Secretary or the Educational Adviser would get up and say that they are aware of this situation. They really know nothing about the affairs of the various Universities in the country, and naturally so because they are not affected by them. As we are directly affected by the paucity of Muslim teachers, we have made it a point to study this matter. I wish the Government had considered the whole position more carefully before coming forward and opposing our amendments. In the University of Delhi, the figures have already been given and I shall be glad to hear from the Honourable the Education Secretary that the representation of Mussalmans in the services under the Delhi University is adequate and that we have no reason to make any complaints about it.

Sir, we sometimes are told that it is really efficiency that counts in appointments of this kind. I am afraid I cannot subscribe to that view. It is not always the efficiency that counts; it is the composition of the authority that makes the appointment and efficiency is only made an excuse. I see my Honourable friend the Educational Commissioner is shaking his head, but surely in a country like India—and I have given the House all these figures—are there no Mussalmans who are fit to be appointed? And if that is so, then I say that it is a very sad commentary on the policy of the Government that they have followed during the last hundred years. They have completely ignored the interests of 100 million Mussalmans to the extent that today they cannot find a suitable man for appointments in the services of the various Universities in the country. Efficiency, like paternity, is only a conjecture.

Dr. P. N. Banerjee: But maternity is certain.

Nawabzada Muhammad Liaquat Ali Khan: My Honourable friend Dr. Banerjee says that maternity is certain. I do not think he could have made a more apt remark had he been a medical Doctor instead of a Doctor in some other subject. No amount of denial by those who are responsible for these appointments can convince the Mussalmans that they had received a fair deal at the hands of the appointing authorities. I submit that the proposition which has been placed before this Honourable House is a just and fair proposition. It does not lay down any definite proportion for the Mussalmans and various other minorities. The effect of this amendment will be, if it is carried, that at the time of making the appointment, the appointing authority will have this fact before it, and when it is making the appointment, it will think that they have to give the Mussalmans and other minorities their due share. It is not an amendment that can be classed as a communal amendment. It is an amendment which seeks to do justice to the interests of those who have not had a fair deal in the past. It is an amendment that will act as a reminder to the appointing authority in the University of Delhi that the Delhi University is not the private property of any one community. Most of its expenses are met by the Central Government which derives its revenue from all the various communities in India. Therefore, it is but right that whenever the Government money is spent, all the communities should have a fair chance in getting their due share. But it seems to me that the Government have come forward with certain proposals and they are so certain of the correctness of those proposals that no amount of argument is likely to convince them. They have lost all sense of justice; they have lost all reason; and they are so much obsessed with their own scheme which they have placed before this Honourable House that it seems that it is futile to expect them to apply an unbiased mind to the various proposals that are put forward from this side of the House. I submit that this is a very just and fair amendment and it is an amendment which will secure justice for the interests which have suffered in the past. If the Government defeat this amendment, they will only be putting another nail in their coffin.

Qazi Muhammad Ahmad Kazmi: Mr. Deputy President, the state of affairs that has been disclosed by my Honourable friend Nawabzada Muhammad Liaquat Ali Khan regarding representation of Muslims in the services of the Colleges is really deplorable. I do not exactly understand the attitude of the Government in making up their minds even before they have considered the amendments and heard the Members of this Honourable House. Of course, on some matters, they have to come to a decision. But sometimes there are matters which require greater consideration than a simple reply by the Government that they have come to this particular decision and that they are not going to change that decision in spite of requests from the Opposition. I personally, Sir, am not much in favour of communal representation as such. But, as I submitted yesterday, I make differentiation between communalism and representation of various communities in a body. I consider that the mere fact of representation of different communities in a body, or representation of a particular community in a body does not make it a communal body. Any

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demand that any particular body should be represented on a particular Council or Assembly or Senate or Executive Council cannot be considered to be a communal demand. The question of fair distribution of services, of fair numbers of employment to all persons who are living in this country is only a demand which is conceded in principle by everybody, whether Hindu or Muslim, whether Government or anybody else. If that principle is once conceded, then I fail to understand how the word 'communalism' can be used to describe any demand of representation of any community on any particular body. I quite understand that we do not want to have communalism in the citadel of learning. But that does not mean that we are going to take persons of only one community in that citadel of learning and that would make it less communal. My personal experience is that the presence of members of various communities in a body makes it less communal and the presence of an overwhelming majority of only one community makes it more communal. What is not a communal body? Only religious bodies in which only one community is represented are communal bodies. No other community has got representation in that body. You may call it a communal body. But how are you going to call this Assembly, where all sorts of interests are represented, a communal body? By the representation of various interests it ceases to be a communal body.

Time and again we have been complaining that when Congress Governments were in office, they had done injustice to Muslims. I may or may not agree with that proposition. But I say that it is only the presence of overwhelming majorities of the members of a particular community which make for complaints from other communities. The complaint may not be very serious, the complaint may be insignificant, may be due to certain feelings of hostility. But when such complaints are put forward, it is time they are analysed and considered. What I want to urge is only this, that due representation of all communities decreases communalism. Our complaints against the Congress Ministries are to a certain extent justified. If coalition Ministries had been formed in all the Provinces, probably there would not have been this cry. I am sure that those very gentlemen who are today accusing the Congress of having done something wrong, probably would have gone to the country and would have said that the Congress Ministries were perfectly right, but that the people should also consider their limitations and they could not have changed the destinies of the country in a day. Because they made the mistake in not taking other communities into their confidence or because they did not form coalition Ministries, the result was that those very persons who would have helped them in carrying on the administration of the country came into the opposition and carried on propaganda against those Ministries, and these complaints made by the Muslim representatives went deep down the hearts of the Muslim community. Now, Sir, these are problems which require real and very deep consideration. If Muslims are not properly represented in the universities, then if a few more Muslims are taken into the services, what sort of communalism will that be? Will the citadel of learning be demolished on account of the representation of a few Muslims? I fail to understand the logic of this argument. I feel that after proper representation, there will be no possibility for any community to leave the true path and to take the road to communalism. When you have got an overwhelming majority of any community in any body, they are at liberty to take any line of action they like. But the very existence of minorities in a body will have a sobering influence on the majority community and it will change the mentality of the majority themselves. Situated as we are, determined as we are to have a National Government, determined as Indians are that they must have a Government which must be carried on by all the communities, we should not shirk our responsibility of bringing all persons in the category of Members running the administration of the country. If we are not going to do that, if we are going to shirk our responsibility, then the question would be whether we can carry on the duties of the Government whenever it is formed in this country.

A majority party Government is not suited to India at all, not in the sense that they cannot carry on the Government, but in the sense that they cannot succeed in creating that peace and tranquillity which is necessary for the purpose of carrying on a good government for the peace and prosperity of the country.

Sir, I do not want to take up much of the time of the House by going into details regarding the position of Colleges. It is a well known fact that there are rivalries between Universities and Universities and between Colleges and Colleges in India. May I just give you an instance of one of the oldest Universities in India, the Allahabad University which once extended jurisdiction over the whole of U. P. I can say from my personal knowledge—I am sorry that there is nobody here to represent the case of persons against whom I am making this complaint—I know it definitely that persons who went from other colleges, like the Aligarh college, to the Allahabad University were not treated in the same manner by the examiners and teachers of that University as were their own students. I can also say from personal experience that a person from Aligarh who answered an examination paper in the same way as another person from Allahabad got only a third class whereas the latter got a first class. Persons from Aligarh who did their papers in the same way as third class passes of the Allahabad University got failed simply because they happen to belong to Aligarh College. Allahabad University is the University from which we received our college education and most of us must have passed through the same experience as I narrated just now. The evil has very much decreased now on account of the establishment of so many universities. But I say that when in

bodies which were not at all communal but only different bodies in the same university there are rivalries and jealousies. They become all the more serious if they are constituted of only one community. And for this reason I would say that the representation of various communities in the university itself will not create and is not likely to create communalism, but is likely to sober the ideas of those who are in actual charge of the university and is likely to soften that rigour which is likely to continue if persons of only one community are there and is likely to make matters more reasonable and more agreeable to all the communities.

Sir, it is education which is the basis of all development. If we do not get properly educated persons we cannot hope that this country will ever rise. Many persons are against denominational universities; I am also not much in favour of them, but when we say we are against the denominational universities what do we mean? We mean that we do not want to have exclusive universities of one community, but if you make the universities practically universities of only one community, are they not denominational universities? On the one hand you say you do not want denominational universities because only one community will be there, they will receive training at the hands of persons who are their own co-religionists and only one sort of idea will be permeated in the minds of the students and they will not be in happy company when they come to live with people of other communities. A Muslim who is brought up in the atmosphere of a Muslim university or a Hindu brought up in the atmosphere of a Hindu university is not considered fit to carry on work with other compatriots of other religions. In the boarding house our oddities are rounded and we learn how to carry on in society, but our chances of that are ruined when we are in purely one kind of society. Please do not make the universities, that exist now, denominational universities; and they will be denominational so long as there is no representation of every community in the universities. I urge this not in the name of communalism but in the name of peace and tranquillity and in the name of the proper training of the children of the various communities which will fit them for the society of India and not the society of one particular community. I again appeal to Government to reconsider their position. In whatever form they want to tackle the problem—either by this provision or some other provision—they must make some alterations in the Act which would make all the universities in India really cosmopolitan bodies in which

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there will be representation of all communities and the students going out of them really be fit citizens of India.

Mr. Kailash Bihari Lall: Sir, my Honourable friend Mr. Kazmi has in his speech supported communal representation; I shall give the national point of view on this motion. I realise his sincerity when he said that the present state of things should continue. He says that things which have been established by Government or the people should continue. He said that we have gone on with these denominational bodies which Government have recognised and we have been habituated to them.

Qazi Muhammad Ahmad Kazmi: Sir, what I said was that we are against denominational universities and we should not make the existing universities denominational but must make them cosmopolitan. And they cannot be cosmopolitan without the representation of all communities.

Mr. Kailash Bihari Lall: No one objects to the representation of all sorts of people in the country. And Government have promised to see that all communities are represented.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Have you always believed Government's promises?

Mr. Kailash Bihari Lall: If you do not believe their promises that is another thing. But you always hope they will do it and to that extent you believe them. But if you want some assurance from Government that in the services and other places where the Muslims are not adequately represented, there should be proper representation of the Muslim community, then you should have provided for the adequate representation of the minority communities in the services, if you did not want any communalism.

An Honourable Member: We are a nation, not a community.

Mr. Kailash Bihari Lall: Then ask Government to give you statutory recognition as a nation. Why bring it about through the Delhi University Bill? First try to get Government to recognise you as a nation. You are a member of the Indian Nation. But how do you want to come through the back door?

Sir Muhammad Yamin Khan: Is the Government a High Court that we should accept their ruling?

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Yes, for you.

Mr. Kailash Bihari Lall: Since when Sir Muhammad Yamin has started thinking that way? Government is the highest court and not the High Court!

Mr. Lalchand Navalrai: To whom he goes begging.

Mr. Kailash Bihari Lall: If you want that your nationhood should be recognized, nobody stands in your way. But in this Delhi University Act perhaps the Government is not recognizing you as a nation although you are trying by these back-door methods—by inserting this amendment and that amendment to various clauses in this Bill—to get your nationhood recognized. Do you think you are doing justice to yourself and to the Government by doing so? You are abusing the Government for not looking after your interests and for not conceding your demands. The Government concedes the main demand of safeguarding your interest, but it is quite another thing if you do not believe in their sincerity and honesty. I do not of course say that the Government is sincere and honest because I know that the Government has not fulfilled its promises in the past. I cannot give you any guarantee that they will fulfil their promise in the future, but if the Government says that minority representation will be looked after and you will not be neglected then you should be satisfied by that, because, as a minority, you are safeguarding your position. But if you change your position and say that yours is not the question of minority, it is the question of nation, it is thrashing out something for which the Delhi University Bill is not really meant.

Mr. Kazmi's argument that the Congress made a mistake in not protecting other communities and they met with the lot which the world saw, is not a fact, Sir. My friends know that the Congress did not make that mistake.

The mistake of the Congress was that they formed the Utopian ideal of parliamentary system under which the majority party forms the Government, and on that analogy they did not take stock of the things and there they committed the mistake, and not that they neglected the Muslim community. Muslims were there. (Interruptions.) Of course, my friends decry them that they were not true Muslims, but I do not agree with them. I think my Honourable friend, Mr. Kazmi, can be said to be as true a Muslim as anybody else. And every body will admit that there were Muslims in the Congress ministries and they were true Muslims as well. The difference was that their political views were different from those of the Muslim League, but on account of their sincerity, their wide outlook, and service to India they had created confidence amongst the masses. You have recently won a victory in the North-West Frontier Province; you can win a victory everywhere, even in this Assembly if you try some other methods—I do not know.

Sir Muhammad Yamin Khan: What are those methods?

Mr. Kailash Bihari Lall: I do not know. The mistake of the Congress was that they depended too much on the analogy of the words 'parliamentary system' and did not look into the state of things here. I am of the opinion that they should have formed coalition with the Muslim League. If they had done that, they would not have met with the present lot. I agree up to here. But I do not agree with what Mr. Kazmi has presumed, namely, that because there is inadequate representation of Muslims in the ministries they suffered and the same lot may befall the Delhi University, and the Muslim community or other minority communities may be neglected. This presumption is wrong. Their community will be represented and so far as I have heard Mr. Tyson, he is for doing justice to all the communities and he has said so. The only thing is that he does not want to make an exhibition of communal provisions in this measure by accepting the demand of 'nationhood'.

Mr. H. A. Sathar H. Essak Sait (West Coast and Nilgiris: Muhammadan): What about our experience of the last 20 years?

Mr. Kailash Bihari Lall: I do not want to enter into all these things here, but I may tell you that sometimes you have got imaginary demands also. I have told about my one dream and I may tell you hundreds more . . .

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member is going away from the subject of the motion before the House.

Mr. Kailash Bihari Lall: It is because my Honourable friend is interrupting me. The trend of the Delhi University Bill is lost in the jungles of communalism and I sometimes forget and lose myself, just as so many Honourable friends seem to have done, in communalism and nationalism. I do not know how far I have gone astray. I was only replying.

Sir Muhammad Yamin Khan: You have also changed Benches. What is the harm if Mr. Kazmi has done so.

Mr. Kailash Bihari Lall: I think this is beyond the motion. I do not want to go into that.

If Congress members had been here they would have supported you. That is what we are now suffering from. If in the Delhi University Bill and in other measures if the Government takes up a strong attitude you will realize that you are common nationals with others in this country. Rather you will be in the vanguard of nationalism . . .

Sir Muhammad Yamin Khan: We have always been.

Mr. Kailash Bihari Lall: Yes, because I realize that the Mussalmans have got more germs of nationalism. But as it is, instead of taking your right part in the advancement of nationalism in this country, you are only misleading everybody simply for want of loaves and fishes in this department and in that department, and you want to satisfy yourself by having denominational terms. Most of the amendments have been on the basis of a separate nation, although they have been in the name of the Delhi University Bill. If we mend our ways, and if the Government boldly takes the stand as they have done so far, you

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scale, we want a modest share in the present institutions, you deny our claims entirely. You shall have to part with power after a few years—the war may come to an end tomorrow and then according to the principles laid down by Mr. Amery and the Premier of Great Britain, you will have to leave everything to us, you will have to part with power; and when that time comes, I tell you that we shall frame our own laws and we shall not be responsible to you; we shall be responsible to ourselves; we shall be responsible to the Hindus if they want us; and then where will this Delhi University Bill go? It will be consigned to the waste paper basket. With these words I strongly support the amendment.

Dr. Sir Zia Uddin Ahmad: Sir, I will just say a few words about the sharp distinction between community and nation which my friend has just talked of. It reminds me of the counting of an ignorant servant whom I knew. He said he could count and understand counting from 1 to 20; but if anything exceeds 20 then it was immaterial to him whether you called it one hundred or one thousand, because the counting really ended at 20. Similarly, if you have got individuals, then one could understand; but when you come to a group of individuals, it makes no difference whether you call that a group, a nation or a community. You call it the Muslim community or the Hindu community; but when we discuss matters outside we always call it the Indian community, not the Indian nation when we discuss matters outside India. Therefore this sharp distinction as between community and nation is as really superfluous as it is unnecessary to maintain.

Now, coming to Mr. Tyson's remarks, I quite understand that his background is from the academic point of view just what any academician would take; but he should not forget that he is now on the soil of India and not on English soil; and he must take the facts that exist in this country and not the facts as they exist in England. When my friend the Deputy Leader of my Party brings forward a motion of this type he had at the back of his mind, as his background, the circumstances which do exist unfortunately in this country. I wish Mr. Sargent or Mr. Tyson can change them; I will give every support in their effort to change them; but so long as they are not changed, we must have to recognise these facts and work in the light of those facts, and adjust everything in the light of those facts.

My friend, Mr. Sargent, drew attention to the shortage of the Muslim community in certain professions and certain branches of learning. That is a fact. Take one branch—engineering. There is a definite shortage of Muslims in this particular branch. We were told repeatedly—I have been a member of the governing body of Roorkee college for years—that students with requisite qualifications are not available; we cannot get Muslims who have taken the Intermediate in Science, with physics and mathematics, who are qualified to join. Certain places are reserved in the engineering colleges but Muslims are not available to fill those places. Similarly also in the MacLagan and Sibpur colleges such students are not available. Naturally I had this impression in my mind till a few months ago; so much so that Dr. Wali Muhammad has just published a pamphlet in which he has advised Muslim students to study those subjects so that they may be qualified to join those colleges. I had this theory in my mind also and I thought it was correct. But recent circumstances have convinced me that I was absolutely wrong. When we opened an engineering college, for 60 places we received 500 applications from people who were qualified in physics and mathematics and chemistry; out of these 500, about 100 were B.Sc.s. I interviewed these candidates and they told me that the doors everywhere were banged against them. It is not therefore the case that the material is not present; it is not that Muslims are not available; but the question is that they have no opportunity, the mere fact that it is said they have equal opportunities is of no value. We had a great discussion on this question of minorities—the defence

of minorities in the central European countries after the war; a good deal of literature has been published and they have made a very strong representation that it is useless merely to offer on paper equal opportunities to every community; you must ensure that the opportunities are of equivalent value. My friend Mr. Tyson has no doubt provided equal opportunities for all, but these equal opportunities are not of equivalent value and that is why we press these particular points.

So far I have talked about engineering. Take the case of medicine. In the case of medical colleges the position is even more difficult. I myself tried to get some of our students admitted in the colleges of Lucknow and Agra, because these are the only two colleges open to the students of the United Provinces; but I always failed in my attempts and I could not get them admitted to those colleges, though I am quite sure that the boys we sent could be admitted in any college whatsoever. I have got a record—Mr. Sargent might make a note of this—of a student who was really exceedingly good and he appeared in one of their competitive examinations for admission into the Lucknow college but his answer books were destroyed and he obtained zero marks and he was not admitted; this same student spent about 4 or 5 years seeking admission in different colleges; he went to Lahore, to Calcutta and several other places; and after great difficulty he secured his admission in Bombay on the ground that he produced a paper in bio-chemistry and the person who was making research in bio-chemistry said this is the only man who knows bio-chemistry and he must be admitted. On account of personal influence he was admitted, and he is one of the greatest living authorities in the medical profession now. This is the difficulty that we have to face, and we cannot shut our eyes to the handicaps under which the Mussalmans have to labour in the matter of admission. It is all very well to say that the Mussalmans can come in by open competition and join the medical colleges, but these opportunities are not of equivalent value. As I said in one of my speeches in the meetings of the Court of the Lucknow University, either you reserve a certain number of places for the Mussalmans, or in your Admission Committee take up the representatives of the different universities in the U. P.—for, though the Medical College is located at Lucknow, it is a college for the whole province of the U. P. and in the Admission Committee the other universities who have got equal claims must be represented. But they never listened to our request, and they have not admitted a single student of the Aligarh University. When at Aligarh we open a medical college, and we hope to open it within one year, we will have 500 well qualified students who will apply for admission and there will be no difficulty in giving them admission, though they have been now going from place to place and not getting admission.

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

Nobody can shut his eyes to these facts. You may talk of academic principles, but these facts do exist in India though they do not exist in other countries. Even in England you will not admit easily into an English school a person coming from Germany or a man from France, or a person from some other place, because you have restricted your schools to a particular group. The same idea which exists on a scale in England does exist here. You cannot deny it. I may tell my Honourable friend, Mr. Sargent, that there is a metallurgical department in the Benares Hindu University. I repeatedly asked the Pro-Vice-Chancellor to admit one of our boys to the metallurgical class, but I could not secure admission into that university. Though the University is open to all, it does not really operate as such in practice. I can cite many other cases.

Mr. Lalchand Navalrai: Hindus also are not being admitted.

Dr. Sir Zia Uddin Ahmad: I challenge, there is not a single Muslim in the metallurgical department of that university. Do you mean to say that Muslims are not qualified for metallurgical work? I cannot accept that statement.

Mr. Lalchand Navalrai: What I said was that no Hindu is also being accepted now in the metallurgical class in the Benares Hindu University.

Dr. Sir Zia Uddin Ahmad: Hindus are not admitted; Muslims are not admitted; then only Harijans are admitted?

Mr. Lalchand Navalrai: Because there is no vacancy there.

Dr. Sir Zia Uddin Ahmad: Either the department does not exist in which case the question of admission does not arise at all, but if it does exist, there must be some vacancies and if they are not filled up by Hindus or by Mussalmans, they must be filled up by Harijans! Therefore, these facts exist, however unacademic they may be from your English experience. You have to take the Indian facts into consideration. It is not sufficient to say that you provide equal facilities for all, you should also see that these facilities are of equivalent value to every community, to every nation. This is what we have at the back of our mind when we press this amendment for the consideration of the House. We think if, at any rate, there be some persons inside, they will announce those facts, the facts will be published, and I think that publicity is the only safeguard which the minorities have got. How can we have publicity if people do not even know the facts? The facts about the Medical College I came to know only about two days ago. When I expressed a desire to know about the medical college scheme, one of the doctors came to me and said, before you embark on this scheme, ask the medical men what difficulties they had for their admission, what attempts they made in the various colleges, how they were thrown out and their admission could not materialise. To publish a thing like that is a difficult job, but the facts are there and I request Mr. Sargent to look at the problem from the point of view which I have placed before the House. Is he not familiar with the fact that in England there is great pressure from the labouring class that they should have opportunities to take part in university education? Though the colleges were open to everybody, in practice the labouring classes had no admission and they began to demand and you had to make some kind of provision by giving scholarships and employing various other methods, in order that these particular sections could have admission into the highest institutions in England. Sir, the same is the position in this country. There are classes, call them backward or by any other name, who for some reason or other have not derived the fullest benefit from the educational facilities provided in this country by the British Government. They were late in joining. There is no doubt about it, that the position is there and they are now eager to take the fullest advantage of the university education. You have to make special provision for admission in the same manner in which you have made special provision for admission of your labouring classes. It is said, we only legislate for minorities, it does not matter—we do not make any distinction between Mussalmans, Sikhs and Christians, but we provide for minorities. In 1925 the Government of India reserved one-third of the vacancies for the minorities, but from 1925 to 1934 we collected statistics and we found that when there were three vacancies, one went to the Sikh minority, one went to the Christian minority and one went to the Parsi minority, and the largest minority, which is the Mussalman minority, was left unnoticed. We brought these facts to the notice of Sir Harry Haig, the then Home Member, in the year 1934, and he was compelled to say, "No, the provision for the Mussalman community should explicitly be made. It is not safe to tag them on to other minorities, as the experience from 1925 to 1934 shows". To tag on the Muslims who form 25 per cent. of the population to other communities who form less than one per cent. is unfair to the Mussalmans and it did not work satisfactorily as far as the working of the Government of India was concerned. Really speaking, when

you say that you want to reserve so many seats for minorities, I think it is unfair to the Muslims. You cannot tag on a population of 25 per cent. to a community which is less than one per cent. You should provide separately for those who form the biggest minority. The Government of India after careful consideration accepted this principle in 1934, though in practice they are not carrying it out. They are not prepared to accept it even in theory, and even if you accept it in theory, it will take many years to materialise in practice. There are many steps which you will have to take before you achieve this end. Therefore, to recognise explicitly Mussalmans as Mussalmans is certainly not unacademic. I have repeatedly quoted the highest educational authority, that is the Calcutta University Commission in support of my argument. In the political field it has already been accepted. The Government of India Act is really a manifestation of this acceptance. Such being the case, I see no great harm in recognising that fact in the case of the Delhi University. One thing is apparent from the speeches on the Opposition Benches and the speeches on the Government side, and that is, we all recognise that they must come in, but we do not like to differentiate in the first instance between Mussalmans as a minority and the other minorities. Now, this thing they will have to accept, because the Government of India have accepted it on account of certain facts brought to their notice.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not repeat it so often.

Dr. Sir Zia Uddin Ahmad: You will have to admit that the Mussalmans are a separate entity and you should not mix them up among the other minorities, as it will not work very well. I also request you to consider this fact that the admission of Muslim students in all the important colleges, particularly technical and professional, has become exceedingly difficult. We have shown it by facts and figures. We can give you more facts during the third reading, if they are necessary to convince you. When you legislate for an All-India institution, you should not forget that there are in India 10 crores of Muslims who have unfortunately not been well treated in the academic institutions and in the so-called temples of learning. When they demand their right, which is a just right, then it is only fair and reasonable that the Government should acknowledge it.

An Honourable Member: I move that the question be now put.

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

"That the question be now put."

The motion was adopted.

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

"That in clause 16 of the Bill, to clause (c) of Statute 4 in the proposed Schedule the following be added at the end:

'providing adequate representation of Muslims and minority communities in the services of the University'."

The Assembly divided:

AYES—19.

Abdul Ghani, Maulvi Muhammad.
Abdullah, Mr. H. M.
Azhar Ali, Mr. Muhammad.
Choudhury, Mr. Muhammad Hussain.
Essak Sait, Mr. H. A. Sathar H.
Kamaluddin Ahmad, Shamsul-Ulema.
Kazmi, Qazi Muhammad Ahmad.
Liaquat Ali Khan, Nawabzada Muhammad.
Murtuza Sahib Bahadur, Maulvi Syed.
Nairang, Syed Ghulam Bhik.

Nauman, Mr. Muhammad.
Piare Lall Kureel, Mr.
Siddique Ali Khan, Nawab.
Siva Raj, Rao Bahadur N.
Umar Aly Shah, Mr.
Yamin Khan, Sir Muhammad.
Yusuf Abdoola Haroon, Seth.
Zafar Ali Khan, Maulana.
Zia Uddin Ahmad, Dr. Sir.

Ahmad Nawaz Khan, Major Nawab Sir.
 Aiyar, Mr. T. S. Sankara.
 Ambedkar, The Honourable Dr. B. R.
 Azizul Huque, The Honourable Sir M.
 Banerjee, Dr. P. N.
 Bewoor, Sir Gurunath.
 Chapman-Mortimer, Mr. T.
 Chatterji, Mr. S. C.
 Chattopadhyaya, Mr. Amarendra Nath.
 Daga, Seth Sunder Lall.
 Dalal, Dr. Sir Ratanji Dinshaw.
 Dalpat Singh, Sardar Bahadur Captain.
 Dam, Mr. Ananga Mohan.
 Datta, Mr. Akhil Chandra.
 Deshmukh, Mr. Govind V.
 Habibur-Rahman, Khan Bahadur Sheikh.
 Haidar, Khan Bahadur Shamsuddin.
 Imam, Mr. Saiyid Haidar.
 Jawahar Singh, Sardar Bahadur Sardar Sir.

Kailash Bihari Lall, Mr.
 Khare, The Honourable Dr. N. B.
 Lalchand Navalrai, Mr.
 Mackeown, Mr. J. A.
 Maitra, Pandit Lakshmi Kanta.
 Maxwell, The Honourable Sir Reginald.
 Pai, Mr. A. V.
 Parma Nand, Bhai.
 Raisman, The Honourable Sir Jeremy.
 Roy, The Honourable Sir Asoka.
 Sargent, Mr. J. P.
 Spear, Dr. T. G. P.
 Spence, Sir George.
 Sultan Ahmed, The Honourable Sir.
 Thakur Singh, Major.
 Trivedi, Mr. C. M.
 Tyson, Mr. J. D.
 Zaman, Mr. S. R.

The motion was negatived.

Syed Ghulam Bhik Nairang: Sir, I move:

"That in clause 16 of the Bill, in clause (d) of Statute 4 in the proposed Schedule after the word 'examiners' the words 'amongst whom shall be adequate number of Muslims' be inserted."

Clause (d) of Statute 4, as it stands at present, reads:

"To appoint all examiners after considering the recommendations of the Academic Council."

I submit that but for compelling necessity we would not have moved an amendment like this asking for some sort of representation among the body of examiners appointed by the University for conducting the University examinations. I think it will certainly conduce to inspire confidence in the system of examinations held by the University and it will obviate any sort of complaint or grievance that the examinees of a particular community were not fairly treated if this principle is embodied in the Statutes. I must point out that in discussing and considering the last amendment, I am afraid there was some misconception as to the meaning of the word 'adequate'. It was construed practically as if we wanted a certain proportion to be fixed. No doubt, I did in explaining that amendment refer to the circulars of the Government of India fixing communal proportions in the services and all that, but really I did not mean that I wanted proportions to be fixed under that amendment. Here, again, we are only using the word 'adequate'; we are not using the word 'proportionate'. I must explain that we do not say that there can be a fixed proportion of Muslim examiners in the entire body of examiners to be appointed by the University. We wish to say only this that regard shall be had that there is an adequate representation of Mussalmans in the body of examiners. I have said that this is really a measure which is calculated to inspire greater confidence in the system of examinations and to obviate possible complaints which are sometimes heard. And considering the very daring instance of an examinee's papers being destroyed in the Lucknow Medical College referred to by Dr. Sir Zia Uddin Ahmad in his speech on the last amendment, I think if complaints of this kind are sometimes heard one should not take it that they must be unfounded. Sometimes certain things do occur and I think it is wise to forestall such complaints and take action which may be in the nature of prevention which is always better than cure. So, why not from the very beginning have a system of the appointment of examiners which may be liked by all concerned and which may not in any way lead to any apprehension that there may be any unfairness. I think this amendment does not really require a long speech and I have explained what I mean.

Sir, I move.

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

"That in clause 16 of the Bill, in clause (d) of Statute 4 in the proposed Schedule after the word 'examiners' the words 'amongst whom shall be adequate number of Muslims' be inserted."

Mr. J. P. Sargent: Sir, I ventured in connection with the previous amendment to deprecate, perhaps mildly, the introduction of the communal consideration into the appointment of teachers of the University. I am afraid that as an educationist I must deprecate a good deal more strongly the amendment now before the House. I deprecate it not only as an educationist but as a man of some experience of examining. I have been endeavouring to find out in what possible way this amendment could in any way contribute to impartiality or justice in the conduct of the examinations of the University? In what particular way would a proportion of examiners belonging to minority communities contribute towards securing justice for presumably members of their communities.

Syed Ghulam Bhik Nairang: May I call attention to the word 'proportion' used by the Honourable speaker? I never said 'proportionate'; I used the word 'adequate'.

Mr. J. P. Sargent: Adequate or any number. I apologise for using the word 'proportion'. But in what way would the introduction of any consideration of this kind add to the impartiality or effectiveness of the examination? An examiner, if anybody, ought to be regarded as impartial. The system of University examinations, as Members are fully aware, is designed in this country and in most other countries to try and prevent the identity of the student being known to the examiner by the adoption of roll numbers, double roll numbers and other devices. I cannot, therefore, see in what way this amendment could have any effect on the system unless by some unfortunate chance the identities of students and the identities of examiners became known to one another. I am afraid that if that did happen, then so far from, as the Honourable the Mover of the amendment hoped, increasing confidence in the examination system, I can only feel that it would undermine it completely. In actual fact, however, perhaps I can to a certain extent allay any feeling of uneasiness as to the present position in Delhi University. I have looked up the figures for the present year and I find that the minorities have actually had 76 out of 224 examiners appointed. Therefore, from that point of view, if it is a question of having a fair share of what we examiners used to call the 'spoils', then the minorities are not doing badly at all. With regard to the question of introducing communal considerations into this question, I think everybody would agree that it ought to be regarded as a matter of the strictest impartiality and I am afraid, as an educationist, I could not agree at all. Therefore, I am afraid I could not possibly accept this amendment.

Nawabzada Muhammad Liaquat Ali Khan: Sir, I have very great regard for the expert knowledge of my Honourable friend the Educational Adviser to the Government of India with regard to matters educational. But I think in his last speech that he made on another amendment when he tried to defend the University of Delhi, he was not on very solid ground. By way of example, he told us that amongst Librarians, which is indeed a very honourable office in the University, the Muslims have had a good share. Had it not been that my Honourable friend provoked me to give certain figures, I would probably not have felt justified in placing certain figures before the House which are very important with regard to the matter which we are discussing now. During the 21 years since the Delhi University was founded, there has been one Muslim Vice-Chancellor. There has never been a Rector who has been a Muslim.

Mr. President (The Honourable Sir Abdur Rahim): Now, we are dealing with Examiners. I think the Honourable Member should confine his remarks to the amendment under discussion.

Nawabzada Muhammad Liaquat Ali Khan: I must give these figures. Unless I show the composition of the University, as it is now, how am I to deal

[Nawabzada Muhammad Liaquat Ali Khan.]

with this matter and show that the interest of the Muslims is bound to suffer. That is why I am giving these figures. It will not take very long. I am myself very careful not to take much of the time of the House. Then, Sir, amongst Treasurers, in 21 years, there has never been a Muslim. Amongst Deans of Faculties of Arts, there has never been a Muslim. Deans of Faculties of Science, there has never been a Muslim. Deans of Faculty of Law, out of five that have been there so far, only once has been a Muslim. Amongst Proctors, never a Muslim was appointed. Wardens, never a Muslim was appointed.

Now, Sir, I come to the teaching staff in the University. I am referring to this because my Honourable friend tried to show that as far as the staff of the University was concerned, or the officers of the University were concerned, we really were not treated so badly as we have tried to make it out to be. In English, out of 54, there are only five Muslim teachers. In History, out of 18, there are only three Muslim teachers. In Economics, out of 20, there is only one Muslim teacher, in Philosophy, out of 12, there is only one Muslim teacher, in Mathematics, out of 15, there is only one Muslim teacher. In the Faculty of Science, in Physics and Chemistry, out of 22 there are only two Muslim teachers. Now, Sir, according to part (d) of Statute 4, the Examiners are to be appointed by the Executive Council on the recommendation of the Academic Council. Now, Sir, in the Academic Council, out of 45, the Muslim representation is only six. In the Executive Council, so far, the only certain seat that Muslims can hope to get out of 26 is one of the *ex-officio* seats that are reserved for the Principals of various Colleges. We have not been given any representation on the Executive Council. Hence the necessity of trying to provide some representation for the Muslims in such cases. If the Muslims had had their due share on the Executive Council, then probably it would not have been necessary for us to move an amendment of this kind.

My Honourable friend says, how would the interest of the Muslim community benefit if certain Examiners were appointed from amongst the Muslim teachers. I am afraid that although my Honourable friend has been in this country long enough, he has not yet realised the amount of prejudice that exists in every walk of life in this country. But it is said, and rightly so, that an Examiner should be above suspicion, that he should do his duty honestly and impartially. I agree. If the conditions in this country had been what they are in other countries, then probably an amendment of this kind would not have been necessary. Then, probably all the amendments that we have moved wanting adequate representation for Muslims on the various bodies of the Universities would not have been necessary. Situated as we are, and the conditions being what they are, I am afraid we cannot afford to ignore such matters where, I submit, the interests of the Muslims are very intimately connected.

Sir, the Honourable the Educational Adviser has given us some figures that out of a total of 224 Examiners, 76 Examiners belong to the Muslim and other minority communities. I would have been really very glad if my Honourable friend had given us some details regarding these 76 Examiners.

Mr. J. P. Sargent: With your permission, Sir, I can do that now. Out of the 76 Examiners, 51 are Muslims, four are Sikhs, 21 belong to other communities.

Nawabzada Muhammad Liaquat Ali Khan: I did not mean details like that. I meant subjects. What subjects of the Examinations? I have my own doubts and I have a suspicion that all these 51 are probably Examiners in Persian, Urdu and Arabic. These are the only subjects where you cannot get anybody else as Examiners. So, Sir, if they are Examiners in Persian, Urdu or Arabic, then I am afraid it is no concession to the Muslims. I would have liked to know that out of these 51 Examiners who have been appointed, how many have been appointed in subjects other than Arabic, Persian or Urdu. That would really show to Honourable Members of this House whether the contention that has been made by my Honourable friend that the minority communities have

nothing to grumble about as far as the appointment of Examiners is concerned was justified or not. I do not know whether my Honourable friend is in possession of these facts. If he is not, I would request him to go and study them and he will find that out of these 51 Examiners, a large number of them will be those who have been appointed as Examiners in Arabic, Persian and Urdu. I see my Honourable friend is shaking his head. I am sure the House would welcome a statement from him giving the various subjects in which these 51 Muslims have been appointed as Examiners.

Sir, the amendment which has been moved, from our point of view, is a very important one and I can assure my Honourable friend that if we had been given a proper and adequate representation on the Executive Council, it probably would not have been necessary to bring forward such detailed amendments in the House. But when we have been practically excluded from the Executive Council by the methods that have been adopted by the Government, then I am afraid it is our duty to point out in what directions the Muslim interests are likely to suffer. Sir, with these words, I support the amendment.

Mr. Lalchand Navalrai: Sir, our silent vote might mean that we approve of these communal amendments and that is why I speak on this. They are going on and are putting forward the most absurd amendments and considered calmly and dispassionately they will appear to be absolutely impracticable demands. To begin with, if they have no faith in the honesty or impartiality of other communities they should openly say so.

Nawabzada Muhammad Liaquat Ali Khan: We do not want to hurt your feelings.

Mr. Lalchand Navalrai: Then they should say that plainly instead of moving these absurd amendments. First they started with a demand for Muslim representation in the Court because they have no faith in the other members of the Court, then the same thing in the Executive Council, then in the Academic Council and now they make this absurd demand for Muslim teachers and Muslim examiners, forgetting that throughout all these years they have prospered and risen high through Hindu teachers and examiners. And it cannot be ignored,—as Mr. Sargent rightly said,—that whenever there is qualified material among them they get everything; and so it is better to deserve first and then to desire. It is better to have more and more Muslims getting educated and qualified than to be pulled up by cranes. No Hindu will grudge them getting education and it is false to say that Hindu teachers are not giving them proper education or failing them in examinations because they happen to be Muslims. If they want separate teachers and examiners they should have separate *Madrasas* and not spoil the atmosphere of the university. If Muslims have merit let them have all the places, but they should not have them with inferior qualifications, in which case Hindu boys will stand up and refuse to be taught by these Muslim teachers with lower qualifications. (Interruption.) Well, Englishmen are teaching you also. Wherever there is a qualified man, whether Hindu or Muslim or a depressed class man, he should be taken in. It has been said justly that as yet there are not enough qualified Muslims to fill these posts, and when they qualify they will surely be given these places; and people qualified in certain subjects like Urdu and Persian and Arabic have been taken as examiners. Therefore they should not show ungentlemanliness by saying that Hindus do not take care of Muslim boys or are not impartial to them. In time they will have examiners from their own community in all the universities, and they should not spoil this university now. If one of these demands is granted that will be an example for spoiling other universities also and the whole standard of education will be lowered. Therefore they should qualify themselves instead of coming forward with these rabid amendments.

Mr. Muhammad Nauman: Sir, I do not want to introduce any heat into the debate and reply to Mr. Lalchand Navalrai with the same vehemence as he showed in opposing this amendment. He said one very significant thing, namely, that the Englishmen are teaching us a good lesson.

Mr. Lalchand Navalrai: No, Sir, I never said that.

LEGISLATIVE ASSEMBLY.

Thursday, the 19th August, 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.

THE DELHI UNIVERSITY (AMENDMENT) BILL—*contd.*

Mr. President (The Honourable Sir Abdur Rahim): Further consideration of the Delhi University Bill. Amendment No. 30.

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadan): I have great pleasure in supporting the principle which is embodied in this amendment. It aims at preventing waste of energy, time and money on the part of the examinee. I do not know how far the proposer of this amendment or myself, the supporter of this amendment, would succeed so far as this amendment is concerned. It may be that we are fishing in troubled waters, waters which have been troubled for many days but having regard to the sensible principle which is involved in this amendment and which has been accepted by some universities, I trust that Government will be pleased to accept the principle of this amendment.

We have heard something about the system of examinations. As a matter of fact, the system of examinations has been condemned by very many educationists. We have a living authority in this House and I may recommend his books about which those who were attentive to his speech in this House came to know. Though I myself have not read the books, I can recommend them as coming from a living authority. The living authority is Dr. Sir Zia Uddin Ahmad, a member of this Assembly. I hope that the Government would profit by reading his two books in which he has embodied the practical experience which he had. He describes the system of examinations and the experience of examinees, the majority of whom have failed. If the voice of this majority is to prevail, these examination halls are, as the learned Dr. described them yesterday, oppressive halls or halls of torture. The majority of the students who have failed have regularly described these examination halls as slaughter houses and the examiners as butchers. Of course, it is not a palatable and pleasant epithet to refer to examiners in these terms. I do not think the examiners would like themselves to be described in this way but the fact remains as it is. It is very curious that people do not take into consideration some of the factors which really affect the examination of papers by an examiner. People do not seem to take note of the fact that the examiner himself is not a machine but a human being and the giving of marks on a particular paper may depend on the peace which he had at home or the enjoyable evening which he may have spent at a club or other factors which really raise the temperature of the examiner and his moods. As I said, the human factor is a great consideration in the matter of the examination of papers and there can be no fixed standard by which papers could be examined. Let me illustrate my point. The examiner is not what one may describe as a thermometer to get the temperature of a particular person. If you have a particular make of thermometer and if you want to take the temperature of a person, the thermometer will denote the degrees of temperature of the person. Similarly, a weighing machine will give you accurately the weight of the person or thing which has to be weighed. The factors which affect the feelings of the examiner are wanting in a machine. If the examiners were capable of working like these machines, then we could have no grouse against them but as I have said, the examiners are human beings and therefore we have to take note of all the factors which go to influence his action, such as his feelings, his temperament at different periods, the condition of his health and so on. I have seen some examination papers which were being examined by a man who was ill and the boys who were unfortunate enough to be examined by that examiner when he

Mr. Muhammad Nauman: Sir, I do not want to narrate here instances of what has happened to Muslim examinees here and there. I can cite cases from the Patna and Calcutta universities and few other universities as well. My Honourable friend Dr. Sir Zia Uddin has given some cases which ought to convince the House of the mal-treatment we receive. I will refer to a case in the Patna University where the Vice-Chancellor rusticated a Muslim graduate because he discovered certain instructions given to a Hindu examiner to pass a Hindu student, whereas Muslim examinees who secured the same marks were not allowed to go through. The matter was not left there. Sir, it was published in the *Star of India* and in other papers. The Muslim boy had to meet the fate of being rusticated and the degree of the other student was withheld. There are many other instances also. Therefore, we feel that as we have not got any safeguards in the Executive Council of the Delhi University there should be some safeguard somewhere. Make us believe at least that we will receive proper treatment in the matter of examinations.

My Honourable friend, Mr. Navalrai, said that better class of Muslim teachers were not being made available, and probably it was for that reason that some deficiency existed. I do not know how many times in this House we have repeatedly made assertions that there is no lack of capable men, that there is no lack of men with intellect who would be fit for any position. The question is whether you want them or not. There is an Urdu couplet:

"Tum jise chaho charha do sur-per Warne, kab doosh per kakul theray."

It is you only who can decide whether a man has the required calibre, education and everything, and unless you say that no other man has got any status to make that claim. It is for that reason, Sir, that we have moved this very important amendment.

Then, Sir my Honourable friend, Mr. Navalrai, said that we have not said definitely that non-Muslims are partial or that we have no faith in them. I do not want to say anything on this occasion. Much has been said on various occasions and that should give enough inkling into the sentiments that we have and the feelings which we profess as a result of many years' experience that we have had in these matters. It is for these reasons that I ask the Government to accept this amendment. Sir, I support the amendment.

Dr. Sir Zia Uddin Ahmad: I am very loath in taking part in this particular debate. In the matters of examinations—perhaps many members know that—I have studied this problem very thoroughly and I have written two books on this subject. The whole system is so rotten that on one occasion my Honourable friend, Mr. Sargent, and correctly in my opinion, while describing an examination hall said that it is not an examination hall but it is a hall of torture, on account of the way in which these examinations are conducted. A very important academician said, and he pressed his argument, that no injustice will be done to the candidates if the marks are allotted to every candidate not by reading his paper but by drawing the number from a lottery box. Roll No. 1: draw the number and if it is 37, give him 37.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is speaking on the system of examination generally. There is a particular question now before the House and he had better confine his remarks to that.

Dr. Sir Zia Uddin Ahmad: Coming to the point at issue, I had an opportunity to read about 20,000 papers when I was in Calcutta and the conclusion at which I reached—and my colleagues will certify—was that this point requires very careful examination and it cannot be left alone in this manner. No doubt my Honourable friend, Mr. Nairang, who moved this motion, could not lay out all the points which he had at the back of his mind—it is very difficult. But you will have to admit that something will have to be done.

I said that I am very loath in taking part in this particular debate, because I do not believe in the system of examination. I would rather like to reduce them. I think the whole system should be properly modified and altered. There are good many educationists who say that these examinations should be ended or radically mended. Unless that is done some steps will have to

be taken to meet the difficulties which are now existing in the country. What my Honourable friend, Mr. Nairang, has suggested may not be a solution, but I think it is the duty of those who are legislating on this particular point to find a solution.

As regards Mr. Navalrai, I have always thought that he was speaking before the mirror: Whatever he has said in his speech, he has referred to himself.

An Honourable Member: The question may now be put.

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

"That the question be now put."

The motion was adopted.

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

"That in clause 16 of the Bill, in clause (d) of Statute 4 in the proposed Schedule after the word 'examiners' the words 'amongst whom shall be adequate number of Muslims' be inserted."

The motion was negatived.

Maulvi Muhammad Abdul Ghani: Sir, I move:

"That in clause 16 of the Bill, to clause (d) of Statute 4 in the proposed Schedule the following be added at the end:

'and to arrange for the annual and compartmental examinations of the University and also for the examination of such students who perchance fall ill at the time of examination'."

Sir, the system of examination is condemned by many eminent educationists, and even then the examinees have to face the hardships of examinations. Students have to undergo some system of examination all the year round. They have to pass in almost all the subjects. Sometimes it so happens that a student gets plucked in one subject only—may be it is something unimportant, some practical examination carrying hardly more than 20 marks—and he is detained that year and has to appear again next year. The whole year's labour, energy and money is wasted. Next time when he appears, he gets plucked in another subject in which he has already secured pass marks. There are instances in which students had to face such hardships. I therefore thought that some system should be devised to give some relief to these examinees. Now we are considering the case of the Delhi University. Therefore this is the proper time to make some provision in the Statute, so that it may not rest on the whims and fancies of the examining authorities. I know that they realise the difficulties of the students but then they do not remedy the defect. In almost all the foreign universities, particularly residential universities, we find that students are only examined in those subjects in which they get plucked and that too after a short interval so that their progress of further education is not marred. Here in India at the law examination it is so that when a student of Law does not pass at the preliminary examination his further progress of appearing at the final examination is not stopped. He is permitted to sit at the final examination but his degree is withheld until he passes in the preliminary examination. This I can follow but I do not follow why a student who has passed in all subjects, except one, has to appear again in all the subjects in which he has secured success. It is said by the experts here that an examination is not a surer test of efficiency. Then in that case it should be still more a matter of consideration that the examinees should not unnecessarily undergo such kind of hardship. It has also been said by many that sometimes it has so happened that one set of examiners have been appointed and papers have been sent to them; after they have marked the papers, the papers have been sent to another examiner and the allotment of marks has differed. In this connection the Chief Commissioner of Education in India, in his Report 1938-39 rightly observes:

"It is difficult to resist the conclusion that there is no effective standardization either of examinations or examiners who are allowed to mark more papers than they can deal with efficiently."

Therefore, I urge the case of such hardships and I hope that the Honourable Members will realise the difficulties of the examinees who are unnecessarily put to trouble and the parents have to lose for no fault of theirs a considerable amount of money over the detention of such students. I hope that the authorities will come forward and say that there is in the Delhi University some

[Maulvi Muhammad Abdul Ghani.]

system of examination by which a student can be examined only in that particular subject in which he gets plucked. But that is not free from conditions. There is a system here that if an examinee secures 45 per cent. marks in the subject in which he passes, then in that case he is allowed to sit after a short period in the subject in which he has failed. But why is it so? There should not be any distinction. Do not say that he should secure a certain standard of marks and then he will be allowed to sit in one subject. Raise the standard but make it similar. There should not be any condition. My argument is this. Until the system of examination changes, examinees should be re-tested in the subject in which they do not secure pass marks and that too within a short interval. In the second place, I would add that their further promotion should not be stopped. It may be made a condition that they must pass in the subject, but they should be asked to proceed further and join a higher class.

I am also aware that an expert committee has been appointed to consider the various systems of examination prevalent in Indian Universities, but till they give their view and results are obtained, I have thought it proper to move this amendment so that the hardships of the student community might be redressed. This is not the only occasion on which I am advocating the cause of the student community. I have found it helpful, particularly in the Patna University where the result never went to more than 33 per cent. and when the matter was brought to the House it was decided that very year, 1935, that the percentage of passes should be raised to 56 and since then it is ranging between 56 and 62. I find from the report that the Andhra University is the strictest of all the Indian universities. Their results never go up more than 20 per cent., but I do not find that all the competitive seats have been captured by the graduates or students of the Andhra University. What for are these hardships? What for this strictness? It is only the examinee who has to undergo all sorts of hardships; the system is such that it compels students to have recourse to cramming and nothing else. It would not be out of place to mention here that some students of Aligarh University of 3rd year who have passed the promotion examination in all subjects have been detained because their percentage is short by one per cent. Is it not to the credit of such a student who was absent from college, for a long period, to pass in all the subjects? Should not such a student rather be rewarded with prizes? But it all depends on the whims and fancies of the examiners and the university authorities. We are tired of all these things. This is the proper time when we should deal successfully and solve the difficulties of the student community in general. We urge this because the literacy of this country is not progressing as it should. With all our efforts, the literacy percentage is only 13 per cent. All these people are not going to be provided with employment; then why all these hardships? Government can prescribe any restriction they like for examinations for employment. I can understand that. But why are they out to stop the progress of general education? Let the students study throughout the period and take notes. When the professor is satisfied that the student has understood the subject and has had periodical tests, that is enough. Why these examinations? Why so many examinations? If he fails in one subject at one time, he fails in another subject at another time. These are unnecessary hardships and obstacles in the way of the general progress of education in the country. We resent this very much and do not want that progress of education should be interfered with. The days are gone when Government had an idea that certain classes of people should be had for administrative or ministerial or clerical purposes. Nowadays Government is not going to provide for all these persons. Therefore they should have their own examinations for employment and allow the university to have its own examinations and allow the students to go through these courses and give them a diploma or degree at the end.

Mr. President (The Honourable Sir Abdur Rahim): Has the Honourable Member moved the amendment?

Maulvi Muhammad Abdul Ghani: Yes, Sir. If I were to cite instances, it would be surprising to hear that it often happens that questions are set beyond the syllabus and I pointed out an instance while I was speaking in the Bihar Legislative Council—I will narrate one instance. The syllabus in geography says "Important towns and the reasons for their importance." The question put by the examiner was "Write notes on the growth of such and such a town." This was referred to the Board of Examiners; they said "No; they were right." When the matter came before the local council, it was held that the questions were out of the syllabus. Sometimes it happens that even the examiners or higher authorities cannot answer the questions; yet those questions are put to poor unlucky students. It so happened that examinees in Patna University at the Matriculation stage were asked once to translate in their vernacular some passages which, when I threw challenge, could not be translated even by the University representative. Such is the irony of fate of poor students and parents who spend lots of money and whose energy is wasted for nothing.

I have not much time, otherwise I would have placed before you certain things—samples of questions set for matriculation boys. Some examiners asked questions about liquors. Most boys who or whose fathers had never touched liquors or wines and they did not know what is called effervescence and such like nonsense. Yet they were asked to write notes on wines. Let me give another instance. A question was asked:

"Imagine you had a brief interview with Mahatma Gandhi about the harijan movement. Write a letter to your friend describing your conversation with him."

There are people who do not yet know what is called harijan—it is a newly coined word; they may get to know of it later. Let me place before you another sample—once in the Patna University

Mr. President (The Honourable Sir Abdur Rahim): The Patna University is not under discussion.

Maulvi Muhammad Abdul Ghani: I say that universities in general put questions in their examinations which are very hard and which cannot be answered even by the examiners themselves, especially the translation of passages. As

an instance I said that once a passage was put to matriculation boys for idiomatic translation into their own vernacular; the passage runs as follows:—

An Honourable Member: Idiotic or idiomatic?

Maulvi Muhammad Abdul Ghani: The passage runs:

"But the beautiful woman now clapped her hands; and immediately there entered a train of two and twenty."

Mr. President (The Honourable Sir Abdur Rahim): I think the Honourable Member is going very much beyond the amendment.

Maulvi Muhammad Abdul Ghani:

"... serving men, bringing dishes of the richest food, all hot from the kitchen fire, and sending up such a steam that it hung like a cloud below the crystal dome of the saloon. An equal number of attendants brought great flagons of wine of various kinds, some of which sparkled as it was poured out, and went bubbling down the throat."

Mr. President (The Honourable Sir Abdur Rahim): I must ask the Honourable Member not to read at such length from that book.

Maulvi Muhammad Abdul Ghani: These are the difficulties that students encounter; a student of the matriculation class cannot answer such questions. There are many hardships from which these young men suffer, but what little I have placed before the House is ample proof of what I have submitted, and I hope the House will consider the question very sympathetically having regard to the waste of energy, waste of money and the obstacles that stand in the way of the progress and growth of education in the country. Sir, I move.

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

"That in clause 16 of the Bill, to clause (d) of Statute 4 in the proposed Schedule the following be added at the end:

"and to arrange for the annual and compartmental examinations of the University and also for the examination of such students who perchance fall ill at the time of examination."

The Assembly then adjourned till Eleven of the Clock on Thursday, the 19th August, 1943.

[Mr. Govind V. Deshmukh.]

was ill got fewer marks than those who were fortunate enough to have their papers examined after the man had recovered and got more marks for the same questions. Therefore, I say that this human factor is a great thing to be taken into consideration. After having said so much about the examiners, let me say something about the unfortunate condition of the examinees. I know of very many instances where students have got the passing marks in all the subjects appointed for a particular examination according to the University standards and yet have failed to secure the total number of marks that are necessary for getting through the examination and therefore failed in the examination. Now, these are hard cases. There are cases where a person has passed in all the subjects in an examination except one and when he appears next time for the same examination he passes in the subject in which he failed last time but fails in papers in which he passed in the previous year. It is really a very unfortunate thing that a student should fail in the second year in a subject in which he had passed in the first year. May be that at the second time another examiner is appointed who might have different standards of examining, who may be affected by different feelings. I say that the vagaries of the examiners should be corrected and this amendment shows the only way of correcting them. I also remember that in some cases students appeared regularly for some days during which examination was held, but fell ill just two or three days before the examination was over, on account of the hard work they had to put in. Therefore, they could not attend the examination for those days. In all the other subjects which they attempted, they passed brilliantly but owing to their illness, they could not attend one or two papers and they failed. A student like that, if he has no early opportunity of appearing again, must wait for a whole year, waste his money and energy for a year and then appear all over again in all the papers. I think it is really cruel. So, some provision should be made in the case of persons who are unfortunate enough to become ill. Under these circumstances, I think the University would be doing a good thing if they were to accept this principle. I think there is such a provision in some Universities at least for some examinations. I learn on inquiry that the Punjab University has made provision for getting over these difficult cases. I remember that in the Bombay University they have made a provision like this for the medical examinations. For years there was no such arrangement but afterwards they did provide for it having regard to the number of cases which came to their notice. As I said, we are moving this amendment at a time when the mind of the Government is very much disturbed on account of the debate we have had for the last so many days, but I do hope that they would be cool enough and steady enough to consider dispassionately the principle embodied in this amendment and give effect to it. Sir, I support it.

Mr. J. P. Sargent (Government of India: Nominated Official): Sir, if I have correctedly read this amendment and correctly understood the speech of the Honourable the Mover of the amendment, it really seeks to do three things. In the first place, to empower the Executive Council to hold examinations; in the second place, to impose on the University what is known as the compartmental system of examinations; and, in the third place, to safeguard the interests of students who may fall ill per-chance, as the amendment says, or I presume in any other manner.

With regard to the first point, the power to arrange all examinations in the University is already conferred on the Executive Council in the Act and, therefore, it appears unnecessary to confer it again in the Statutes. With regard to the second point, the question of compartmental examinations. I would draw the attention of the House to the fact that the Ordinances of the University already make what I should regard as a liberal provision for the introduction of the compartmental system where necessary. At the same time, although my friend the Mover of the amendment has spoken very eloquently, and so has my Honourable friend Mr. Deshmukh, in support of the compartmental system, it is

a matter of some difference of opinion among experts on examinations as to whether this really is a fair and satisfactory method of examination. I do not, however, propose to take up any of the time of the House by discussing the pros and cons of the compartmental system because, as the Mover of the amendment himself reminded us, the whole question of examinations, their method and technique, is at the moment under consideration by an expert Committee appointed by the Central Advisory Board of Education. Knowing the Mover's interests of the compartmental system, I have seen to it that the question of compartmental examinations is on the agenda for this Committee. I feel, therefore, that it would be unwise at this stage to anticipate the findings of the Committee.

With regard to the question of students, nobody, is more anxious than myself to safeguard their reasonable interests, but I think Members will agree that it is not desirable if we aim at raising the standard of education, to make the passing of examinations more easy. I can, however, assure the Mover that so far as my experience goes, wherever any case of bad luck due to illness or any other cause has adversely affected the interests of students, they have invariably been most sympathetically considered; I would even say that in some cases they have been too leniently considered. So far as the Delhi University is concerned, I can assure him that the question of any student who has been overtaken by any misfortune of that kind is always sympathetically considered, and there is ample provision under the general authority given to the Executive Council to ensure that such consideration should continue. For that reason, I do not feel able to accept the amendment.

An Honourable Member: Sir, I move that the question be now put.

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

"That the question be now put."

The motion was adopted.

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

"That in clause 16 of the Bill, to clause (d) of Statute 4 in the proposed schedule the following be added at the end:

'and to arrange for the annual and compartmental examinations of the University and also for the examination of such students who per-chance fall ill at the time of examination;'

The motion was negatived.

Syed Ghulam Bhik Nairang (East Punjab: Muhammadan): With your permission, Sir, I wish to make some verbal alteration in this amendment. It is not more than the changing of one word and the cutting out of two words. The amendment thus read would be as follows which I beg to move:

"That in clause 16 of the Bill, after sub-clause (r) of clause (1) of Statute 5 in the proposed Schedule the following sub-clause be added:

'(ci) five persons appointed by the Chancellor who are capable of advising the Academic Council on subjects connected with Islamic learning and culture'."

I have changed the word 'Muslims' into 'persons' and have crossed out the words 'preferably persons'. You will see, Sir, that with Statute 5 we enter on a consideration of the position of the Academic Council, which is, of course, one of the most important bodies in the University and which is charged with important duties regarding the curriculum and syllabus and the educational work that is to be carried on in the University. Considering the kind of educational work which the University has to carry on, certainly Islamic learning and culture form an important item on the educational programme of the University. It would, therefore, be in the interests of higher education itself and not in the interests of any community or section of the population of the Delhi province that we should have a number of experts on the Academic Council who are qualified to advise on these important subjects. The change of the word 'Muslims' into 'persons' would make it possible to admit under that category non-Muslims who are qualified to offer advice on these subjects. I think, Sir, it is a matter of public knowledge that there are quite a number of non-Muslims who are qualified to offer advice of that kind on these subjects. In the late M. A. O. College of Aligarh, there was a

Mr. President (The Honourable Sir Abdur Rahim): Then what would be the result? The Executive Council would be debarred from accepting any recommendation except in those terms.

Nawabzada Muhammad Liaquat Ali Khan: No, Sir. The names are recommended to the Executive Council by the Academic Council and the Executive Council will make the appointments out of the names that are recommended. The amendment that was proposed yesterday was that it was to be obligatory on the Executive Council to appoint so many Muslims. But here, it is proposed that if the names of Muslims are included amongst the persons whose names are recommended, the Executive Council may appoint out of them.

Mr. President (The Honourable Sir Abdur Rahim): But if the Academic Council is bound to recommend so many Muslims the Executive Council have no option, and they will be bound to appoint them.

Nawabzada Muhammad Liaquat Ali Khan: Only as persons recommended by the Academic Council.

The Honourable Sir Sultan Ahmed (Leader of the House): Sir, our view is that it is not barred. The Academic Council is the authority that recommends and the Executive Council may or may not accept that recommendation in selecting the persons from the panel recommended by the Academic Council.

Mr. President (The Honourable Sir Abdur Rahim): Very well.

Syed Ghulam Bhik Nairang: I was reading Statute 6. Clause (c) gives one power to the Academic Council, namely,—

“(c) to recommend examiners for appointment after report from the Faculties concerned.”

I want to add after the word “examiners” the words “amongst whom shall be included an adequate number of Muslims”. I stick to the point that I refrain from using the word “proportionate” in a matter of this kind. Although I was very much misunderstood on that point in connection with two other amendments I still want to use that word “adequate” and I would explain my position further. In connection with the amendment relating to nomination by the Chancellor of two women and at least two Muslims I was misunderstood as meaning that I was assuming that out of the two ladies nominated by the Chancellor there will be no Muslim and therefore I wanted two Muslims. But my amendment really meant that at least two out of the four nominated by the Chancellor under that power shall be Muslims and that would have had the effect, if the amendment had been carried, of making only one other Muslim admissible if one of the two ladies nominated happened to be a Muslim; because the word was “two” Muslims, and if one happened to be a woman the other would have been a man. In connection with another amendment I had to interrupt my Honourable friend Mr. Sargent when he thought I had used the word “proportionate” while I had only said “adequate”. Here again we designedly use the word “adequate” on the subject of appointment of examiners. We had the advantage of listening to the very weighty remarks of Mr. Sargent yesterday; we know that his views on matters of this kind deserve very great respect and great weight is attached to them by all. But we have to point out that in the matter of examiners there are things which are better imagined than said. In spite of all the precautions which the universities take in maintaining secrecy about the roll numbers and about the identity of examiners and examinees it is a matter of common knowledge that the identity of examinees does become known to the examiners and that of the examiners to the examinees. People are approached and considerations which are extraneous to those which alone should govern the position do affect their action in the matter. It is not proper to mention the name of any institution but long before the results of the last Intermediate examination of the Delhi University came out a student of a certain college said to me that a boy of his college was sure to head the list of successful candidates and he gave the boy's name also. When the results came out that very boy was found to have headed the list. This student had also boasted to me that for the past four

years boys from his college had stood first in the Intermediate examination, and for this year also his prophecy came true. When people are in a position to prophecy the result of examinations in this way the situation can better be imagined than described. There are such things as underhand machinations and to obviate the chances of such underhand means in examinations it is to the interest of all concerned, and in the interest, as I said yesterday, of the confidence which people should have in the examination system and in the interest of the good name of the university, that the body of examiners should be drawn from different communities, and it should be made incumbent on the Academic Council to see that in recommending the examiners they do recommend an adequate number of Muslims also. Sir, I move.

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

“That in clause 16 of the Bill, in clause (c) of Statute 6 in the proposed Schedule after the word ‘examiners’ the words ‘amongst whom shall be included an adequate number of Muslims’ be inserted.”

Mr. J. P. Sargent: Sir, I explained yesterday to the House at some length the reasons why even if the principle of communal representation in the University had been accepted, I should still deplore its application to the subject of examinations. I will not repeat what I said yesterday, but I still do not think, after listening to my Honourable friend the Mover of this amendment, that even if this principle were adopted it would, in fact, serve to remove those occasional abuses which all of us, who have been connected with examinations, know will occur even in the best conducted examinations. I cannot see that, since one examiner will have to examine a set of papers,—unless it is proposed that every paper should be examined by at least two and probably, as friends of other communities might claim, several examiners—we can possibly remove the chances of examiners favouring students whose papers they may have happened to identify. For that reason, Sir, I am afraid we cannot accept this amendment.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Sir, I would be the last person to say that examination papers should be tampered with in any way, or that the examiners should be approached with the intention of seeking any favour. I would deplore that in the case of any examination for any purpose whatsoever. But, Sir, there are certain facts which cannot be ignored. I do not know whether my Honourable friend, Mr. Sargent, was in India when it became an open secret that in the I. C. S. examinations, which were held in this country, students sitting for a certain subject used to get such a high number of marks that students sitting for other subjects could never secure. It was well known, Sir, that those who took up that classical language as one of their subjects—of course they used to be very few in number—secured such high marks that it would compensate them for any deficiency which they might have had in any other subject. It was a scandal for sometime. The result was that some of the examiners had to be changed. Therefore, I say that whatever may be the intention of the educational authorities the fact remains that when the Academic Council has to appoint certain people as examiners—and, after all, those in the Academic Council are going to be ordinary human beings—it is very difficult to accept, constituted as the Academic Council will be, that the names of examiners will remain a secret. We have seen that the most confidential matters of the Government of India and, for the matter of that, of other Governments, have been known to people in spite of the fact that they were kept very very secret. And in certain cases they were known to those from whom they were intended to be kept secret. It cannot be said only of the Government of India; it is true of other Governments also. Many secrets of the Government of England were fished out by spies of other countries. So there is no such thing which can be called as ‘confidential’. I can tell the Honourable Member that many confidential files and documents of his department may be known to people outside. So, I say that the names of examiners is not such a thing which can remain confidential. I would deplore that the examiners should be from that class of people who

[Sir Muhammad Yamin Khan:] would be prepared to favour—we all dislike this—but the fact remains that it is being done. But how can we overcome this? Has my Honourable friend taken any steps to see that this should not be done? Can my Honourable friend, with all his vigilance, stop the secrets of the Academic Council going out? No, he can't. The secrets will leak out. People in the Academic Council have their own children; they have got relations and friends who may be interested, and therefore the names of examiners will certainly leak out. You must have seen so many advertisements and notices in which it is clearly laid down that the candidates who will try to approach will be disqualified. But human nature being what it is, people are approached and favours are shown. So you can imagine that in the case of these examinations, where no question of livelihood or service is involved, favour of a few marks, in order to secure pass marks, may be asked for very innocently by many people. We see that this is happening, and we know that it cannot be stopped unless the character of examiners is such that they will place themselves above these considerations and refuse to listen to any approach. But this is India; it is not England. I do not know what the conditions are there, but I take it that the public opinion in that country is so well educated that they would ridicule a man who is known to have approached for any such favour. But we are living in India. We find that such public opinion does not exist in this country. I know that if an offence is committed here, the public, instead of denouncing such an action, come forward to recommend that the culprits should be leniently treated. The people who are expected to enforce law and order come forward to you to plead for those who have violated the law. So in a matter like this people can approach and will go on approaching on the presumption that this is only an innocent matter and that rather than spoil a boy's one year of study he may be given two or three more marks and passed. This will be eradicated only after public opinion has been formed in this country. But as long as the present state of things exists we should not ignore the fact and when we find that some kind of leniency may be given to one, we can also expect that some kind of hardship may be given to someone else. Both the things are common. If in a competitive examination favour is shown to one, certainly it is disfavour to another, because if one undeserving candidate gets more marks than he really should, that means that he is placed before the man who gets what he deserves. Of course the Delhi University is not concerned with competitive examinations, unless it is for some scholarship, but here I think that even among the class of examiners you have, there should be a limit and these examiners should know that they have not the monopoly. If a man has to sit in three papers he may be successful and may approach one man, but he should not be allowed to approach the two other persons. Therefore, there should be a safeguard that there should be no monopoly of any particular class or community to sit as examiners so that the examinee should not have to approach two of the people at the same time. Therefore, I think, Sir, our request is in the interest of the University. We have purposely avoided saying that there should be Mussalmans half of the number, but we do say to the Academic Council that a fair number of the examiners should be Mussalmans according as they think proper. We do not say how many; but at least we should not find that the Mussalmans are altogether absent from the list of the examiners. We do not want that the Mussalmans should be the only men who come for examinations in Arabic or Persian literature. Of course there are mathematicians like Dr. Sir Zia Uddin Ahmad.

Mr. President (The Honourable Sir Abdur Rahim): All that was fully canvassed yesterday over this very question.

Sir Muhammad Yamin Khan: An examiner of this kind is necessary and it should be accepted by the Government without thinking that it has any tinge of communalism. But it is in the interest of the examinees and to the fair conduct of examinations. If it did not appeal to my mind that it was really an

amendment which was conducive to the conduct of healthy and fair examinations, I would not have supported it with any speech. I therefore appeal to the Government to reconsider it. There is no harm in accepting it. We were only asking the Academic Council to be vigilant and that they should not make a monopoly of it. With these words I support the amendment.

Mr. J. D. Tyson: I had not intended to intervene but I think I really must say that I should oppose this amendment if only for the reasons advanced in its favour by the last speaker. This amendment obviously in the eyes of my friend, Sir Muhammad Yamin Khan, is intended to open the way to a kind of competition in generosity. He feels that the present position is that there is generosity to examinees of certain communities, it is unfair that they alone should enjoy that privilege and he wishes to see a fair extension of generosity all round.

Sir Muhammad Yamin Khan: It is to stop this generosity to them.

Mr. J. D. Tyson: But this is quite contrary to the whole object of the system, the whole idea of examinations and I must really say that the Honourable Member who last spoke has destroyed any case that could have been made out for the amendment.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): So far as I remember, being myself a student of the Indian University, that formerly there was nothing like a double roll-number or a pseudonym used on these copy papers. Now, may I ask the Government why was this and what could be the reason for not putting the names of the candidates or the examinees afterwards? If there was no suspicion, if there was no doubt about the examiners being favourable to one community or to the other, then may I ask the Government why was this system of pseudonyms or double roll-numbers introduced?

Sir, I remember several cases in those early days of my education that caused a great hullabaloo over the whole country because examiners favoured their own friends and their own community people. If this point of mine is not a reasonable one, if it does not appeal to my English friends, I am sorry for them. My friends will also agree with me that it is a great misfortune that this Bill is altogether in the hands of our European friends, in this House. If an Indian were to be associated in the bringing about of the University Act in this House, then I am sure he would have told what the experiences of the Indian students in India were.

Sir, our European friends come from English Universities. They have got, as my friend Sir Yamin Khan says, their own national people there. Their Government being a national one, the University Act has been worked out and everything in the University is done, on national lines. It is a great misfortune here in India that these things are mostly in the hands of our European friends and not in the hands of the Indian people. Even the English boy in this country goes to the English schools and he has not that experience which Indian boys have, so that the parents of English boys do not really know and do not understand what the difficulties of the Indians are in this country. It is a great misfortune of this country that our friends here do not know our difficulties though they have been explained very elaborately and very plainly. But they do not see eye to eye with us.

The copies that are being examined by these Indian Professors or by English Professors go up to thousands. Can you expect under present conditions that they will look to every copy with that accuracy, with that correctness as you can expect if there are more examiners and also of other nationalities too? The difficulty is that I have known of several cases where examiners give copies to their own relations to mark because they cannot possibly do so many copies in a certain fixed time. Sometimes the universities have to extend the time for the examination of the copies. These are the reasons which unfortunately our European friends do not know and they have not been told before this. It is very unfortunate that today we have to stand here and explain to them that

[Mr. Muhammad Azhar Ali.]
these are our serious difficulties. It is not a question of Hindu and Muslim. Our Hindu friends, if the occasion arose, might have to put in not only hundreds of amendments, but there would have been 200 or 300 or even a thousand.

These are the difficulties under which we are labouring and it is very unfortunate—I repeat it again—that the whole thing is in the hands of these foreigners who do not know what these matters are. With these words I support the amendment.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): I want to add one word, Sir. Yesterday the Honourable Dr. Sir Zia Uddin Ahmad quoted an instance, a very shameful instance, that the answer book of a Muslim candidate for admission into the Lucknow Medical College was destroyed. Even then, the Government is not going to believe and open their eyes.

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

"That in clause 16 of the Bill, in clause (c) of Statute 6 in the proposed Schedule after the word 'examiners' the words 'amongst whom shall be included an adequate number of Muslims' be inserted."

The motion was negatived.

Syed Ghulam Bhik Nairang: Sir, I move:

"That in clause 16 of the Bill, in clause (d) of Statute 6 in the proposed Schedule after the words 'Library Committee' the words 'with an adequate number of Muslims in it' be inserted."

Clause (d) says: The Academic Council shall have the following powers:

"to control the University Library, to frame Regulations regarding its use and to appoint a Library Committee under the general control of the Academic Council to manage the affairs of the Library."

It is here that I want the amending words to be inserted after the word 'committee'. I hope it will not be denied that the library of a university is one of the most important institutions of that university, where the cultural interests of all concerned with the university should be properly safeguarded. The Academic Council in this clause has been given power to appoint a library committee and that library committee certainly will manage the library and conduct its affairs. The library committee which exists in the Delhi University today has 15 members, out of whom, just one by way of a *nazarbattu* is a Muslim. A "*Nazar-battu*", under the superstitions that prevail in India, is a small bead, usually a black bead, which is worn by a pretty looking child in order to protect it against the evil eye

Mr. M. Ghasuddin (Punjab: Landholders): *Nazar-battu* has to be something ugly so that it may detract from the good looks of the child!

Syed Ghulam Bhik Nairang: It is not looked upon as a very desirable thing, and therefore what is not desirable may be looked upon as ugly and black. Now, in a library committee of 15, it is ridiculous to have as many as one Muslim, to run an institution—I call the library an institution—which is meant for the promotion and furtherance of the cause of learning and culture. Perhaps I shall not be giving out a secret if I were to say that out of these 14 gentlemen who grace the present library committee with their membership, four are practising advocates. That, I think, indicates the way in which members of the committee find their seats in the committee. I get into it my friend, and he brings his own friend and so on; the vicious circle is there; and there is no entrance allowed to others; then a few friends form a clique in the committee and that influences the whole way in which the library is replenished, in which books are ordered for the library, in which books are lent out to be used by students and professors and readers, in one word, the way in which the library is used. So I say it is a very important institution—this library of the university—and I shall not be taken as doing anything very outrageous if in this connection I say that the library committee shall have an adequate number of Muslims in it. I am again designedly avoiding the use of the word 'proportion' which like the word communalism has come to be very much abhorred—I say only adequate and I do think that in the matter of a very very reasonable

amendment like this the Government will see its way, as the phrase goes, to see eye to eye with us. I move.

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

"That in clause 16 of the Bill, in clause (d) of Statute 6 in the proposed Schedule after the words 'Library Committee' the words 'with an adequate number of Muslims in it' be inserted."

Mr. J. D. Tyson: Sir, for reasons given already, I am afraid I cannot accept this amendment, which is on the same lines as a great many we have already discussed.

Qazi Muhammad Ahmad Kazmi (Meerut Division: Muhammadan Rural):

Sir, so far as the question of representation on the Library Committee is concerned, I expected to hear some more cogent reasons than the ones that have been advanced by the Honourable Member for Government. I could understand the objections of the Government so far as examiners were concerned. It was in a very emphatic way that they opposed that amendment. But the very low voice in which this amendment has been opposed goes to show that probably they are not even opposing it with a full heart, and probably it is with a pricking of the conscience so far as this particular matter is concerned that they are going to oppose it. They oppose it, not because they think that the Library Committee should not have representation of all views, but they are opposing it because once they accept any amendment of this kind, probably the principle of representation will have to be accepted by the Government. If that is the reason—and that seems to be the only reason why they are opposing it—if that is the reason, out of all the amendments that have come up so far, the most innocuous and the most harmless is the one which has now been moved and it cannot be objected to even by my Honourable friends of the Nationalist Party.

My Honourable friends know very well that Persian, Arabic and Urdu also form subjects of teaching in the university. Oriental literature will be as much part of the Library as occidental, as science and other branches of learning, and it is only proper that persons having oriental knowledge should be members of that Committee. We do not have any assurance from the Government that they will see that all branches of learning are represented, but their opposition is pure and simple, and this is very strange. Why should they not consider all these suggestions that we put forward with an open mind? Why should they not accept amendments where they can justifiably do it without accepting the same principle of representation in respect of other amendments? I hope that they will consider every amendment on its own merits and not oppose merely on the plea that because it directly or indirectly introduces the principle of representation of minorities, therefore we must oppose it. They must consider the amendments on their own merits and accept those which have nothing to do with communal representation. I hope that Government will reconsider their position and accept this amendment.

Mr. M. Ghasuddin: In connection with this amendment I wish to put only one pertinent question to the Honourable Member in charge of the Bill. My Honourable friend, Syed Ghulam Bhik Nairang, has quoted certain figures. Does the Honourable Member think that this state of affairs is satisfactory, and if he does not I would want to know what is his remedy for it. If he does not accept the remedy proposed by my Honourable friend, the Mover of this amendment, I would like to know—I am sorry that my Honourable friend is not listening to me; probably having given his reply he does not think it necessary. I would like to know what is his remedy for this.

There is another question involved in it and that is the cultural aspect. I would say that Muslims are interested, or rather are keen that certain types of books, for instance, Persian books, Arabic books, on which Muslims can be rightly considered an authority should be brought in and circulated among students and be studied by them. In that matter how does the Honourable Member in charge of the Bill propose to safeguard the interests of those people who would borrow those books and read those books and all that.

[Syed Ghulam Bhik Nairang.]

Professor, a German Scholar, Dr. Horovitz who occupied the Chair of Arabic and his learning was so vast that on one occasion he went to Lucknow and visited the library of the Mujtahid of Lucknow. That library, of course, is extremely well furnished with books of all kinds relating to Muslim theology, and Prof. Horovitz proceeded to look at them one by one. He laid his hand on one book and said "I have read this book"; he laid his hand on a second book and said "I have read this book"; he took out a third book, and a fourth book, and so on, all of which he said he had read. There are men of that vastness of learning and culture among non-Muslims and in spite of being non-Muslims, they are capable of offering useful advice to the University on subjects connected with Islamic learning and culture. Therefore, to admit a number of persons qualified to offer that kind of advice to the Academic Council would be, as I have said, not in the interest of any community, but in the interest of education and learning itself. I think, Sir, after what my Honourable friend Mr. Deshmukh has described as troubled waters, it would be pouring oil on troubled waters on my part to move an amendment of this kind and I think my Honourable friend Mr. Tyson or the Honourable Member sitting to his right will have no objection in accepting this amendment. Sir, I move.

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

"That in clause 16 of the Bill, after sub-clause (v) of clause (1) of Statute 5 in the proposed Schedule the following sub-clause be added:

(vi) five persons appointed by the Chancellor who are capable of advising the Academic Council on subjects connected with Islamic learning and culture."

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Sir, there were two objections to the amendment which appeared on the agenda paper. But one of these objections has now disappeared; the present amendment thus ceases to be of a communal character. There is, however, another objection which still exists, namely, nomination by the Chancellor. I have always been opposed to the extension of the power of nomination by the Chancellor and I would suggest a slight further amendment. If for the words "appointed by the Chancellor", you substitute the words "co-opted by the Academic Council", I shall be very glad to support this amendment.

Mr. J. D. Tyson (Secretary, Department of Education, Health and Lands): Sir, the change proposed by my Honourable friend Syed Ghulam Bhik Nairang certainly removes the objection which I first felt to this amendment, and considering the traditions of the City in which the University is located, I certainly would be prepared to accept the amendment in the terms now proposed.

Mr. President (The Honourable Sir Abdur Rahim): That is, with the substitution of 'persons' for 'Muslims', and the omission of the words "preferably persons".

Mr. J. D. Tyson: Yes, Sir.

Mr. President (The Honourable Sir Abdur Rahim): What about the suggestion made by Dr. Banerjee?

Mr. J. D. Tyson: I do not care for that.

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

"That in clause 16 of the Bill, after sub-clause (v) of clause (1) of Statute 5 in the proposed Schedule the following sub-clause be added:

(vi) five persons appointed by the Chancellor who are capable of advising the Academic Council on subjects connected with Islamic learning and culture."

The motion was adopted.

Dr. Sir Zia Uddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I move:

"That in clause 16 of the Bill, after sub-clause (v) of clause (1) of Statute 5 in the proposed Schedule the following new sub-clause be added:

(vi) two persons elected by the Court."

Sir, we have got in the Executive Council direct nomination not only by the Court, but also by the Academic Council. Now, Sir, it seems very desirable that the Academic Council which is also under the Court should have a direct

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nomination as well, because the Court is the supreme governing body of the University. There are two bodies working under the Court, the Academic Council in academic matters, and the Executive Council in all other matters. It is very desirable that the Court should have direct nomination in the Academic Council. No doubt we have got a representation of non-academic persons which comes in by nomination by the Chancellor, but in addition to the nomination by the Chancellor, it seems desirable that the Governing body of which this is to a certain extent a kind of sub-committee should have some direct nomination. The number is very small. Two will not substantially affect. I may add that this representation is provided in other Universities; in Aligarh and in other Universities, the Court has got a small nomination in the Academic Council. Sir, I move.

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

"That in clause 16 of the Bill, after sub-clause (v) of clause (1) of Statute 5 in the proposed Schedule the following new sub-clause be added:

(vi) two persons elected by the Court."

Mr. J. D. Tyson: Sir, I am prepared to accept this amendment.

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

"That in clause 16 of the Bill, after sub-clause (v) of clause (1) of Statute 5 in the proposed Schedule the following new sub-clause be added:

(vi) two persons elected by the Court."

The motion was adopted.

Syed Ghulam Bhik Nairang: Sir, I move:

"That in clause 16 of the Bill, to clause (2) of Statute 5 in the proposed Schedule the following be added at the end:

"at least half of whom shall be Muslims'."

Sir, clause (2) of Statute 5 reads as follows:

"The Academic Council as constituted under sub-clause (1) shall co-opt as members, teachers of the University not exceeding one-tenth of its numbers as so constituted."

It is to this that I want to add, "at least half of whom shall be Muslims". Of course, I need not state again the reasons which prompt us to move amendments of this kind. We want to have more representation on the Academic Council and therefore I thought it necessary to move this amendment. Sir, I move.

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

"That in clause 16 of the Bill, to clause (2) of Statute 5 in the proposed Schedule the following be added at the end:

"at least half of whom shall be Muslims'."

Mr. J. D. Tyson: My difficulty in accepting this amendment is the difficulty that I have expressed before. I cannot accept it.

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

"That in clause 16 of the Bill, to clause (2) of Statute 5 in the proposed Schedule the following be added at the end:

"at least half of whom shall be Muslims'."

The motion was negatived.

Syed Ghulam Bhik Nairang: Sir, I move:

"That in clause 16 of the Bill, in clause (c) of Statute 6 in the proposed Schedule after the word 'examiners' the words 'amongst whom shall be included an adequate number of Muslims' be inserted."

Statute 6 recounts the powers of the Academic Council.

"(a) to make proposals to the Executive Council for the institution of Professorships,"

Mr. President (The Honourable Sir Abdur Rahim): Can they make appointments independently of the Executive Council?

Syed Ghulam Bhik Nairang: No, Sir.

Mr. President (The Honourable Sir Abdur Rahim): Then this would seem to be barred, after yesterday's decision.

Nawabzada Muhammad Liaquat Ali Khan (Rohilkund and Kumaon Divisions: Muhammadan Rural): The Academic Council recommends to the Executive Council which will make the appointments.

[Mr. M. Ghiasuddin.]

Lastly, I know that the House is very much pressed for time, but I have one more thing to say and that is this. The amendment seems to be a very modest one. It does not say, so many, or so much percentage of these people should be Muslims. It only says, an adequate number. I cannot see what objection there can be to that. I have honestly tried to understand the point of view of the Government but I cannot see what objection there can be to "adequate number". There may be one objection, namely, they have set out one policy before themselves and the Honourable Member in charge has to follow that policy even to the bitter end. Otherwise, this is a straightforward amendment and no harm can be done by accepting it, and I am sure every fair minded person is bound to see the sound reason in the point of view of the Mover of the amendment. Sir, I support it.

Sir George Spence (Secretary, Legislative Department): Let the question be now put.

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

"That in clause 16 of the Bill, in clause (d) of Statute 6 in the proposed Schedule after the words 'Library Committee' the words 'with an adequate number of Muslims in it' be inserted."

The motion was negatived.

Syed Ghulam Bhik Nairang: Did the Chair say, that the question is that the question be now put?

Mr. President (The Honourable Sir Abdur Rahim): No. I put the amendment.

Syed Ghulam Bhik Nairang: With very great respect, we have to submit that very often we do not hear the Chair.

Mr. President (The Honourable Sir Abdur Rahim): If it was only a question of closure, I would have said: 'the question is that the question be now put'.

Syed Ghulam Bhik Nairang: Sir, we could not hear.

Maulvi Muhammad Abdul Ghani: We were under that impression. We did not hear the Chair.

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member had said that he could not follow, I would have spoken louder. The words of the amendment had been read out before and that is why I did not read them loudly.

Syed Ghulam Bhik Nairang: We do not insist that the words should be read out in full loudly, but the question that was to be put was: 'that the question be now put'.

Mr. President (The Honourable Sir Abdur Rahim): I read out the words of the amendment.

Syed Ghulam Bhik Nairang: But we could not hear.

Mr. President (The Honourable Sir Abdur Rahim): We go on to the next amendment, No. 38.

Syed Ghulam Bhik Nairang: I move:

"That in clause 16 of the Bill, to clause (h) of Statute 6 in the proposed Schedule the following Proviso be added:

'Provided that Muslim Colleges and Halls shall be inspected by Muslims appointed for the purpose.'

In clause (h) of Statute 6 the Academic Council is empowered to provide for the inspection of Colleges and Halls in respect of the instruction and discipline therein and to submit reports thereon to the Executive Council. We say that this power should be exercised subject to the proviso that Muslim Colleges and Halls shall be inspected by Muslims. This amendment may be very bitter indeed to the taste of the Official Benches and it may even evoke

some opposition from other quarters in this House. But, Sir, we consider it our duty to move this amendment and to state the reasons and circumstances which have led us to very reluctantly table an amendment of this kind. Our unfortunate experience in that matter in the past has been that in inspections of Muslim Colleges and Halls a reasonable and sympathetic attitude is not adopted by non-Muslims who make such inspections. Small and trivial matters which, in the case of other colleges, are either overlooked or only lightly dealt with are magnified and exaggerated and impressions are conveyed, reports are made and recommendations are submitted which show anything but a sympathetic attitude towards our colleges and halls. You know, Sir, that it requires a certain amount of moral courage, others may call it audacity, to state matters of this kind in the House and to make proposals of the sort which is embodied in this amendment but we see no escape out of the situation. We must insist that, whenever inspections of Muslim colleges and Muslim halls are ordered by the Academic Council in the exercise of the powers conferred by this clause on the Academic Council, the inspecting authority must be a Muslim. If we find that Government, which considers the present system quite immaculate, opposes this amendment, we may be compelled to give further details concerning the necessity for moving this amendment. For the present, I content myself with merely hinting that we have suffered in the past and we strongly apprehend that we shall continue to suffer in the future if a provision like this is not added to the Statute. Sir, I move.

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

"That in clause 16 of the Bill, to clause (h) of Statute 6 in the proposed Schedule the following Proviso be added:

'Provided that Muslim Colleges and Halls shall be inspected by Muslims appointed for the purpose.'

Mr. J. P. Sargent: Sir, I hope my voice is loud enough to satisfy Members of this House and particularly my Honourable friend that in opposing this amendment. I am not suffering from prickings of conscience. After what the Honourable the Mover has said I might perhaps feel a certain amount of diffidence, because, I think I am right in saying this, I was a member of the last committee appointed by the Academic Council for the inspection of colleges. Perhaps, however, I can protect myself by saying that on that particular occasion my colleagues on the committee belonged one to the Hindu and one to the Muslim community. Sir, I imagine that this amendment is inspired by the same idea which prompted the amendments which we have already discussed in regard to examinations—the feeling that for reasons which we all deplore an inspection committee, like an examiner, might conceivably fall so far short of its duty as to favour one institution of the University at the expense of another. I am afraid that, as I said with regard to examinations, the remedy here proposed may be worse than the present state of affairs, because quite clearly, as my Honourable friend in charge of this Bill said, an amendment like this could, as far as I can see, only result in a competition in generosity. Obviously, the idea is that leniency should be shown to each college, presumably by the representatives of the community to which it may happen to be attached. A Muslim inspection committee would thus be gentle with a Muslim college and presumably a Hindu inspection committee would be gentle with a Hindu college and the Christians would, no doubt, be expected to be equally generous to their own college. The result is that, instead of the tightening up of standards, which I am sure we are all hoping to see in the University and which is one of the main objects of this Bill, as should have probably from the best possible motives a lowering of standards all round. Therefore, for the same reasons for which I was compelled to oppose the amendment regarding examinations, I am compelled to oppose this amendment also.

Nawabzada Muhammad Liaquat Ali Khan: I want to assure my Honourable friend the Educational Adviser that it is not for the purpose of "competition in generosity" that this amendment has been moved. It has been moved

[Nawabzada Muhammad Liaquat Ali Khan.]

with the purpose of preventing any injustice being done to a Muslim institution. My Honourable friend has given the composition of the committee of inspection which was appointed last year. I suppose that is what he is referring to.

Mr. J. P. Sargent: Three years ago.

Nawabzada Muhammad Liaquat Ali Khan: I wonder if he has examined the composition of the committees which have been appointed since the University was founded. Is he certain that always there was a Muslim on this committee. I do not fear the decision of a committee which consists of persons belonging to various communities. What we fear is this—that the Academic Council constituted as it is with an overwhelming number of one particular community may appoint committees—and I think have appointed committees,—where there has not been a single Muslim. I have got here—it may not be with regard to this particular matter of inspection—a big file and if I were to read out all the cases, I assure my Honourable friend the Educational Adviser it will not do credit to the University of Delhi and it will not do credit to the Education Department of the Government of India which is supposed to supervise the University of Delhi. I want to make it clear that, as far as the Mussalmans are concerned, we have had a very sad experience in the past. Our amendments which have been moved were designed on two definite lines. The first line was that we should have adequate representation in the various bodies of the University, so that the interest of the Mussalmans may be adequately safeguarded and I want to tell this Honourable House that, if Government had accepted those amendments which were just and fair, which demanded nothing more than justice, then probably it would not have been necessary for us to bring forward amendments of this kind. It is but natural that if a community is excluded deliberately from the various bodies of the University which have real control over the affairs of the University, that community should have suspicion regarding the actions of such Committees. This amendment is based on one of such fears. We do fear that as we have practically no representation on the University of Delhi and its various bodies, we shall not receive a fair treatment just as we have not received so far. I do not mince matters and I say it quite frankly and openly whether anybody likes it or not. And I shall be failing in my duty and the Muslim League Party will be guilty of ignoring the interests of the Mussalmans if we did not make our position perfectly clear. You keep a community out absolutely in spite of the fact that you know, and you have admitted it, that the Mussalmans have not received their due share during the last 21st years and yet you expect the Mussalmans to have faith in the *bona fides* of those people who are the component parts of the University of Delhi. I refuse to have that faith and I stand here to say openly and frankly that we have no faith in the University of Delhi constituted as it is and we are certain that our interests in the future will suffer in the same way as they have suffered in the past. Sir, I support the amendment that has been moved by my Honourable friend.

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

"That in clause 16 of the Bill, to clause (h) of Statute 6 in the proposed Schedule the following Proviso be added:

"Provided that Muslim Colleges and Halls shall be inspected by Muslims appointed for the purpose."

The Assembly divided:

AYES—12.

Abdul Ghani, Maulvi Muhammad,
Azhar Ali, Mr. Muhammad,
Choudhury, Mr. Muhammad Hussain,
Essak Sait, Mr. H. A. Sathar H.,
Kazmi, Qazi Muhammad Ahmad,
Liaquat Ali Khan, Nawabzada Muhammad.

Murtuza Sahib Bahadur, Maulvi Syed,
Nairang, Syed Ghulam Bhik,
Siddique Ali Khan, Nawab,
Umar Aly Shah, Mr.,
Yusuf Abdoola Haroon, Seth,
Zafar Ali Khan, Maulana.

Ahmad Nawaz Khan, Major Nawab Sir.
Aiyar, Mr. T. S. Sankara.
Ambedkar, The Honourable Dr. B. R.
Banerjee, Dr. P. N.
Bentham, The Honourable Sir Edward.
Bewoor, Sir Gurunath.
Chapman-Mortimer, Mr. T.
Chatterji, Mr. S. C.
Chattopadhyaya, Mr. Amarendra Nath.
Daga, Seth Sunder Lall.
Dalal, Dr. Sir Ratanji Dinshaw.
Dalpat Singh, Sardar Bahadur Captain.
Dam, Mr. Ananga Mohan.
Giasuddin, Mr. M.
Habibur-Rahman, Khan Bahadur Sheikh.
Haidar, Khan Bahadur Shamsuddin.
Imam, Mr. Saiyid Haidar.
James, Sir F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Kailash Bihari Lall, Mr.

Kamaluddin Ahmad, Shams-ul-Ulema.
Khare, The Honourable Dr. N. B.
Mackeown, Mr. J. A.
Maitra, Pandit Lakshmi Kanta.
Maxwell, The Honourable Sir Reginald.
Muazzam Sahib Bahadur, Mr. Muhammad.
Pai, Mr. A. V.
Parma Nand, Bhai.
Piare Lall Kureel, Mr.
Raisman, The Honourable Sir Jeremy.
Ray, Mrs. Renuka.
Roy, The Honourable Sir Asoka.
Sargent, Mr. J. P.
Spear, Dr. T. G. P.
Spence, Sir George.
Sultan Ahmed, The Honourable Sir.
Thakur Singh, Major.
Trivedi, Mr. C. M.
Tyson, Mr. J. D.
Zaman, Mr. S. R.

The motion was negatived.

Syed Ghulam Bhik Nairang: Sir, I move:

"That in clause 16 of the Bill, to sub-clause (ii) of clause (I) of Statute 7 in the proposed Schedule the following Proviso be added:

"Provided that at least one-third of such teachers shall be Muslims'."

Now, Sir, Statute 7 deals with Faculties of the University. Clause (1) of Statute 7 says:

"Each faculty shall consist of:

- (i) the heads of the Departments comprised in the Faculty;
- (ii) such teachers of subjects assigned to the Faculty as may be appointed to the Faculty by the Academic Council."

Now, Sir, it is to the body of teachers of subjects contemplated by this sub-clause that I want to add the proviso which I have read out. I do not think I need explain what the proviso means. I can also anticipate the reception which this amendment is going to get from the Government Benches. In fact, although I am not in the habit of telling stories in my speech, what is just now happening to my amendments in this House reminds me of a story. A man got fever on a Thursday. His neighbour learning about it, out of sympathy, went and enquired of the wife of that man, 'how is so and so'. She said he had got fever. The neighbour asked how long has he been suffering from fever? She said, 'he will have suffered for eight days next Thursday'. That lady expected her husband to be down with fever for at least eight days and said in advance that he will have suffered for eight days on Thursday next. I know, Sir, what is going to happen to my amendments in the atmosphere in which I am carrying on my work. The procedure with me has become this. As soon as I have finished moving one amendment, I just proceed to study the next amendment without caring to attend to the debate that is going on and without caring for the result of the amendment. In this unsympathetic and inattentive atmosphere, it does really require a heart of steel to go on with the work I am doing. I have already told the House so many times that the attitude which the Government has adopted towards us is not going to deter us from doing our duty. We say that the teachers in the Faculties constitute an important element in carrying on the work of the University and there should be a legal provision that at least one-third of them shall be Muslims. It would be noticed that after talking in several amendments of adequate representation and repeating the word 'adequate' *ad nauseam* and even explaining that we do not want proportions, we have been driven to the necessity of talking about proportions again. We say that we must have at least one-third of the teachers to be appointed by the Academic Council under this sub-clause. Sir, I move.

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

"That in clause 16 of the Bill, to sub-clause (ii) of clause (I) of Statute 7 in the proposed Schedule the following Proviso be added:

"Provided that at least one-third of such teachers shall be Muslims'."

Mr. J. D. Tyson: Sir, I wish I could disappoint my Honourable friend by disproving his prophecy, but, as he has himself foreseen, the amendment introduces a communal reservation and I cannot accept it.

Syed Ghulam Bhik Nairang: You have not disappointed me.

Qazi Muhammad Ahmad Kazmi: Sir, regarding this Bill, the Mover of the Motion has given a story of the attitude of his Party, which appears to be the attitude of despair. That is why I see them busy throughout whenever we are speaking.

Nawabzada Muhammad Liaquat Ali Khan: I am watching. Don't worry.

Qazi Muhammad Ahmad Kazmi: Equally I find that the Government Benches have got confidence in their success. They are suffering in the same way. They also never listen to our speeches. They are continuously busy with the next amendment, while we are speaking on the present one. The point is, one side is suffering from despair and the other side is suffering from confidence. What about other Members, living in hope and fear. We do not know whether this party is going to hear us or the other party. Still, I think we may continue raising our voice so long as it can be heard by other Members who are not equally busy like the Mover and the Government Benches.

Sir, it has often been said by the Government Benches that all the amendments have been moved from a particular point of view. It is for the Movers to know and state from what point of view they have moved these amendments. The House has to consider the amendments on their merits. We have got to see to the language and the purport of the amendments and not the motives with which they have been moved. That has been my cry from the very beginning. To oppose an amendment simply because it is moved by the Muslim League Party with a view to getting representation directly or indirectly, and somehow or other, and therefore, arguing that any acceptance of that amendment would amount to accepting the principle of communal representation and it would be a dangerous precedent for the future not only for the Delhi University but for all the Universities of India—this is a principle with which I disagree. If any respect is to be shown to this House, it would be to consider the amendments on their merits and in the light in which they have to be read by third parties, by persons who are not to be moved by these motives.

Now, Sir, this amendment provides that at least one-third of the teachers shall be Muslims. I quite fail to understand why any proportion of teachers to be fixed in the University is to be rejected. If proportions of minorities and other communities are accepted in the Education Department elsewhere it should be accepted in this University also. If they are not accepted I have no claim to press it here. But so far as I know, in the Education Department of the U. P. the proportion of minorities is fixed and it does not jar in our ears. The only way to get rid of communalism is to fix these shares once for all instead of, as Government are doing, giving representation in one case directly, in another case indirectly and in a third case giving an assurance, etc. I am against all this. I am in favour of one definite policy and that is to fix the representation of minorities once for all and finish this controversy instead of wasting time and public money in this House. The proportion of minorities should be fixed and that will stop this clamour of communalism. You cannot deprive the communities of their share, and if you allow the majority to monopolise they can never be safe themselves. Government have decided to recognise the share of minorities in the services and they should not shirk it but accept the principle in the Delhi University also. It is time for them, although the Government Members are very busy now, to consider the problem and tackle it from the larger point of view and not from the limited point of view of the Delhi University. If the problem of minorities in India is to be tackled they should fix their proportions and enforce them and avoid waste of public time and money in this House.

Mr. Kailash Bihari Lall (Bhagalpur, Purnea and the Sonthal Parganas: Non-Muhammads): Sir, it is from the larger point of view, as the last speaker has urged, that I speak on this motion. He has said that Government have accepted the communal proportion everywhere, they should fix it once for all

and accept it in the Delhi University. In my view, Sir, accepting that principle will not solve that problem but only complicate it still further. They have already complicated it so much that today there is a demand for the recognition of two nations in India. Now Government are in a fix. Sometimes they talk of a geographical unity and at other times we are told that it is an impossibility; and God knows what is coming next. In this Bill we have seen attempts to have different kinds of control over different affairs. We have seen attempts to have separate colleges and halls with separate inspectors, or with separate teachers, and so on, because they are a separate nation. Then comes the demand for a separate entity. What was a child's game has become a very big man's business which would perplex even the best of politicians in the world. We see that the problem has become so complicated that over this Delhi University Bill they are finding no remedy. Now they want a separate set of everything, teachers, examiners, inspectors, and so on. The result will be one set of students refusing to be taught by another set of teachers and one set of examinees refusing to be examined by another set of examiners. If this kind of thing goes on there will be no end to it. Of course no one will deny that there may be injustices here and there. So long as this world is there these petty injustices will surely be there. But it is not to be solved by striking at the root of the nation, and the solution suggested by Mr. Kazmi as being in the larger interest by fixing the proportion once for all is no solution at all. Once you accept that principle it will lead you nowhere but will create further complications. It is said that the principle has been accepted in the provinces and it should be accepted in this case also. But it will only further complicate Government administration and complicate the country's problems. From a community they are now a nation; two or three years ago we never heard that Muslims are a separate nation. That claim will be also made in the Delhi University and how can two nations be governed in the same university? One nation will refuse to be governed by the other.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is merely repeating what has been said several times before.

Mr. Kailash Bihari Lall: Motions of the same kind are moved several times and therefore the arguments for and against are also the same.

Mr. President (The Honourable Sir Abdur Rahim): That is no excuse. The Honourable Member must not go on repeating the same arguments.

Mr. Kailash Bihari Lall: If all these amendments, which are of the same kind are moved together and Government give one reply, the work of the House can be cut short very easily. If that is done there will be no need to repeat my arguments. But as they are moved separately, the same arguments must be advanced by the movers and supporters and by other speakers.

Sir, Government should have set their face against introducing these complications by fixing any proportions in the services; and it is no argument to say, as my Honourable friend Mr. Kazmi has said, that because they have once accepted the principle they should accept it again and further complicate the problem. Sir, I oppose the amendment.

Nawabzada Muhammad Liaquat Ali Khan: Sir, at present we are considering the question of composition of Faculties in the University. Perhaps it will

1 P.M. save the time of the House if I deal with the question of Faculties, not only Faculty of Arts but Faculty of Science also, at this time, because there is another amendment which deals with that subject also.

Mr. President (The Honourable Sir Abdur Rahim): Is the Honourable Member referring to the next amendment?

Nawabzada Muhammad Liaquat Ali Khan: Yes, Sir. The next two amendments—Nos. 40 and 41—also refer to the composition of Faculties. So I thought if I gave all the facts and figures now it will save some time of the House and I will also be saved a little trouble.

There are three Faculties in the University of Delhi—Faculty of Arts; Faculty of Science; and Faculty of Law. Under the Faculty of Arts, the subjects that are included are English, Mathematics, Economics, History, Philosophy, Sanskrit and Hindi, Arabic, Persian and Urdu, Commerce and

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Geography, Punjabi and Bengali. The Honourable Members will find that there are 25 members of the Faculty of Arts. Out of these 25, there are only 4 Muslims and out of these four Muslims there are three who are teachers of Arabic, Persian and Urdu. So what I suspect is this: That the University of Delhi and its authorities seem to be under the impression that the Mussalmans are only interested in the education of Arabic, Persian and Urdu, and their interest is only confined to these three subjects, and that is why the Mussalmans do not find any place anywhere else. It is regarded by the members of other communities that the teaching in all the other subjects is their monopoly and the Mussalmans have no right to enter those sacred precincts of the temple where all these other subjects are taught. We personally object to this proposition that seems to have got hold of the mind of some persons. Now, Sir, the result of the paucity of Mussalmans in the Faculty of Arts is that in the committees of courses and studies in this particular Faculty the Mussalmans find no place. In the committee of courses and studies, which is appointed by this Faculty of Arts, in English there is not a single Muslim—there are 6 non-Muslims. In Mathematics there is not a single Muslim—there are 7 non-Muslims. In Economics there is one Muslim and 5 non-Muslims. In History there are two Muslims and 3 non-Muslims. In Philosophy there is not a single Muslim—there are 7 non-Muslims. In Sanskrit and Hindi there are no Muslims—and rightly so—there are 7 non-Muslims. In Arabic, Persian and Urdu, there are six Muslims, and even there is one non-Muslim. In Commerce and Geography there is no Muslim—there are six non-Muslims. In Punjabi, although a large population in Delhi is from the Punjab, there is no Muslim—there are 7 non-Muslims. In Bengali there is no Muslim—there are 7 non-Muslims. By giving these figures I was trying to show to this Honourable House that the composition of this Faculty reflects on the other committees that are appointed by the Faculty, with the result that the Mussalmans find no place anywhere except in subjects like Arabic, Persian and Urdu. What we want by means of this amendment is that the Mussalmans should be considered fit to advise and improve the education in the University in other than Arabic, Persian and Urdu subjects also.

Now, Sir, as regards Science, the composition is the same in the Faculty of Science. There are 24 members and there are only 3 that are Muslims—21 are non-Muslims. I shall not take the time of the House by reading out the various subjects that are included in the Faculty of Science. All these are given in the calendar of the University of Delhi.

The same thing applies to Law. In the Faculty of Law there are 12 non-Muslims and 2 Muslims.

Our idea by moving these amendments is to give an equal opportunity to Mussalmans to contribute towards the advancement of general education in the University of Delhi. This idea should be got rid of that the Mussalmans can only advise where the question of education in Arabic, Persian or Urdu is concerned and that they are not fit for anything else, which has been the case so far in this University. All the others who happen to be in a majority on these committees think that in all other subjects it is they and they alone who are competent to advise the University and guide the policy of the University. As I have already suggested, our object by moving this amendment is to remove that barrier which has been placed against those Mussalmans who want to take part in the advancement of general education in the University of Delhi.

The reply of my Honourable friend, Mr. Tyson, is that he is afraid he cannot accept it because it is on the same lines as other amendments. I am giving you these facts and figures. Either you say that these facts and figures are wrong or you suggest some method. Tell us by what procedure you propose to improve things as far as the University of Delhi is concerned. It is not enough for you to come forward and say "Well, it means communal representation". You suggest some other method. Have you no method to suggest?

You recognize that the Mussalmans have not received their due share and yet you sit tight there and you get up every now and then and say 'I am afraid it is the same principle'. Yes, it is the same principle and this will continue. This is what I have been saying from the very beginning. We want the revision of that principle which has been responsible for great injustice to us and we refuse to continue under that injustice. And let me tell you that the fight shall not end with this Bill. We shall go on fighting everywhere till we get our due share in the administration of all the Universities in the country.

Mr. President (The Honourable Sir Abdur Rahim): The question is: . . . (An Honourable Member rose to speak.)

The Honourable Member's Leader has already spoken in reply. The question is:

"That in clause 16 of the Bill, to sub-clause (ii) of clause (1) of Statute 7 in the proposed Schedule the following Proviso be added: 'Provided that at least one-third of such teachers shall be Muslims'."

The Assembly divided:

AYES—15.

Abdul Ghani, Maulvi Muhammad.
Nazhar Ali, Mr. Muhammad.
Choudhury, Mr. Abdur Rasheed.
Choudhury, Mr. Muhammad Hussain.
Essak Sait, Mr. H. A. Sathar H.
Kazmi, Qazi Muhammad Ahmad.
Liaquat Ali Khan, Nawabzada Muhammad.
Murtuza Sahib Bahadur, Maulvi Syed.

Nairang, Syed Ghulam Bhik.
Siddique Ali Khan, Nawab.
Umar Aly Shah, Mr.
Yamin Khan, Sir Muhammad.
Yusuf Abdoolah Haroon, Seth.
Zafar Ali Khan, Maulana.
Zia Uddin Ahmad, Dr. Sir.

NOES—41.

Ahmad Nawaz Khan, Major Nawab Sir.
Aiyar, Mr. T. S. Sankara.
Azizal Huque, The Honourable Sir M.
Banerjee, Dr. P. N.
Bentham, The Honourable Sir Edward.
Bewoor, Sir Gurunath.
Chapman-Mortimer, Mr. T.
Chatterji, Mr. S. C.
Chattopadhyaya, Mr. Amarendra Nath.
Daga, Seth Sunder Lall.
Dalal, Dr. Sir Ratanji Dinshaw.
Dalpat Singh, Sardar Bahadur Captain.
Dam, Mr. Ananga Mohan.
Deshmukh, Mr. Govind V.
Habibur-Rahman, Khan Bahadur Sheikh.
Haidar, Khan Bahadur Shamsuddin.
Imam, Mr. Saiyid Haidar.
James, Sir F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Kailash Bihari Lall, Mr.
Kamaluddin Ahmad, Shams-ul-Ulema.

Khare, The Honourable Dr. N. B.
Lalchand Navalrai, Mr.
Mackeown, Mr. J. A.
Maitra, Pandit Lakshmi Kanta.
Maxwell, The Honourable Sir Reginald.
Muazzam Sahib Bahadur, Mr. Muhammad.
Pai, Mr. A. V.
Parma Nand, Bhai.
Piare Lal Kureel, Mr.
Raisman, The Honourable Sir Jeremy.
Ray, Mrs. Renuka.
Roy, The Honourable Sir Asoka.
Sargent, Mr. J. P.
Spear, Dr. T. G. P.
Spence, Sir George.
Sultan Ahmed, The Honourable Sir.
Thakur Singh, Major.
Trivedi, Mr. C. M.
Tyson, Mr. J. D.
Zaman, Mr. S. R.

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.

Syed Ghulam Bhik Nairang: Sir, I move:

"That in clause 16 of the Bill, to sub-clause (iii) of clause (1) of Statute 7 in the proposed Schedule, the following proviso be added:

'Provided that at least one-third of such teachers shall be Muslims'."

Sub-clause (iii) runs as follows:

"Such teachers of subjects not assigned to the Faculty, but having in the opinion of the Academic Council an important bearing on those subjects, as may be appointed to the Faculty by the Academic Council."

This Statute deals with the composition of the different faculties. In the course of the debate on the last amendment, it has been pointed out that the fixing of a certain proportion in the different classes of teachers who are to be component parts of the faculties is necessary, and it has been shown in detail, how meagre the number of Muslim teachers in the different faculties of the

[Syed Ghulam Bhiik Nairang,]
Delhi University is. I have no mind to take up more of the time of the House than is absolutely necessary. I shall not therefore repeat any arguments given before; but unless Government consider consistency to be the highest virtue, I think Government may have by this time revised their position, and I may get a reply different from the reply which I got on the last motion and the replies that I have received to so many of my amendments. These replies are usually very cryptic and very laconic and unaccompanied by any reasons. Anyhow I do not know what the fate of this amendment is going to be. Sir, I move.

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

"That in clause 16 of the Bill, to sub-clause (iii) of clause (1) of Statute 7 in the proposed Schedule, the following proviso be added:

'Provided that at least one-third of such teachers shall be Muslims'."

Mr. J. D. Tyson: Sir, this amendment is the complement of the amendment which was negatived this morning and, as has been foreseen, I do not propose to accept it. I have been asked whether I am satisfied with the state of affairs disclosed in the composition of the Faculties of the University, as read out to the House by my friend the Deputy Leader of the Muslim League Party. No, Sir: I am not satisfied. I think the composition is in some respects deplorable. Then I am asked what, other than laying down percentages or proportions, is the remedy? Well, one remedy was suggested—a partial remedy anyhow—by my Honourable friend the Educational Adviser yesterday, when he urged that the authorities of one of the colleges in the university who could do this thing should themselves strengthen their own staff in quality and quantity, and thereby establish themselves more firmly in the University. A partial explanation too—I only give it as a partial explanation—of the present state of affairs was also suggested by my Honourable friend yesterday when he pointed to the difficulty which has been experienced, is—I think many of my friends on these benches would say is constantly experienced—in getting, in some spheres at all events, Muslims of suitable qualifications to come forward and apply for posts. They may be there, but they show reluctance to come forward; and as an instance of that I may mention that in the college to which I have referred already, where at any rate one would expect Muslims of the requisite qualifications to apply and stand a good chance of acceptance, I find that a teacher of English who is a non-Muslim figures on the staff.

Dr. P. N. Banerjee: Which college?

Mr. J. D. Tyson: The Anglo-Arabic.

Nawabzada Muhammad Liaquat Ali Khan: That is, past history.

Mr. J. D. Tyson: I do not know when they were appointed but my information is they are still on the staff; also a non-Muslim teacher of Mathematics. This may be broadmindedness on the part of the institution: if it is, I would welcome it; but it could also bear the interpretation that qualified Muslims were not available. I cannot accept the amendment.

Nawabzada Muhammad Liaquat Ali Khan: Sir, I welcome that part of the speech where my Honourable friend Mr. Tyson, has joined us in deploring the state of affairs in the University of Delhi. My Honourable friend has suggested some remedies for improving matters which were pointed out by the Educational Adviser yesterday. He said that we could improve the position of Muslim teachers in the university by strengthening the staff of the only Muslim college here in quality and in quantity. As far as quality is concerned, I make bold to say that our staff is in no way inferior to the staff of other colleges. If they were inferior, then the university itself would not have recognised them as teachers of the university. As regards quantity, according to the new rules that have been framed by Government we will, I am afraid, have to reduce our quantity, and if the quantity is reduced, the fault will not be ours, but it will be that of the rules that have been framed by the Education Department for the giving of grants to the various colleges. I had pointed out this before and I may have to refer to it later on when we come to consider some other amendments. Then, Sir, my Honourable friend has tried to make out a strong case in favour of the proposition that suitable Muslims are not available, by saying

that on the staff of the Anglo-Arabic College the teacher of English is a non-Muslim and the teacher of mathematics is also a non-Muslim. Apart from the fact that we are well known for being broad-minded, the first part of my Honourable friend's information is incorrect. The person who was engaged to teach English was an Englishman and he retired last year. So he is no longer on the staff of the college. As regards the teacher in mathematics, he was engaged on the staff some years ago; as a matter of fact, he is one of the oldest members of the staff, and I think it is to the credit of the management of that college that they have not done any injustice to any member of the staff because he happened to be a non-Muslim. I only wish that this sense of justice prevailed amongst other authorities that have to do something with the university; I also wish that some sense of justice had dawned on the Government. The remedies that have been suggested, I fear, will not do away with the evil which exists, and if we were to depend on these remedies, then we will have, I am afraid, to wait till Doomsday before the Mussalmans are able to have an adequate share. It is a vicious circle. A sufficient number of Muslims are not available, therefore a sufficient number of Muslims are not on the various Faculties. Because a sufficient number of Muslims do not get a chance of being appointed, therefore a sufficient number of Muslims are not available. So if we were to go round and round in this vicious circle, I am afraid we will never be able to find a solution of this trouble. I have to repeat once again and I have no doubt in my mind that if the Muslims are given an adequate share in the authority of the university and are represented on the various bodies that administer the university, they will have opportunities of improving their position in the university as a whole. Unless we have that, no amount of pious wish can improve the position of the Mussalmans. As far as the amendment is concerned, it is exactly on the same lines as the last one. As far as the position of the Government is concerned, I am glad to find that they have at last been convinced that we do have a legitimate grievance. But I am afraid the remedy that has been suggested and on which Government seem to rely will not eradicate this evil from the administration of the University of Delhi.

Sir George Spence: Let the question be now put.

Maulvi Muhammad Abdul Ghani: It has just been pointed out that there is some change in the attitude of the Government regarding the deplorable condition of Muslim representation in the Delhi University. But I feel that the change amounts to nothing. It reminds me of the formula which has been taught in our school days. There is a formula that $(a+b)^2 = (a+b)(a+b)$ but it is also equal to $(a^2 + 2ab + b^2)$. So the change in the attitude of the Government is similar, and it leads to the same result in another form, and nothing else. The reply given by the Government is the same stereotyped kind of reply. A friend of mine has just suggested that the deplorable condition of representation of Muslims on the Delhi University, should better be decided finally and once for all whether to give any representation or not; it will be a good thing indeed if we know it. You know, Sir, that we would have been the last persons to demand such things if the Muslims have had not made any contribution to the Delhi University. The money is going to be paid out of the general taxpayers, and Muslims here form the bulk of the population and in all possible ways they are contributing to the advancement of learning here.

I may remind the House that once an amending Bill was introduced in this House that the Aligarh University should have the privilege and the right to affiliate colleges outside Aligarh and run with Muslim money all over India. But this too was vehemently opposed by the Government and my other Hindu friends who always come out with the plea of nationalising. My friend, Mr. Kailash Bihari Lall, is doing the same. Our difficulty is that we do not know where these will end. When we want a separate thing, it is denied to us. When we want representation on common things, it is denied to us. In practice, all the doors are shut against us. It is nothing short of an irony of fate. However, we do not despair. We regard these failures to be the

[Maulvi Muhammad Abdul Ghani.]

surest sign of our success and we will succeed in the end. My friend, Mr. Kailash Bihari Lall, said that there is so much communalistic talk that it is nauseating. When a man eats too much the first symptom is nausea. As his community has eaten too much, they shall have nausea and they will have to purge out.

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

"That in clause 16 of the Bill, to sub-clause (iii) of clause (1) of Statute 7 in the proposed Schedule, the following proviso be added:

'Provided that at least one-third of such teachers shall be Muslims'."

The motion was negatived.

Syed Ghulam Bhik Nairang: Sir, I move:

"That in clause 16 of the Bill, in sub-clause (iv) of clause (1) of Statute 7 in the proposed Schedule after the word 'persons' the words 'at least half of whom shall be Muslims' be inserted."

Sub-clause (iv) of Statute 7 runs thus:

"such other persons as may be appointed to the Faculty by the Academic Council on account of their possessing expert knowledge in a subject or subjects assigned to the Faculty."

As already pointed out, this Statute deals with the composition of the various faculties and among the persons who may become component parts of any faculty are these other persons. The wording of the sub-clause, as it stands, shows that these other persons will be appointed to the Faculties by the Academic Council and the reason for their appointment will be their possession of expert knowledge in a subject or subjects assigned to the Faculty.

So, both the judge of their qualifications as to whether they possess expert knowledge or not and the authority appointing them to the Faculty will be the Academic Council, about the composition of which enough has been said before on the floor of the House. I wonder whether after saying 'no' to my last two amendments which dealt with the teachers of certain subjects being members of the Faculties Government will have a different answer to this amendment of mine ready by this time. The other day, in defending the many inconsistencies of a very leading politician in India, it was said that the great American author, Emerson, had said that consistency is the hobgoblin of small minds. I expect that the gentlemen adorning the Government Benches are not small minded. They possess great minds and they will not run after consistency resulting in detriment to their good name. They may very well take one view on one point and, on a slightly different point, be capable of taking a different view.

Now, the class of persons who are in contemplation in this sub-clause is really very different from the teachers contemplated in sub-clauses (ii) and (iii). Those teachers who were contemplated by those sub-clauses are teachers of the University, while these persons need not be teachers at all. They may belong to different professions and irrespective of the walk of life to which they belong, the Academic Council may consider it proper and conducive to the efficient working of a Faculty to appoint them to the Faculty. I think no harm will be done at all to any non-communalistic interests or any cultural or educational interests if the scope of this is widened so as to enable some Muslims to get in by this door. I wonder whether this is a door or a window or a skylight. Anyhow, the idea is to enable them to get into the Faculty through this aperture. I am very sorry to have to remark incidentally that our Honourable friend Mr. Tyson not only in the ordinary sense of the phrase does not see eye to eye with us but even literally he does not see eye to eye with us. When giving his stereotyped answers he looks at his papers and his desk and not at us. He must look at this problem with an open heart and with an open mind and judge every amendment on its own merits and not simply say that as he has already said so many times about such and such amendments he is unable to accept this particular amendment. Let him tackle the problem in some detail and judge of each amendment as it comes up independently, whatever his decision may have been on the other amendments. Sir, I move.

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

"That in clause 16 of the Bill, in sub-clause (iv) of clause (1) of Statute 7 in the proposed Schedule after the word 'persons' the words 'at least half of whom shall be Muslims' be inserted."

Mr. J. D. Tyson: Sir, the possession of expert knowledge in a subject assigned to the Faculty is the *desideratum* in clause (iv) of Statute 7(1). How can we reconcile that with a requirement that half of the persons should belong to a particular community? I cannot accept it.

Mr. Muhammad Azhar Ali: Sir, I find that all avenues to enter the University of Delhi have been closed for Muslims. If there are any Muslim experts even, they will find it very difficult to enter this University. We have been denied the right of entrance for teachers and professors and in the Academic Council or in the Executive Council by nomination of by any other way that we have tried on the floor of the House. I find it is no use for me now to make an appeal to the Government about our rights. Only the other day, Government fixed a number for our Harijan friends and issued a communique on the subject. They did issue a communique about the Mussalmans too at one time. But I doubt very much if the Government is honest in its communiques and declarations.

I would however address now to my non-Muslim brothers and refer them to the statement of the Honourable Mr. Tyson as to how the Muslims have been tolerant in their own college, the Arabic College. That statement should be a very clear eye-opener as to how the Muslims have been able to entertain English professors as well as Hindu professors. We have also got Hindus as Professors of Mathematics and English. It is not because we cannot find Muslims for these posts; because there are hundreds of Muslims going about with their applications for posts in colleges and in Government departments. But if the Muslims find that there is a competent Hindu, they do not stop short of appointing him. So, I would ask my friends here to be a little tolerant today at least and think twice before opposing us in this House. It is not only one instance that I can cite. If my Honourable friend Dr. Sir Zia Uddin Ahmad were to stand up and narrate here, he will be able to say how many Hindu and English professors we have had in the old M. A. O. College, Aligarh, and how many we have even now in the Aligarh University. Only recently, I find, they have appointed two Englishmen to teach English. If these facts are not an eye-opener, then I would say that it is simply a sort of colour prejudice to some and it is a religious prejudice to others that has clouded their minds. We have never said that we do this simply to placate other communities. We do it because we know that we do not make any differentiation between the Hindus, the Christians and the Muslims. That is not the case in other colleges of Delhi. There are practically no Muslims in the other colleges of Delhi. I am sure I am not wrong to that extent.

If we are broad-minded, I hope you will not be narrow-minded. I expect my non-Muslim friends will not be narrow-minded as they always claim to be the majority community. They are just like elder brothers. So, I ask them not to be so narrow in their views. Sir, I support the amendment.

Qazi Muhammad Ahmad Kazmi: Sir, I am thankful to my Honourable friend Mr. Tyson that he has assigned some reason for opposing this amendment. So far as I could understand him, his only reason is that technical knowledge is required for this purpose and that is why he has opposed it. May I ask him that in case where there is no question of technical knowledge, will he be prepared to accept our amendment?

Mr. Kailash Bihari Lall: Sir, as my friend Mr. Azhar Ali has made an appeal to the non-Muhammadans to be charitable

Mr. Muhammad Azhar Ali: Not to be narrow-minded.

Mr. Kailash Bihari Lall: I will correct myself and say to be just. I think I should tell him what is the right way to be just.

The Honourable Sir Sultan Ahmed (Leader of the House): I do submit respectfully, Sir, that the Honourable Member should confine himself to the amendment. He is again starting with a big speech on the general question of Hindu-Muslim unity or Hindu-Muslim disunity. I submit that would be completely out of place.

Mr. Deputy President (Mr. Akhil Chandra Datta): At this late stage, I do hope that every Honourable Member will confine himself to the actual motion before the House.

Mr. Kailash Bihari Lall: Sir, I would abide by the sense of the House and oblige the Leader of the House. I was only referring to the point made by Mr. Azhar Ali because I thought that his appeal should not go unheard. So far as long speeches are concerned, that is beyond my control because the House is not under my control.

My friend Mr. Azhar Ali referred to the appointments in the Aligarh University of non-Muhammadans. Surely, it was not out of charity that non-Muhammadans were appointed. There must be some reasons why non-Muhammadans were appointed in the Aligarh University. It must be that they were satisfied with the merits of these professors and thought they would make a good contribution to the teaching staff of the University. I am prepared to give that credit to my friend and I want that the same credit should be given to other Universities also. If the authorities of other Universities say that they are making the appointments only by keeping in view the merit of the persons concerned, that credit should be given to them. Of course, I do not say that they should be unjust to one community and partial to the other. From the figures that have been supplied, it seems that there are Muslim professors also in the Delhi University. Now, the question is raised that except for Persian and Urdu and other allied subjects, no Muhammadans are taken for English, Mathematics and such other subjects. It may be so and I wanted to ask a question on this subject when some allied subject was being discussed the other day, but how many Muhammadans take up the post-graduate studies in subjects other than Persian and Arabic? So far as my knowledge goes, in Patna University, and in my College also, because of leniency, because of facility in these subjects, the Muslim students take mostly Arabic, Persian or Urdu for their post-graduate studies. Naturally their number must be more in these subjects, and their number must be very few in general subjects like Mathematics, Philosophy, English, etc. It is not a fact that on account of dearth of candidates, they are not taken. I do not say that there are not any Muslims really well up in Mathematics or Philosophy or English or History or Economics, there may be a few, but if at the time of appointment, their merits are compared, they may not come up to the level of other candidates. So far as I can see, my Honourable friends who have supplied the figures have not supplied any figure of post-graduate scholars and of those who applied for Professors' posts, they have not said anything about the comparative merits of the applicants. It should not be that because they are Muslim applicants, they should be appointed as Professors of Mathematics or English or History in preference to able candidates who come from non-Muslim communities. I do not say that there are not eminent men among Muslims in the field of Mathematics. If there are any such, like my Honourable friend Dr. Sir Zia Uddin Ahmad, they are bound to shine. When such scholars are shut out, then of course there is injustice. You come out with particular cases. Here is a case of a scholar who has got such and such University degree, and he has been shut out in comparison with another who is decidedly inferior in merit. Then of course a good case can be made out. But simply because one is a Muslim or a Hindu or a Christian and he has been an applicant and he has not been taken, that does not sound good reason. I hope that my Honourable friends in the name of justice would not try to persuade the House or the authorities that simply because one belongs to a particular community, he should be taken in the teaching staff and that he should not be neglected. After all it is a question of merit in teaching, and if you take people of inferior merit and, only in the name of communal representation even in the teaching staff, you will surely be doing injustice to the very cause of learning which you want to encourage. It is for that reason I say that such appointments should not be made, in the name of justice, from particular community only. I hope I have made my

point clear. Of course, I am not for doing injustice to any community in the matter of appointments, even when there are candidates equally qualified or more qualified than the other candidates. They should not be shut out simply on the score of community. That surely is injustice. If my Honourable friends have got any particular instances that such and such a brilliant scholar though having greater merit than such and such a scholar was actually shut out on such and such an occasion, then surely that would be a good case for condemning and I say that the Government or any authority which is party to such a course of action stands guilty. But simply in the name of communal representation, the service should not be spoiled or the efficiency should not be impaired. On these grounds, I oppose the amendment.

Dr. Sir Zia Uddin Ahmad: Sir, in spite of the speeches we on this side have been delivering for the last full one week, my Honourable friend Babu Kailash Bihari Lall has not understood the view point of Muslims. We never proposed that a person should be appointed simply because he is a Muslim. What we do press is that a Muslim should not be declared disqualified simply on the ground that he is a Muslim. That is our position. We do not want a person to get in simply because he is a Muslim. We want that a person should not be turned out simply because he is a Muslim. That is our view point that we have been advancing from this side of the House. As regards the number of post-graduate students, I want to give a reply to my Honourable friend. I have been trying my level best to have more students in Persian, Arabic and Urdu. Unfortunately, I have not been able to get. We even offered scholarships of Rs. 30 and Rs. 35 a month for students who take up Arabic, or Persian or Urdu for post-graduate course. We did not get enough men. Take one subject, Geography. All the students who take Persian, Arabic or Urdu put together would not be even half the number of students who take Geography alone or English alone or History alone in the Aligarh University. These are the three subjects which are exceedingly popular among students—History, Geography and English. Persian, or Arabic or Urdu is no longer popular. Now, again the number of students who take up Science subjects is much greater than before. In B.Sc., third year, the number of students who have taken up Mathematics alone in Aligarh University this year is about 150. The number of students who have taken up Physics, Chemistry alone in one class are 200. My difficulty has been, our chief complaint has been that enough number of students do not offer themselves for post graduate course in Persian, or Arabic or Urdu. Evidently my Honourable friend Babu Kailash Bihari Lall does not understand these things. He seems to be living twenty years behind times. In Science subjects and in General subjects like History, Geography and English we get more students than we can possibly admit. We have got no room for all of them.

Dr. P. N. Banerjee: What about Economics?

Dr. Sir Zia Uddin Ahmad: Economics ought to be exceedingly popular in India, because it is a subject which suits the Indian mind. But unfortunately the teaching at present does not come up to a very high standard and that is the only reason why a large number of students do not take up Economics and other such subjects.

The fact of the matter is that we on this side of the House want only a fair deal, a fair chance. We do not want any kind of favouritism. The days of favouritism are gone. I do not want that Muslims should get any favour. That is not a good thing. We stand for open competition. Unfortunately we are not given equal opportunities. Though we are assured that it is open to all people, yet, as I repeatedly said, it often happens that we are not given equal opportunities. This defect we want to remove. We want, on this side of the House, equal opportunities for Muslims. For example, if you take a person by mixed election, we have seen what the result of mixed election has always been. It is on account of this experience that Government have agreed to separate electorates. As I said already we, Muslims, do not want any favour.

[Dr. Sir Zia Uddin Ahmad.]

we only want a fair deal. We find that in appointments there is no fair deal. That is what we are fighting against. I can once more assure my Honourable friend Babu Kailash Bihari Lal that the numbers of Muslims who take up Persian, or Arabic or Urdu are very small. There are more students who offer Geography, English, History and other subjects. They come in large numbers and that is why we want more appointments for Muslims who are competent and who can compare themselves with others, given equal opportunities.

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

"That in clause 16 of the Bill, in sub-clause (v) of clause (1) of Statute 7 in the proposed Schedule after the word 'persons' the words 'at least half of whom shall be Muslims' be inserted."

The motion was negatived.

Syed Ghulam Bhik Nairang: Sir, I move:

"That in clause 16 of the Bill, to clause (a) of Statute 8 in the proposed Schedule the following be added at the end:

'at least one-third of whose members shall be Muslims'."

Clause (a) of Statute 8 deals with the constitution of Committees of courses and studies in which my amendment proposes that one-third of the members shall be Muslims. I think in a matter of this kind which is of the highest importance to the educational work of the university, i.e., committees charged with the duty of prescribing courses of studies and laying down the syllabus, the representation of Muslims is a matter of vital importance. No doubt in the course of the many speeches made by me and others in connection with other amendments we have been pointing out why on a certain body the representation of Muslims is necessary, but I think the amendment which I am now moving concerns a matter which yields to none of the matters so far discussed in point of importance and necessity. Prescribing the courses and preparation of syllabus is really the most important part in the actual practical educational work of the university and if that matter is left in hands which may not be well enough informed or well enough disposed towards the needs of the Muslims, matters may go wrong very seriously indeed. It has often happened that some book is prescribed for a certain course of study; each member of the Committee which prescribes it is not supposed to have read it. One or two may have read some particular book and taken a fancy to it and may consider it a useful book which should be included in the course of studies. He tells his colleagues in the committee and they trust him and accept his opinion. It then turns out that the book contains matter which is most objectionable and offensive from the point of view of a certain section of the community,—using the word "community" in the large sense, and not talking only of the Muslim community or the Muslim nation. Sir, I can give a number of instances but it is hardly necessary. Books in history have been prescribed which contained the most objectionable and unfounded libels on Islam and Islamic history and the heroes of Islam; books have been prescribed containing the most obscene matter, matter subversive of Indian culture and subversive of the healthy political ideas which we think our young men should imbibe; books have been prescribed in which the tenderest religious feelings of a particular community have been wounded by its contents. Attacks on the life of the Holy Prophet have been made, and there have been many other such cases. I therefore say that in the constitution of committees for prescribing the courses of study it is necessary that a sufficient number of Muslims should be included along with non-Muslims. It is a matter of the highest importance and I will ask my Honourable friend Mr. Tyson to give this matter more serious thought than appears to have been given to many of my amendments, and not brush it aside with the laconic reply that he is unable to accept it. Sir, I have got certain figures here, and my Honourable friend Nawabzada Liaquat Ali Khan has given the details. There are 56 members of these committees of courses and studies of whom nine only are Muslims, one of whom happens to be a member in the subject of Economics, two in the subject of History, six in Arabic, Persian and

Urdu. So really only three of them relate to subjects which are not specially connected with Muslims and six are there because of Persian, Arabic and Urdu. As to Science: in Physics there are 5 non-Muslims—Muslim nil; in Chemistry there are 4 non-Muslims—Muslim one; in Biology there are 5 non-Muslims—Muslim nil.

In the Faculty of Law, there are 7 non-Muslims and one Muslim. Such is the state of things obtaining at present and unless a change is made in the law, we are afraid, Sir, either matters will remain as they are or they will go from bad to worse. Sir, I move.

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

"That in clause 16 of the Bill, to clause (a) of Statute 8 in the proposed Schedule the following be added at the end:

'at least one-third of whose members shall be Muslims'."

Mr. J. D. Tyson: Sir, I can well appreciate my Honourable friend's anxiety to have representation for his community on these important committees, but I have already explained that I am unable to accept in this Bill the principle involved in the amendment, namely of statutory communal reservation, and therefore, Sir, at the risk of being stigmatized as "consistent" I must resist the amendment.

Sir Muhammad Yamin Khan: Sir, I was surprised and rather disappointed at the reply of my Honourable friend, Mr. Tyson, and the way in which he brushed aside such an important question while realizing that it was essential that this community should be represented on these committees. He said briefly that it involved the communal question

Dr. P. N. Banerjee: Because he wants to save time.

Mr. J. D. Tyson: I did not say that it involved the communal question; I said it involved statutory communal reservation.

Sir Muhammad Yamin Khan: Sir, at this time I expected him to propose something and give some kind of indication as to what method is proposed to be applied by the Government. If there is not to be a statutory provision, then how otherwise does he propose to secure representation of Muslims on these important committees. There must be some proposal or suggestion. We on this side are absolutely in the dark as to what the Government has got in their mind and in what way they propose to secure the representation of Mussalmans.

After all, the Government knows that some of the prescribed books were so objectionable that they caused great resentment in the minds of Mussalmans, and it so happened because at the time when they were prescribed there was nobody to advise and put forward Muslim point of view. It only became known when it was too late and so nothing could be done for a year or so. If there had been Muslims on those committees they would certainly not have allowed those books to be accepted as courses of the University. If this is true—and my Honourable friend realizes that it is so—and if he feels that this evil should be eradicated and realizes that it can be eradicated by proper Muslim representation on these Committees, then, may I know what is his suggestion? If he does not agree to make a statutory provision for communal representation, then what else does he propose to do? He ought to have told us on behalf of the Government that although he was unable to accept this amendment he was going to tackle the problem in this or that manner. He should have said whether he would take us through the backdoor or frontdoor. That is essential and, I think, in the absence of any proposal or suggestion from the Government, we are very much disappointed. With these remarks, I support the amendment.

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

"That in clause 16 of the Bill, to clause (a) of Statute 8 in the proposed Schedule the following be added at the end:

'at least one-third of whose members shall be Muslims'."

The motion was negatived.

Syed Ghulam Bhik Nairang: Sir, I move:

"That in clause 16 of the Bill, Statute 13 in the proposed Schedule be omitted and the subsequent Statutes be re-numbered accordingly."

Statute 13, you will see, is in respect of withdrawal of degrees and diplomas. It lays down:

"The Court may, on the recommendation of the Executive Council, by a resolution passed with the concurrence of not less than two-thirds of the members voting, withdraw any degree or diploma conferred by the University."

Sir, as the Statute is worded, it appears that the degree or diploma of this University is a very shifty and risky thing. If the wording of the Statute had indicated the grounds on which a degree or diploma may be withdrawn one might have considered whether such a ground is valid for the withdrawal of a degree or diploma. But the only pre-requisite to the withdrawal of any degree or diploma is a decision of the Executive Council and when the Executive Council recommends to the Court that such and such a person's degree or diploma be withdrawn, the Court acts as "Your most obedient servant"; withdraws the degree or diploma. Reference is made to section 20 but when one turns to that section one finds that it is not helpful as far as the question of grounds on which a degree or diploma can be withdrawn is concerned. That section deals with the powers and duties of the Court and after recounting in clauses (a) to (c) specific matters with respect to which the Court is given power by that section, rounds up at the end by saying, "Shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by this Act or the Statute." I thought that, when I considered the present Statute objectionable because of its silence on the point of the ground on which a degree can be withdrawn, perhaps section 20 might help me. I looked up that section and that was even more oracular and I could not understand it.

I think the withdrawal of a degree or diploma should not be left to the whim of the Executive Council because when once the Executive Council has under this Statute recommended that a degree or diploma be withdrawn, the Court has no option but to withdraw it—"shall withdraw" are the words! So we ought to have been told what were the grounds on which a degree or diploma could be withdrawn. To leave the matter vague is most dangerous. There may be an element in the Executive Council which may have predominant influence in the councils of the Executive Council: which may entertain, say, particular views on questions political, and may think that a graduate of the University who is carrying on propaganda opposed to the political views of the Executive Council or the majority of it, deserves to be penalised—let his degree be withdrawn: let his diploma be forfeited. In that case there is nothing in the law to prevent such degree or diploma from being withdrawn and the Statute as at present worded leaves the whole matter to the sweet will of the Executive Council and the power, that may for the time being rule the decisions of the Executive Council. To lay down such a dangerous principle in the form of a Statute is, I submit, giving in the hands of a mad man a lethal weapon to kill anyone. So I submit, Sir, that this is a matter which concerns the well-being of all the graduates, irrespective of caste or creed. It is not a communal matter, and I think it would be very dangerous indeed to incorporate that Statute as it stands in this Act. I do not think I need say at greater length or in greater detail what will follow if such a dangerous piece of legislation is adopted by this House. Sir, I move.

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

"That in clause 16 of the Bill, Statute 13 in the proposed Schedule be omitted and the subsequent Statutes be re-numbered accordingly."

Mr. J. D. Tyson: Sir, I have listened with curiosity to learn why my Honourable friend objects to this Statute. It seems to me, Sir, that a University which has any regard for its own good name, must have a power to remove from its books the name of any graduate who openly and flagrantly disgraces himself and the University at which he took his degree. Such Statutes are common in the Statute Books of Universities. I have not examined all the

Acts of the Universities in India, but those that I have examined so far all have similar provisions. I happen to have here with me the Aligarh calendar. I find the Court of Aligarh may, by resolution passed by a majority of not less than two-thirds of the members present in voting, "on the recommendation of the Executive Council withdraw any ordinary degree or diploma conferred by the University."

My friend, I think, if I understand him right, felt that if there must be such a power, and I think he felt that there should be such a power, it ought to be hedged round with some kind of specification of the circumstances in which the power could be exercised and the degree could be taken away. Sir, as I said on another amendment affecting discipline in the University, and I would say the same here,—it is very difficult to foreshadow and embody exhaustively in a list all the possible ways in which a man who is a graduate of the University may disgrace himself, and I think it would be a hopeless task and an infructuous one for a University to attempt to make up any such list or catalogue. The degree cannot be lightly taken away, for, first of all, you have a recommendation of the Executive Council who are not likely to make such recommendation lightly: and then there is to be a resolution passed with the concurrence of not less than two-thirds of the members voting in the Court. I think, Sir, when my Honourable friend referred to having such a Statute "incorporated in the Statutes of the University" he was under the impression that this was a new Statute. I think he is under the impression that this is some wickedness that I have introduced into the present Statute, hoping that it would not be observed by a somewhat tired House. But this Statute was among the "First Statutes" of the University. For twenty years this Statute has been there.

Nawabzada Muhammad Liaquat Ali Khan: How many degrees have been withdrawn?

Mr. J. D. Tyson: I do not know that any has been withdrawn.

Syed Ghulam Bhik Nairang: It has a prescriptive right to be there.

Mr. J. D. Tyson: No. But in the twenty years of its existence, he has not been able to show that it has been misused once. I think we must have a Statute of this kind, and my Honourable friend has not suggested any way in which it could be amended to meet his own difficulties about it. He merely suggests deleting it. I cannot agree to deleting what I regard as a very necessary Statute for any University.

Maulvi Muhammad Abdul Ghani: I could not follow the arguments advanced by my Honourable friend, because a student after undergoing hardships and lots of trouble and spending lots of money secures a degree. Not only has the poor fellow to suffer; his parents have to suffer and the taxpayers also have to be taxed on account of the grant of a degree to the student. It is not as if he got the degree by the mercy of the Government; it is not a reward or prize or title; it is earned by labour. No ground is mentioned here in the Statute that for such and such a fault the degree should be withdrawn. It is all in the dark—to suit the whims and fancies of the Vice-Chancellor or the authorities of the University. We had a very bitter experience the other day—it was rightly pointed out by my friend Mr. Nauman that at Patna a student, Mr. Azizur Rahman, who gave the information that the Vice-Chancellor had acted against principle in asking certain examiners to pass certain students who had secured less marks, and to get certain students who had got higher marks to be failed, had to suffer and his degree was withheld although he was declared duly passed. Does my friend Mr. Tyson want this kind of thing in the Delhi University, that for the dishonesty of a Vice-Chancellor the poor student who has spent so much should suffer? No indication of fault or offence has been given here. The Penal Code is there and every offence is defined; and even after mention of offence, persons accused have to take the help of defence counsel and others and only after that they are punished. But here the poor fellow has to seek the help of the members of the Court, to go from door to door begging votes; and you are penalising him for no fault of his. Had there

[Maulvi Muhammad Abdul Ghani.]
 been any mention of a fault, I could have seen some sense in it; but without any mention of any fault at all, this sort of punishment is going to be inflicted. I could have understood if you did it in the case of persons to whom you had given honorary degrees and then withdrawn their degrees; but these degrees have been earned at the cost of his money and labour and you seek to withdraw them for no fault of his whatever.

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

I cannot follow that. You know what is the state of things in India for securing a degree. About fifty per cent. only are able to secure degrees and about 50 per cent. get plucked. The report of the Chief Commissioner for Education in India for 1938-39 says that out of a total of 20,647 students only 11,885 persons had the fortune to secure degrees in 1937. About 50 per cent. had to fail. The authorities are not satisfied with this kind of punishment, that is, failure, but want to impose another nonsense kind of punishment which does not obtain anywhere else in the world. In no other part of the world is this kind of punishment inflicted. He should have copied his home country. Is there any instance in his own country where a poor fellow, without knowing what is his fault, has his degree taken away? Has he quoted any instance in England? I do not see any reason . . .

Mr. J. D. Tyson: One does occasionally read in the papers of barristers being disbarred, of a clergyman being unfrocked, and of medical men having their degrees taken away for professional misconduct.

Maulvi Muhammad Abdul Ghani: That is not a degree. The system there is to dine, dance and secure degrees. A degree proper is one where a person has to devote his attention and his labour and his money.

Here in the Act, if you will refer to section 40 you will find that there is a supplementary provision which says:

"The Chancellor shall with the concurrence of not less than two-thirds of the Members of the Court for the time being in India have power to remove the name of any person from the register of registered graduates."

But there is no question there of taking away the degree. Now, more power is going to be given in the Statute. How can it be in the spirit of the Act? Section 40 does not deal with this. It simply says that a graduate's name which on payment of certain fees is registered, can be removed from that register so that he is deprived of his voting power. It does not say or mention this kind of hardship at all. How many graduates have you produced in Delhi? In 1937 out of 506 candidates who appeared at the examinations, only 207 secured degrees, and you are going to discourage them by this Bill. I may cite the example of the Aligarh University. We intend to bring in amendments to correct any mistakes there. We are not going to keep quiet. We know there is hardship and we want to remedy the hardships. Yesterday I narrated a very hard case of that university; perhaps the House may remember that some students who were in the third year class were ill for 4 or 5 months and even then they secured pass marks for promotion to the 4th year class; but they were detained because they failed to secure 60 per cent. of attendance: the poor fellows secured 59 per cent; for shortage of one per cent attendance they were detained. Is that not a hardship? We are going to mend that kind of thing; we are not going to tolerate these things at Aligarh or at Benares or anywhere else; we are not going to sacrifice the health and wealth of our future generation, of our future hopes; everything depends on them; we have to encourage them in all possible ways and not to mar their progress by these things and crush their spirit so that the new generation may be slaves to the Government. With these words I support the amendment.

Dr. P. N. Banerjee: Sir, I am sorry I am unable to agree fully with the Honourable the Mover of this amendment. He wants the whole of Statute 18 to be omitted. I think there should be some provision for taking away degrees or diplomas. At the same time it seems to me that the power given

here is a little too wide. The degrees should be withdrawn only for offences involving moral turpitude; and if those words are inserted in the statute I think there cannot be any possible objection. If we cannot do this today, a suitable amendment may be moved tomorrow from the Government Benches or from the Opposition Benches, so that a due safeguard may be provided against the abuse of the power given by the statute.

Some Honourable Members: The question be now put.

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa: Muhammadan): I shall not take much time of the House on this issue. I think the Government representative does realise that this is a hardship for which there can be no analogy. A student acquires a degree owing to merit, but if you

4 P.M. withdraw the diploma or degree you cannot make him forget all that he has learnt; you only try to use your force and power to make others believe that he has not acquired that merit, which you had already admitted that he had fully deserved it. I cannot imagine what sense there can be in punishing a student in the manner suggested in this Bill. We on this side of the House feel that this may work adversely against that nation or community which is not adequately represented in the Executive Council of the University and which may not have a voice. An analogy was introduced by Mr. Tyson about the Bar Council, that the members of the English Bar are debarred from practising. I do not think that that analogy could apply because the Bar Council consists of representatives of the Bar and the decision is taken by members who are the colleagues of the person concerned, whereas in this case the Executive Council is not a representative of the student whose degree they want to withhold. There is another danger and it is this. This can be used as a weapon to suppress political aspirations of individuals, and it can be abused or misused in any manner according to the whim of the people or individuals concerned. This is a point which should be seriously considered. We do not want that power should be given to the Executive Council or to the Vice-Chancellor to act in the manner in which they or he would like to act in their own discretion. I hope I have made it abundantly clear that it is a hardship of a very high magnitude. No power on earth can sit on judgment to say that a certain man does not possess the merit which he acquired by virtue of passing Examination, and which had been recognised by examiners of the university and to which recognition was given by grant of a degree or diploma. With these few words I support the amendment.

Sir George Spence: Let the question be now put.

Mr. Kailash Bihari Lal: I propose to relieve the monopoly of my opposition to the amendments moved from those Benches by supporting this amendment. It deserves consideration at the hands of the Government, because if there was any question of withdrawing any diploma or degree that was conferred honorary, it would have been something; such degree or diploma is always given with the presumption that the man deserves it and he is worthy of it. But when it is earned by a man at great cost of labour and money, it does not befit the authority to withdraw it, because it looks like this. If a Government servant is convicted of some offence, surely he is unworthy to be retained in the service. His services must be dispensed with. But can it be right to ask that all his earnings in the past should be confiscated and he should be asked to deposit all the money back that he had earned? It can never be because it has been earned by the person by dint of labour and money. For the future you can lay down a condition, your service is dispensed with and so you will not deserve any more honour or emoluments. So even before conferring the degree or diploma you can think twice, whether a young man deserves that diploma or degree or not. That will be something understandable, but once you have conferred on him this diploma or degree which he has earned by his merit, to withdraw it because of his subsequent conduct is not befitting because it looks something like pilfering away from the man who has rightly earned it. As regards the foreign analogy, Mr. Tyson says that barristers are not allowed to practise. But I think perhaps

[Mr. Kailash Bihari Lall.]

the degree is not taken away, only he is debarred from practising, which is quite a different thing. Here you propose to debar a person who has already earned the degree by dint of merit and expenditure, and you cannot deprive him of it because you think he is unworthy of it. You may, if you like, debar him from any further privileges or advantages. So far as honorary degrees and diplomas are concerned, anything can be done. They are given on the specific understanding that the man deserves it and is worthy of it; and if he proves unworthy he should be deprived of it. But so far as diplomas and degrees earned by graduates are concerned, I think it will be something like pilfering away a man who has earned the thing. With these words I support the amendment.

An Honourable Member: Let the question be now put.

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

"That the question be now put."

The motion was adopted.

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

"That in clause 16 of the Bill, Statute 13 in the proposed Schedule be omitted and the subsequent Statutes be re-numbered accordingly."

The motion was negatived.

Syed Ghulam Bhik Nairang: I move:

"That in clause 16 of the Bill, clause (2) of Statute 14 in the proposal Schedule be omitted."

This amendment of mine is in certain respects on the same lines as the amendment which has just been negatived by the House on account of the very curious attitude adopted by the Government. My last amendment was concerned with the power of the Court to withdraw a degree or diploma after once it had been conferred. The fault which I found with the provisions of Statute 13 was that it made the withdrawal of such degree or diploma for all practical purposes arbitrary, that it could be done for unspecified reasons at the sweet will and pleasure of certain people, because the grounds on which a degree or diploma could be withdrawn are not specifically mentioned in the Statute nor specified at least to a reasonable and intelligible extent. My Honourable friend, Mr. Tyson, had to take refuge in a certain statute which he quoted from the Aligarh Muslim University and, although he could not say whether he had examined the point whether similar and analogous provisions existed in the other universities, he believed there were similar provisions elsewhere also. Truly, Sir, if any University has got a defective provision in its law, that can be no defence for enacting a similar provision in the present Act.

Then, he said that a statute to the same effect had been there in the Delhi University Act for 20 years. I fail to see the force of that argument. Because it has existed for 20 years, it cannot be said that it has a prescriptive right to be there and that nothing should be done to disturb it. That is the reasonable and rational way in which this legislation is sought to be carried through! I was surprised even at the attitude of my Honourable friend Dr. Banerjee who professed to disagree with me and yet agreed with me. He felt exactly as I felt—that power was being conferred in such a dangerously vague form. He suggested an amendment. If an amendment on those lines or approximating to it had been made or if the statute itself had been worded in that way, I would have had no cause for complaint. Dr. Banerjee really agreed with me, though he professed to disagree. However, let bygones be bygones. The provision which I am challenging is a curious one. In addition to being dangerous, it is a provision which all reasonably-minded people will like to see expunged from the statute. Statute 14 deals with the conferment of honorary degrees and says:

"All proposals for the conferment of honorary degrees shall be made by the Academic Council to the Executive Council, and shall require the assent of the Court before submission to the Chancellor for confirmation.
Provided that, in cases of urgency, the Chancellor may act on the recommendation of the Executive Council only."

If an honorary degree is going to be conferred on some one and the procedure outlined in clause (1) is followed, we need not object. If the University considers a person fit for the conferment of a degree of that kind, let it be conferred. Nobody has any objection but the predicament in which the recipient of such a honorary degree finds himself is outlined in clause (2) which says:

"Any honorary degree conferred by the University may, with the previous approval of two-thirds of the members present at any meeting of the Court and the sanction of the Chancellor, be withdrawn by the Executive Council."

Dr. P. N. Banerjee: What about offices involving moral turpitude?

Syed Ghulam Bhik Nairang: The same sublime vagueness has been introduced. If the authorities of the university consider the recipient of an honorary degree fit for a degree *honoris causa*, surely the withdrawal of such a degree should not be in contemplation at all. If you honour a man today, why dishonour him tomorrow. Where is the decency about it. I deprecate the existence of such a provision on this ground alone. I do not know really whether personages who deserve the honorary degree today will ever be likely to be guilty of any such thing as moral turpitude or any misbehaviour which may amount to what my Honourable friend, Mr. Tyson said—disgracing themselves. Usually such people are men of advanced age, men whose antecedents are well known, whose political and other views are well known. You confer a degree on them. Very often, they happen to be gentlemen highly placed socially. They may be the Rulers of States or the Governors of Provinces. Many Governors have been the recipients of honorary degrees. We do not grudge it. They have served the public long enough. There are also senior I.C.S. people with very creditable careers. (An Honourable Member: "Like Mr. Panna Lal"). They may be the recipients of honorary degrees but once you have conferred the honorary degree on a man, why commit the solecism of withdrawing it. Let matters rest there, even if you happen to disagree with him politically. In the case of the recipients of these honorary degrees the only possible thing that can rankle in the heart of those in high quarters who are responsible for the conferment is the political behaviour of the man. Why then commit the mistake of honouring a man whom you do not consider sufficiently sober in judgment, sufficiently well behaved? Once you have honoured him, let matters rest there. Why go to the extent of withdrawing the degree?

Sir, there is one thing very curious about this. I have every respect for the gentlemen who have drawn up these statutes in which, to tell you the truth, I find so many holes. There is a very curious distinction introduced here. In the case of the withdrawal of a degree or diploma which is earned after a hard labour of 14 years, it can take place on the recommendation of the Executive Council by the mere counting of heads. You have simply to count the heads and the degree goes although it has been obtained after at least 14 years hard work in the school and the university. But in the case of the honorary degree, which had been conferred more or less as a matter of favour or recognition of services, and which was not due to the attainment of any qualification or spending any time for the attainment of the degree, there is the sanction of the Chancellor provided before it can be withdrawn. But you do not provide for a similar sanction of the Chancellor in the case of the withdrawal of a degree or diploma which is obtained after hard labour. I submit this provision is absurd and it will be in the interests of decency if it is omitted.

Sir, I move.

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

"That in clause 16 of the Bill, clause (2) of Statute 14 in the proposal Schedule be omitted."

Mr. J. D. Tyson: Sir, I confess I was surprised that the previous amendment found support in other quarters of the House than the quarter from which it was moved. I am afraid there is a fundamental difference of approach to this matter. I fully appreciate that the taking away of a degree is a hardship upon the person who has earned the degree, but there is such a thing as loyalty to

[Mr. J. D. Tyson.]

what is commonly termed one's *Alma Mater*. I think that aspect was entirely overlooked in those parts of the House where the matter was viewed entirely from the point of view of the person who had taken a degree. Now, Sir, we are dealing as regards this amendment with the taking away of honorary degrees. But I do not think that the principle involved is different. I think the University must have a power to take away that which it has itself conferred. If there is anything in the point that these have not been earned at the University but have been conferred for other reasons, I think that weakens the case for taking away this Statute. There are parallels in public life, as regards titles and decorations. Decorations won on the field of battle are sometimes taken away when the person who distinguished himself on the field of battle by his valour subsequently distinguishes himself by villainy in his public life.

I regret that my argument about the Statute not being a new one has not been understood. Obviously I did not make it plain to my friend that it is not because the Statute is 20 years there that I defend it. I did point out to him that we were not introducing this but that it has stood for 20 years. My point was that so far as I know it has stood entirely unquestioned for 20 years and I have yet to hear that, although this opportunity for repression has existed all this time, it has actually been abused.

Syed Ghulam Bhik Nairang: It has been used.

Mr. J. D. Tyson: Used or abused,—I have not heard of either. So far as I know, it has not been used and I have never heard of a case when it has been abused.

Attention was drawn to the fact that the procedure suggested in the case which we are now considering is somewhat different from the procedure laid down as regards the taking away of an ordinary degree. But it must be recognised that the procedure of conferring these honorary degrees is different. The Chancellor is himself involved in the conferment of an honorary degree and I think it right that in such a case the extra safeguard should be there and that his assent should be necessary to the withdrawing of the degree.

Maulvi Muhammad Abdul Ghani: Sir, I rise on a point of order. I beg to point out that section 28 of the Delhi University Act says:

"Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:

"(a) the conferment of honorary degrees. . . ."

And then we have clauses up to (k) but none of them speaks of withdrawal of degrees. It is only the honorary degree that has been mentioned. By this amending Bill only a portion of clause (g) has been sought to be amended in which there is no mention of taking away the degree. Therefore, it is not proper for the Honourable Member to move this kind of amendment here.

Mr. President (The Honourable Sir Abdur Rahim): I do not think there is any force in the point of order. If the Legislature can confer honorary degrees, they have the power to take them away also, which is now proposed.

Qazi Muhammad Ahmad Kazmi: Sir, as a matter of fact, I am in favour of the deletion of both the parts (1) and (2). I do not see any necessity for the Universities to view with each other for pleasing some big people. What are these honorary degrees for? Are they really given to deserving people? My own experience is that it is sometimes wealth and sometimes position in the country which attracts the degree of LL.D. and we always fail to understand whether the person who really gets it deserves it. Now, Sir, what would be the case in which that degree would be withdrawn? If the man loses his position or he becomes a pauper, the degree must be withdrawn. If he continues to be rich and a man of position, the degree must continue.

Now, Sir, there is a proviso in this clause which is worthy of consideration by the House. It says:

"Provided that, in cases of urgency, the Chancellor may act on the recommendation of the Executive Council only."

What cases of urgency can there be? The urgency may be that probably they want to get a big donation from a gentleman who happens to have come to their city. There may be a danger that if there is delay in the conferment of that degree, they may not be able to get that donation. Therefore, a case of urgency would arise. Now, I ask you: You have taken the donation and given him the honorary degree. When you are going to withdraw that honorary degree, are you going to return the donation as well? Then you say you are very serious over these honorary degrees. My Honourable friend was objecting to the question of urgency. The question of urgency comes here only and not in the case of well-earned degrees. Only recently we read Madame Ching-Kai-Shek going to various countries in Europe and the Universities there were vying with each other in conferring degrees of Doctor of Laws on her. What is the meaning of the degree of Doctor of Laws being conferred on such people? They must deserve it by having read properly and by having undergone all the labours and then come on a level with people who are really learned. You are not entitled to degrade the position of learned men by bringing to their level people who know nothing of learning and who get these degrees only because they occupy certain positions in life.

Sir, I am in favour of the deletion of the whole clause 14. There is no question of conferring degrees on people who do not deserve them. It is a disgrace to the University to consider cases of people who have not really qualified themselves for these examinations for which degrees are conferred and still degrees are conferred on them on account of their position in life which position in life does not mean possession of knowledge which alone is the criterion for conferring these degrees. Sir, I oppose the whole clause, but if that is retained, then I support this amendment for the omission of clause (c) because once a degree is given to an undeserving person how can it be withdrawn on the same excuse.

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

"That in clause 16 of the Bill, clause (2) of Statute 14 in the proposal Schedule be omitted."

The motion was negatived.

Dr. Sir Zia Uddin Ahmad: Sir, I move:

"That in clause 16 of the Bill, after Statute 15 in the proposed Schedule the following be inserted:

"15(A). The University and all the Colleges and Halls maintained or recognised by the University shall be inspected at least once in every five years by a Committee to be called Grant Committee; which shall consist of three persons, two of whom shall be nominated by the Finance Member and one by the Chancellor and none of these members shall have any official connection with the University."

Sir, in the older University Acts, we have made a provision for the inspection of the Colleges. You will find that the older Universities inspect Colleges affiliated to those Universities at least once in five years. In modern Universities, we have provided a kind of penalty clause that His Excellency the Lord Rector, the Viceroy of India, has got the power to appoint a Committee of Enquiry whenever in his opinion things are not going on all right, and the University has got the right to represent and to explain all those charges levelled against it. So, Sir, the provision in the modern Universities Acts is only a punitive provision. It only operates when things go wrong and when they are not moving in the right direction.

The point which I should like to press is entirely different. In the United Kingdom, they have a Committee of this kind which is called the Grant Committee. It is not appointed by the Board of Education, but it is appointed by the Chancellor of the Exchequer. This Committee visits and inspects all the Universities in the United Kingdom at least once a year. They really examine and recommend to the Chancellor of the Exchequer how much grant a particular University requires. They are persons who examine what particular Departments are exceedingly weak which require to be strengthened. They

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recommend where there is duplication of work in the Universities which are all financed by one common fund. These are the persons who go to the Universities as friends. They do not go there simply to criticise their work. From experience we have found that this Grant Committee acts in a very beneficial manner and this Committee is very much appreciated not only by the Education Department or the Finance Department but also by the Universities themselves. Now, Sir, I think most of the Universities would very much welcome a friendly Committee of Inspection who may give them friendly advice as to the defects that already exist in that University and consider the genuine demands and requirements of that University and lay them before the Chancellor of the Exchequer. Their recommendations are not examined by the Education Department, but they are examined by the Chancellor of the Exchequer and they are of very great help to the Finance Department. A thing of this kind really exists in the United Kingdom and it has been working very satisfactorily and it has been in existence—I cannot recall exactly for how many years, perhaps Mr. Sargent will be able to tell us—perhaps for nearly twenty years and this Committee has been working very satisfactorily. I strongly recommend that a Committee of this kind ought to be started here in India. I am conscious of one difficulty that some Universities are supported by Provincial funds and not by funds of the Government of India. In this case, also, it is very desirable that there should be some kind of co-ordination and I am sure the Provinces will very much appreciate the appointment of such a Committee. I have put down 'Chancellor' and I have not put down 'His Excellency the Governor General in Council' for this reason that whenever there is inspection of a University, which is maintained by Provincial funds, we should have the opinion of the Chancellor in the selection of one person out of three in this Grant Committee.

I have seen the reports of this Grant Committee in the United Kingdom, and I have investigated the matter locally and I asked the authorities of the Universities in several cases about the working of this Committee. I thought this was an omission in our educational system. They allow things to hang on for a very long time until the public demand for a Committee of Enquiry or the Provincial Governments only move when there is a public scandal. It is not enough that we ought to stop this scandal, but that we ought to stop before the scandal occurs. If anything is wrong, it ought to be stopped in time before it becomes too late.

There is another difference between a Committee of Enquiry and a Grant Committee. When there is a Committee of Enquiry, the University is always against it. In this case when there is a Grant Committee, and if it visits the University, public opinion is always in favour of the findings of such a Committee. This makes an enormous difference in the reports and in the workings of these two Committees. It is quite possible that my Honourable friends who are dealing with Delhi University may ask why should this particular provision find a place only in the Delhi University enactment? Why not in other Universities? I quite agree that there ought to be such a provision relating to other Universities as well. I would not mind if similar Statutes quite independent of this Bill, are introduced to operate in the case of all other Universities in India. I published sometime ago an article on the post-war reconstruction of education. I am given to understand by the reply given by my Honourable friend, the Secretary to the Department of Education, that a similar thing is in progress under his Department. It is still confidential and we do not know what it is. But I am given to understand that this is one of the points which they are seriously considering in connection with the post-war reconstruction in education. Why should we wait for post-war reconstruction. If a thing is good, why not start immediately. If a thing is good for all the Universities, why not begin with the Delhi University and make a beginning with Delhi and extend the operation of this provision to all the Universities. In the first instance the Universities which come within the purview of the Government of India and

later on the Universities which are financed from Provincial funds will accept it. It is to the advantage of the Universities, it is to the advantage of the Provincial Governments, and it is to the advantage of the persons who hold the purse of the Provinces or of the Government of India.

Another point is that in India we have got very little opportunities for research and it is impossible to duplicate research among the various universities. If we have a Grant Committee of this kind they will decide what particular type of research should be carried on in a particular university. At present we have only one professor doing research work and he is very much handicapped for want of books and periodicals; but by the help of such a committee a particular college may specialise in a particular subject. We may provide this university with books and periodicals and with necessary materials and students who carry on research in any part of India may go to this university for research in that particular subject. We know it is exceedingly difficult and expensive to have duplication in this particular direction. Therefore this higher research is one of the subjects which must be centralised in one university and we should not waste money on the same research in every university. It may of course be distributed among two or three universities which are far apart so that students may not have to migrate from one place to another. That is of course possible but I think it is a thing which is very badly needed and it is not too late to make a beginning now and accept the principle in the Delhi University Bill and gradually extend it to other universities, first to the universities under the control of the Government of India, then to those under the Provincial Governments and then to those maintained by the Indian States because they would welcome and help in this particular work. These men are not connected with the universities but they have got experience of university education and university administration and their advice would be very helpful. They would advise as regards affiliation, as regards creation of colleges or as regards the introduction of the compartmental system of examinations on which my Honourable friend Maulvi Abdul Ghani is so keen. The maximum period will be five years for any university but there are many problems in every university.

Speaking from personal knowledge of my own university I can say that I would welcome the advice of a body of experts on quite a large number of problems which are awaiting solution. We no doubt solve them in our own manner but we have our own prejudices and the advice of impartial experts without any prejudices will be very much appreciated by every university. An additional advantage is that when they say that a particular department should be encouraged it will be binding on the Finance Member, if the finances of the country permit, to give a grant and to have that department well established and developed. It will be useful to the Finance Member with his limited resources to have expert advice as to the distribution of these resources to the various universities. I am sure if a grant committee were in existence the Finance Member would have put his foot down on the Delhi University and said that they had no right to spend so much money at the expense of Aligarh and Benares for which they have got financial liability and which are treated as step-children. I seek the assistance of such a committee to tell the Finance Member what the requirements of particular universities are and how they can be helped. Therefore it will be a source of great strength to the Education Department. They will have expert opinion which will be accepted by all, the universities will be helped by their unbiassed advice and it will also help the Finance Department with advice because it is a body which the Finance Member himself will set up. So I submit that such a committee which has proved such a success in the United Kingdom should be initiated here where circumstances are similar, and it will surely prove as great a success as in England, and a number of complex problems which we have to face and which come to the notice of the public too late will be automatically solved with the help of this committee. Sir, I move.

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

"That in clause 16 of the Bill, after Statute 15 in the proposed Schedule the following be inserted:

"15(A). The University and all the Colleges and Halls maintained or recognised by the University shall be inspected at least once in every five years by a Committee to be called Grant Committee; which shall consist of three persons, two of whom shall be nominated by the Finance Member and one by the Chancellor and none of these members shall have any official connection with the University."

Mr. J. P. Sargent: Sir, I am glad to say that I have a great deal of sympathy, and to a very large extent I am in agreement, with the general principles which my Honourable friend the Vice Chancellor of Aligarh University has just put in front of this House. I have myself had some experience of the working of the University Grants Committee in my own country, to which he has several times referred, and I can endorse his own commendation of the value of that Committee. But its value lies in the fact that as a body of independent experienced persons it is in a position to envisage the needs of all the universities in the United Kingdom and not of one university, in order that the funds available for university education may be distributed throughout the universities to the best possible advantage, that research may be encouraged, and that extravagant overlapping may be avoided. Sir, I have seen enough of university education in this country to realise that the existence of a similar body, if one could be created, would be of great economic and educational advantage here also. And I hope to see, in so far as it lies in my power, that the possibilities of such an institution in this country will be explored, and explored, I hope, before long in connection with plans for post-war education. But I think I must make it clear that the value of such a body will lie in the knowledge it will have of universities as a whole and the position in which it will be to allocate spheres of work, sources of income, opportunities for research, and other matters throughout the whole corpus of universities of this country, not within one university. Therefore, I think its fundamental importance is as a body surveying the whole field of university education. But unfortunately, as Honourable Members are aware, most of the universities of this country are provincial responsibilities, and I am doubtful whether without an amendment of the major Act it would be proper or even legitimate for us in this connection to introduce so far-reaching a change. The Honourable Mover might say that it would be possible for us perhaps to do something in regard to those universities in which the Government of India are primarily and financially interested. But there again I am doubtful whether our legal experts would advise that it was proper to make any such provision in an Act which concerns one university alone. Therefore, with regard to the need for a university committee or commission of some kind which will do its best to promote the future welfare and good organisation of our universities in this country I am in cordial agreement with my Honourable and learned friend. But with regard to the application of such a proposal to Delhi University by itself, I am afraid I am less cordially in agreement. I have been most probably a bureaucrat as long as anybody in this House and in spite of that I am not in favour of unnecessary complications. I find that in the Act and the Statutes, as they stand, provision does exist for the Chancellor to institute an enquiry into any aspect of the University life which he may think desirable, and provision is also made for both the Executive and Academic Councils, separately or together, to institute an inquiry into practically any aspect of the organization or teaching of the colleges. Therefore provision does exist for inquiries to be instituted where necessary.

I am sorry to hear that my Honourable and learned friend suggests that an inquiry instituted by a person so high up as the Chancellor usually has some kind of penal suggestion about it. I am extremely sorry that that should be the case and I can only hope that with goodwill we may eliminate that implication. Indeed it is felt in connection with one distinguished institution in this country—the Indian Institute of Science, Bangalore—that a periodical inspection

is as helpful to the Institute itself as it is to anybody else. It would certainly be my intention, to stimulate if I may use so disrespectful an expression, the Chancellor to institute periodical inspections into the University of Delhi to see whether, in fact, the hopes which we have ventured to express in this House as to the reorganization of the University are actually being fulfilled. But, Sir, in view of what now exists, I should be sorry to see the existing provisions complicated or the suggestion that any inquiry set on foot by the Chancellor is a penal business confirmed by adding this particular Statute at this particular moment. I think also it might obstruct what both my Honourable and learned friend and I have in mind—the institution of a much wider and more authoritative body than could possibly be set up in connection with the Delhi University to deal with University affairs of the country as a whole. I should be extremely sorry to see such a case being prejudiced. I can conceive the faint possibility that the Universities of this country might accept the idea of a University Grants Committee, but I cannot see them accepting the idea that a committee which had been set up for one University alone might be extended to engulf all the others. Therefore, I should think that we should have much more chances of success—although I am not so young as not to appreciate the difficulties—if we get about that good and beneficial idea with a clean slate, rather than if we tagged it on to something we have done in connection with the reorganization of the Delhi University. For that reason and because I think that the constitution of the committee as set out in the amendment might require in any case further consideration,—unless of course it is the learned mover's intention that it should purely be a financial committee,—I sincerely trust, while assuring him of our interest in the matter, that he will not press his amendment. Finally, I may say that I am quite sure that we shall have an opportunity to discuss this matter later on as it embodies a principle with which Honourable Members on this side of the House are in full agreement.

Mr. Lalchand Navalrai (Sind; Non-Muhammadan Rural): Sir, I have risen also to give the same advice which Mr. Sargent has given to the gallant friend. Sir there are two points in this amendment. With the first part, I think the House will have sympathy and I may say that I have also great sympathy. I have reasons to believe that a committee of this nature will be a very substantial check upon the grants that are being made to the University. There is an instance here. When this Delhi University Bill with regard to three years Course was introduced in this House we were sure that this will cost much and the scheme will be very expensive. Government may not agree. Therefore, I think it is a good suggestion that there should be a watch-dog committee over the Government and if a committee of this nature is appointed it will, from time to time, see what grants are really needed, not what the Government wishes to give. Such a committee will make a report which will be considered by the Government and even if they use their own choice and preference still it will be a matter which can be properly criticised. At present we are not able to criticize. The Government says 'we have given enough to the Delhi University'. How are we going to check? Is there any expert committee appointed which could say how much is needed for, say, the secondary education, and how much more is needed for the University course. Therefore, I submit that I am whole-heartedly in sympathy with this suggestion and I agree that a committee of this nature is really necessary. There is much sense in the reason given by Mr. Sargent with regard to this, namely, that such a committee should not only adjust the grants to be given to one University but it should deal with all the Universities. My Honourable and learned friend, Sir Zia-Uddin, wanted that we should make a beginning with the Delhi University only. Sir, I submit that as I do not agree with the latter part of the amendment, I think we need give no consideration to that matter, though of course there is substance in that too.

With regard to the second part, Mr. Sargent said that in England there are experts available who know all the circumstances and give their opinion. Here

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where are the experts at which the amendment is aiming? Nomination by the Chancellor and by the Finance Member—the very Finance Member who is to give money—he will say I will give so much and no more. In the like manner, the Chancellor is also influenced as to how much grant should be given.

Therefore, I say that the amendment as it stands, is not acceptable at all, because you are not appointing independent men, you are not appointing experts, and you are not getting elected men. You are again going to have underlings of the Government. Therefore, I submit that the first part is acceptable and the second part is not.

The Assembly then adjourned till Eleven of the Clock on Friday, the 20th August, 1943.

LEGISLATIVE ASSEMBLY

Friday, 20th August, 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.

SHORT NOTICE QUESTION AND ANSWER.

TRANSPORT ARRANGEMENTS FOR CARRYING FOODGRAINS FROM SURPLUS TO DEFICIT PROVINCES.

Dr. P. N. Banerjee: Has the attention of the Honourable Member for War Transport been drawn to:

(i) the statement of Sardar Baldev Singh, Food Minister, Punjab Government, published in the *Hindustan Times* of the 16th instant, that the fault in the matter of food supply lay in the transport arrangements which even today were far from satisfactory and further that if the Government of India were really anxious to relieve distress in deficit provinces, they should make adequate and immediate arrangements for transporting foodgrains from surplus provinces; and

(ii) the statement of Sir William Roberts, the retiring Director of Civil Supplies, Punjab Government, that the Transport Member had glossed over the transport difficulties, that the average number of wagons going out of the province in June and early in July was 120 per day, while he thought that double that number could be supplied, and that if rail transport arrangements were inadequate, arrangements could be made earlier for shipping *via* Karachi to Madras and Bengal?

If so, what steps, if any, have been taken, or are proposed to be taken by the Government of India to meet the present situation?

The Honourable Sir Edward Benthall: (i) I have seen the statement but do not agree with it and propose therefore to take early steps to co-ordinate opinions and action. The arrangement for transporting foodgrains from surplus to deficit Provinces includes two processes, namely, procurement and transport. Though operational and other reasons have at times imposed a limit upon the number of wagons that can be carried over a particular section of railway, the amount of transport available has at other times frequently exceeded the quantity of foodgrains offered and does so at present.

(ii) Yes. The figure given by Sir William Roberts appears to be an underestimate. The North Western Railway's approximate figure of wagons of foodgrains moving out of the Punjab eastward and southward during June and early July is 144 daily and neither this figure nor that of Sir William Roberts includes grain moving to Karachi.

I agree with Sir William Roberts that many more wagons could have been supplied; but it is bad transportation work to supply more wagons than can be loaded or handled by the receiving Government at destination. In the case of Bengal the North Western Railway could, if other conditions made it feasible, supply and load many more than the quota of 80 wagons daily which is allotted to them by the Regional Controller of Priorities, and which is actually an increase of 20 on the number allotted before the breaches took place on the East Indian Railway. But in spite of the large amount of stocks stated by Sir William Roberts to be awaiting transport in the Punjab there is at present a difficulty, which I hope will be temporary, in delivering for loading sufficient foodgrains and flour to fill this quota. As the Honourable Member is doubtless aware the shipping position has been and remains extremely tight. Until recently the ships from the Indian Register under requisition were being loaded with salt for Bengal from the West Coast, but two of these ships have temporarily been allotted to grain and have already taken 10/11,000 tons from Karachi. Two more ships on the British Register have been made available by

the British Government and are to be loaded by the end of the month. Government are fully alive to the importance of securing that more shipping is made available as supplies come forward.

Dr. P. N. Banerjea: Will the Honourable Member be pleased to give greater facilities in future than have been available hitherto for the transport of food-grains?

The Honourable Sir Edward Benthall: As I have explained to the Honourable Member, it is no use supplying more wagons than can be loaded or can be got through bottle-necks or handled by the receiving Government.

Dr. P. N. Banerjea: Could not the Honourable Member persuade these two Governments—the Punjab and the Bengal Governments—to take greater steps to expedite the matter?

The Honourable Sir Edward Benthall: That is precisely what I said I was going to do in my answer to the first part of the question.

Mr. Govind V. Deshmukh: Is it suggested that the difficulty that has arisen is due to the loading and unloading at the consigning and receiving stations?

The Honourable Sir Edward Benthall: No, Sir. Not mainly. That is one of the factors.

Mr. Govind V. Deshmukh: Then may I know if any steps have been taken by this Department for increasing or giving more facilities for loading and unloading all these wagons?

The Honourable Sir Edward Benthall: Yes, Sir. Very careful arrangements have been worked out at the Calcutta end and arrangements are being worked out at the Punjab end.

Mr. Govind V. Deshmukh: But as difficulties still arise, have the Government thought it proper to increase these facilities?

The Honourable Sir Edward Benthall: It is not only a matter of facilities but the operation of these facilities.

Mr. Govind V. Deshmukh: Then have the Government thought of facilitating to a greater extent the operation of the arrangements?

The Honourable Sir Edward Benthall: Of course they have.

Pandit Lakshmi Kanta Maitra: Is it a fact that this movement of foodgrains has been greatly affected by the breaches on the railway line? And if so, do Government propose to move foodgrains up to Burdwan and carry the foodgrains to other parts of Bengal by ordinary transport?

The Honourable Sir Edward Benthall: Yes, the breaches have of course interfered with the transport of foodgrains, but as I pointed out in my answer the allotment is 20 wagons greater than it was before the breaches occurred. The wagons are being taken round by other routes.

Mr. Govind V. Deshmukh: May I know, Sir, if the military lorries could be availed of for transport of these foodgrains—I mean those lorries which are taken from place to place merely for the purpose of giving the troops practice or for instructing them.

The Honourable Sir Edward Benthall: The Honourable Member does not specify where the lorries are to be sent.

Pandit Lakshmi Kanta Maitra: Do I understand the Honourable Member to say that at the present moment 20 more wagons have been allotted so as to bring the total to 164 instead of 144?

The Honourable Sir Edward Benthall: Yes, Sir, the allotment has been increased by 20.

Pandit Lakshmi Kanta Maitra: And the Government at the moment are giving 164?

The Honourable Sir Edward Benthall: No, Sir. The allotment to Bengal was formerly 60. It is now 80.

Mr. Lalchand Navalrai: Is the foodstuff lying on the station on account of no wagons being made available?

The Honourable Sir Edward Benthall: No, Sir. That is not correct.

Mr. Lalchand Navalrai: May I know if the food is lying at the station waiting to be moved?

The Honourable Sir Edward Benthall: In certain cases it is. But the gist of my reply is that more wagons are supplied than grain is available.

Pandit Lakshmi Kanta Maitra: With regard to the problem of co-ordination of transport, have the Government of India suggested to the Provincial Government to release the river craft for the purpose of carrying into the interior these foodgrains?

The Honourable Sir Edward Benthall: I believe that is being done by the Government of Bengal.

Pandit Lakshmi Kanta Maitra: Have any instructions gone from the Honourable Member's Department to the Provincial Government to facilitate the movement of foodgrains by river craft?

The Honourable Sir Edward Benthall: The movement of foodgrains by country craft within the Province is the function of the Provincial Government.

Pandit Lakshmi Kanta Maitra: And last year we were told that it was seized at the instance of the Central Government!

The Honourable Sir Sultan Ahmed (Leader of the House): Sir, in view of the fact that there are still 50 amendments to the Delhi University Bill to be gone through, and also in view of the fact that next Monday is a holiday, I request you to direct that the House should sit tomorrow also.

Mr. President (The Honourable Sir Abdur Rahim): Has any Honourable Member anything to say on this?

Mr. H. A. Sathar H. Essak Sait (West Coast and Nilgiris: Muhammadan): No, Sir; not only that; but it was mentioned last time that if there is any possibility of the work being finished tomorrow, then perhaps the Members would not have any objection; but if we have in any case to wait till Tuesday, there is no reason why we should not wait till Tuesday and have a meeting tomorrow. As a matter of fact the Leader of the House never consulted anybody.

Mr. President (The Honourable Sir Abdur Rahim): I direct that the House shall sit tomorrow.

NOMINATION OF THE NEW PANEL OF CHAIRMEN.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the House that under rule 3 of the Indian Legislative Rules, I nominate Syed Ghulam Bhik Nairang, Dr. P. N. Banerjea and Sir F. E. James on the new Panel of Chairmen.

THE DELHI UNIVERSITY (AMENDMENT) BILL—contd.

Mr. President (The Honourable Sir Abdur Rahim): The discussion on amendment No. 46 will now be resumed.

Sir George Spence (Secretary, Legislative Department): The question be now put.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Sir, the amendment was moved yesterday and the Government reply was given and no other Member has yet been given an opportunity and yet the motion comes from the Treasury Benches 'that the question be now put'. It is nothing but surprising. However, the other day the amendment moved was to the effect that a committee should be appointed to help the University of Delhi in connection with their internal reform and financial aid. It has been suggested on behalf of Government if this kind of Committee had been suggested for all universities in India, it would have been of more use; but it has been pointed out that the Government of India has no control over other universities. I submit that if the Government of India wish to introduce such kind of reform they can very well do it in connection with three universities—Aligarh, Benares

[Maulvi Muhammad Abdul Ghani.]

and Delhi. These three universities are within their jurisdiction. If, as has been suggested, the Government of India desire to have such a thing, they can start it in these three universities and afterwards this can be suggested to other universities through the Provincial Governments and I do not think that there will be any objection on the part of the Provincial Governments to have such reforms introduced in their universities. I hope the Government will revise their decision and accept the amendment.

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

"That in clause 16 of the Bill, after Statute 15 in the proposed Schedule the following be inserted:

'15. (A) The University and all the Colleges and Halls maintained or recognized by the University shall be inspected at least once in every five years by a Committee to be called Grant Committee, which shall consist of three persons, two of whom shall be nominated by the Finance Member and one by the Chancellor and none of these members shall have any official connection with the University.'

The motion was negatived.

Syed Ghulam Bhik Nairang (East Punjab: Muhammadan): Sir, I move:

"That in clause 16 of the Bill, in clause (i) of Statute 16 in the proposed Schedule after the word 'Proctors' the words 'at least one of whom shall be a Muslim' be inserted."

Statute 16 runs as follows:

"There shall be the following officer, namely:

(i) two Proctors to assist the Vice-Chancellor in the maintenance of discipline in the University, and (ii) a Librarian . . ."

It is in part (i) that I seek to add the words that I have read out. The story of the absence of Muslim representation in important bodies of the University and important posts in the University has by this time become not only old and oft-repeated, but perhaps stale as well; and there are very clear indications from the side of the Government Benches that they are bent upon not only killing all the amendments moved but also to kill them at the earliest possible moment by moving closures in season and out of season, and by gagging speakers when they try to at least explain what they mean. But I am afraid this attitude of the Government will not pay. We may sit on a Saturday; we may sit on a number of other days as well; but it is the attitude of the Government that affects the attitude of the other Party as well; let them behave reasonably . . .

Mr. President (The Honourable Sir Abdur Rahim): I have directed that the Assembly shall sit tomorrow. That is according to the usual practice.

Syed Ghulam Bhik Nairang: I do not complain that the Chair has ordered us to sit on Saturday. We shall sit; in fact when the Leader of the House spoke to me, I said that my personal opinion is that we should sit; but I am commenting on the attitude of the Government. They want to take undue advantage of their overwhelming odds in the House in a way which does not at all look decent. Anyhow, to take up my amendment: So far in the Delhi University, as far as I know, there was only one Proctor; and now it is sought to have two Proctors, and their function is to assist the Vice Chancellor in matters of discipline in the University. Discipline is certainly one of the most important things connected with university life, and if it is felt that one Proctor is not enough, let the university have two Proctors. That is not a thing to which we object, but we find that the position of the Proctor in this university has been held so far by the following gentlemen. In 1923—Mr. N. V. Thadani of the Hindu College; 1925—Mr. Mukherji of the St. Stephen's College; 1926—Mr. Kedar Nath of the Ramjas College; 1934—Mr. Thadani of the Hindu College again; 1936—Mr. Sen of the Commercial College. As regards the present Proctor, I forget who the present Proctor is. The position so far as I am able to ascertain is that there has been no Muslim Proctor so far, and it will be only proper if out of the two Proctors which are provided in this Bill, one should be a Muslim. This is an important post and concerns one of the most important features of life in the university discipline, and as the Proctors are to assist the Vice Chancellor in the maintenance of discipline,

it will be in the fitness of things if one non-Muslim and one Muslim are Proctors in the University. Sir, I move.

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

"That in clause 16 of the Bill, in clause (i) of Statute 16 in the proposed Schedule after the word 'Proctors' the words 'at least one of whom shall be a Muslim' be inserted."

Mr. J. D. Tyson (Secretary, Department of Education, Health and Lands): Sir, I did not quite follow what my Honourable friend meant when he said that over and above closure motions Government had used its majority to gag speakers in various parts of the House. I do not think that any unprejudiced observer . . .

Syed Ghulam Bhik Nairang: If I may interrupt my Honourable friend, I can explain it in a word. When a speaker gets up to speak and Government Members see that he is getting up in his seat, to move a closure motion at that very moment amounts to gagging him.

Mr. J. D. Tyson: I do not know at what other stage one may move the closure except at the end of the speech of a preceding Member. It apparently applies to closure motions after all.

Coming to the amendment before the House, the present position is that there is one Proctor in the university and the Bill before us proposes to increase that to two Proctors. The practice I understand has been—and it is borne out by the names that my Honourable friend has just given—to ask colleges in rotation to nominate a Proctor. My contacts with the Proctors of the University of Oxford were not, I am afraid, of a kind to facilitate my questioning them about the method of selection by which they had reached their high office—fleetness of foot I remember as having been an attribute of one particular Proctor with whom I had dealings—but the impression I have is that there also the colleges take it in turn to nominate Proctors for the ensuing period. In Delhi the Proctor is appointed for a year. It would seem from what my Honourable friend has said that they may get an extension of tenure. Now I believe the position at the moment is that the Anglo-Arabic College was invited to nominate a Proctor. The practice further has been that the colleges have nominated their Principals in turn as Proctor. Whether that is a very suitable arrangement or not, it is not perhaps for me to say, but that is the practice and it may be because at the moment there is no permanent Principal of the Anglo-Arabic College that they have for the time being deferred accepting the invitation to nominate as Proctor. That has been the practice I understand—that the colleges in turn have nominated the Proctor. What they will do when they have two Proctors I cannot say, but I cannot accept a statutory reservation in favour of one community that one of the two Proctorships should be reserved for that community. I oppose the amendment.

Maulvi Muhammad Abdul Ghani: I could understand there might be some difficulty when there was only one Proctor, but when the number is going to be increased to two, I do not think that any sound man would object to the proposal that one of the Proctors shall be a Muslim. It has been said that it is the function of every college to select or nominate a Proctor, and the Anglo-Arabic College was asked. But it has not been said whether it refused to nominate or whether it expressed any kind of difficulty in nominating or selecting the Proctor. Sometimes we are debarred on the plea of efficiency, when it suits some particular group. Sometimes it is said that no suitable person is available. So innumerable kinds of obstacles are created in the way of Mussalmans having occasions to have their say. I think there should be an end of all these things. The world is not so foolish as to be guided by such pretexts. These lame excuses have been too often given and we are sick of them. I think the time has come when the authorities should consider the position of the Muslims so far as their representation in the Delhi University is concerned. If the Honourable Member in charge of the Bill had any difficulty in putting it in black and white in the statute, then he could have at least given an assurance that henceforth one of the two Proctors will be a Muslim. If he had said that, I would have thought that he had changed in his attitude. He says that it does not look well that

[Maulvi Muhammad Abdul Ghani.]

these things should go on the statute, but at the same time no kind of assurance or promise is given that one of the Proctors will be a Muslim. With these few words I support the amendment.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): I want to say a word or two about this amendment. The position at present is this. A complaint is made on this side that the Government is determined to oppose all the amendments which are communal amendments. I admire that attitude of the Government and I also say that that attitude of the Government is very reasonable and the views of our Party are the same. What I am submitting is this. After trying to Muhammadanise the teachers, the professors and the selection committees and other institutions of the University, the Muslim League Group have now come to the Proctor also to be Muhammadanised. The explanation given by the Government may be sound. The Principal of each college is asked to come by turns and a very significant fact is that the Government is always leaning on the side of the Muhammadans. There is no doubt about it. Their mind is working that way. They say that they offered the post to a Muhammadan Clerk in Arabic College this time. Why should they say that. They should say that they offered it to one of the Principals by turns. Why should they particularly emphasize that it was offered to an Arabic Muhammadan College. They want to show to them that in their mind of minds they want to placate them. If that College Principal has refused, then they will have to thank themselves. My friend Mr. Abdul Ghani said just now, that he is sick of hearing what the Government say every now and then in refusing their demands. We are also sick of continuing the discussion. Government is going to oppose all the amendments that are communal; therefore the Muslim Party should take a lesson and curtail the discussion, so that we may go home earlier.

Mr. H. A. Sathar H. Essak Sait (West Coast and Nilgiris: Muhammadan): In his great anxiety to oppose every amendment moved from these Benches, may I remind the Honourable Member in charge that he has forgotten to tell us anything in support of the proposal that has been put before the House. Syed Ghulam Bhik Nairang's amendment says that one of the Proctors should be invariably a Muslim but Mr. Tyson never told us anything as to why he wants two Proctors. The gist of his speech was that he was satisfied with the existing arrangements. In that case, he should have explained to the House why he wants to disturb that arrangement and why does he want two Proctors now.

Mr. J. D. Tyson: The amendment proposed is that one of the Proctors should be a Muslim.

Mr. H. A. Sathar H. Essak Sait: You said that you were satisfied with the existing arrangements, that there is one Proctor and that has given complete satisfaction. By rotation we could have every college to nominate a Proctor. If it is by rotation, each college can nominate one Proctor. How can he arrange this with two Proctors. He must give this information to us before he hopes to get the support of the House for his proposal.

I have been observing that the Government entrenched as it is behind the great number of votes they have at their command are becoming less and less careful about satisfying this House with regard to their proposals and this attitude is now being carried to great extremes. I would respectfully submit to you that in regard to what happened this morning it is necessary that the Government should be careful to satisfy this House that their proposals are necessary and they are reasonable.

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

"That in clause 16 of the Bill, in clause (5) of Statute 16 in the proposed Schedule after the word 'Proctors' the words 'at least one of whom shall be a Muslim' be inserted."

The motion was negatived.

Syed Ghulam Bhik Nairang: Sir, I move:

"That in clause 16 of the Bill, after Statute 16 in the proposed Schedule the following be inserted:

'17. (a) There shall be a Muslim Advisory Board consisting of seven members to advise the University on matters affecting the interests of Muslim education.

(b) The seven members of the Board shall be elected by the Muslim members of the Court and they shall hold office for three years. The Board shall elect its own Chairman.

(c) The Board shall have right to address any authority or any officer, of the University on matters affecting the educational interests of Muslims'."

Sir, although the wording of my amendment is by itself very clear I may explain a little in order to make myself clearer. This is an advisory board which we want to have in this University and this is to consist of Muslim members who are to be elected by the Muslim members of the Court. From the very wording of the proposal, it is not necessary that the members of this Board should be elected by the Muslim Members of the Court from among themselves. They can elect from a wider circle. That Board is to be an advisory board, without rousing any suspicion that it is to have any kind of power beyond the right to advise. Under clause (3) that advice is to take the form of their addressing the authorities of the University or the officers of the University about matters affecting the educational interests of the Muslims. Finding ourselves extremely meagrely represented on the several bodies constituted for the working of the Delhi University and apprehending very rightly that the educational interests of the Muslims will not be brought to the notice of the authorities of the University in an effective way, we seek to constitute this Board, so that there may be a means of making the voice of Muslims concerning their educational welfare and their educational interest reach the ears of the authorities, whatever may happen to it thereafter. It is the characteristic of advisory bodies that their function is merely advisory. Their advice very often turns out eventually to be a mere pious wish. It carries no binding force and will merely open the ears of the authorities of the University to the voice of Mussalmans concerning their educational interests and will be a means of ensuring to a certain extent at least that those matters come to the knowledge of the authorities. It depends on their will to act upon the advice and to have the good sense to accept it or they may reject it. Of course, they are not in any way bound to accept the advice so offered. Anyhow, there will be a body which will be watching the Muslim educational interests in the University. That would, I think, obviate the necessity of being over-cautious about their interfering with the management of affairs or with the conduct of the administrative work of the University. Any apprehension of that kind should be allayed by the fact that they are only to advise and that they are to advise about the educational interests of Mussalmans. I think a body like that, necessary and useful from our point of view, should be most innocuous from the point of view of my Honourable friend Mr. Tyson and even my Honourable friend Mr. Lalchand Navalrai may not get apprehensive that we are, according to his newly coined word 'Muhammadanising' the University by means of amendments like this. I think no harm will be done. In fact, a good deal of good will be done if a body like this is appointed.

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

"That in clause 16 of the Bill, after Statute 16 in the proposed Schedule the following be inserted:

'17. (a) There shall be a Muslim Advisory Board consisting of seven members to advise the University on matters affecting the interests of Muslim education.

(b) The seven members of the Board shall be elected by the Muslim members of the Court and they shall hold office for three years. The Board shall elect its own Chairman.

(c) The Board shall have right to address any authority or any officer, of the University on matters affecting the educational interests of Muslims'."

Mr. Amarendra Nath Chattopadhyaya (Burdwan Division: Non-Muhammadan Rural): Sir, while the Honourable the Mover of this amendment was speaking I tried to find out from him where was the difference between the interests of Muslim education and the Hindu education, but he did not give way. I am quite at a loss to find out the difference. If the Honourable the Mover of the amendment will kindly explain it, I shall be satisfied.

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Sir, I rise to support the amendment moved by my Party. I would, first of all, try to reply to my Honourable friend Mr. Chattopadhyaya who just said as to what is the difference between the interests of the Muslim education and the interests of the education of non-Muslims. Probably, the Honourable Member does realise that Muslims as a nation have got their own culture, their own traditions and their own history which is so distinct and different from other nations in India. When we say that we want to safeguard the education of the Mussalmans, we mean to say that our youngsters should be given lessons of our own history, of our traditions and also of our religion, which is fundamentally so different from other nations professing different religions. It may be a very special subject for education of Muslims. The other nations also might claim to have the same kind of things. They may also like to know about their own religion, about their own traditions and about their own culture and we will have no quarrel with them, but we must have our own in any case.

Now, Sir, speaking on the amendment itself, I would just refer to the passages in the Calcutta University Commission's report, Volume 5. The Commission thought that the establishment of an Advisory Board for the Mussalmans was very essential. They said:

"We have also urged the establishment of a Muslim Advisory Board to advise the University on matters affecting the interests and convictions of Muslim students."

Not only that, the Commission thought this Advisory Board to be an important body and in paragraph 3 on page 214 they said:

"In designing the Executive Council of the reorganised Calcutta University we have provided that out of 17 members three at least must always be Mussalmans, while our proposed Academic Council is to include four representatives with educational experience, two at least of whom should be teachers, to be appointed by the Chancellor after report from the Muslim Advisory Board."

That was the recommendation made by the Commission. In this particular Bill I find no safeguard has been provided anywhere and probably the entire opinion of the Commission has been ignored. We think that the very modest demand we can make at this stage is that we should at least have a Muslim Advisory Board which would advise the University and the Executive Council from time to time as to what should be done for the furtherance of the Muslim education. That is a very modest demand which we make at this moment. As I said the other day, when I was speaking

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not repeat what he said before.

Mr. Muhammad Nauman: Sir, we have said before that we are not going to ask for a separate University as yet, but if the present attitude of the Government continues and also of my other so-called nationalist Hindu friends, probably it will not be very long when we may feel compelled to come up with that demand. If things are ignored, if we are refused at every stage, if the safeguards that we think are necessary for ourselves are not conceded to us and if everything that we suggest is rejected, there will be no other alternative left to us except at a later stage to come with that demand. We are anxious to have the co-operation of our Hindu friends, but, at the same time, we cannot sacrifice our culture and the particular kind of education we require. That is why we want that there should be an Advisory Board which will advise on the general aspect of the Muslim education.

Mr. President (The Honourable Sir Abdur Rahim): All that has been said repeatedly before.

Mr. Muhammad Nauman: Sir, I do not suppose that the amendment requires a great deal of elucidation and I hope the Government would realise its importance and accept it.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Sir, this amendment seeks to establish a Muslim Advisory Board to guard the interests of Muslim education and the members of the Board are to be elected by the Muslim members of the Court. This appears to me to be communalism with a vengeance. Now, Sir, what is Muslim education? In spite of the efforts

made by my Honourable friend Mr. Muhammad Nauman, I have not yet been able to understand in what respects Muslim education differs from Hindu education or Sikh education or Parsi education. Sir, what we should all aim at is education in general. My Honourable friend Mr. Muhammad Nauman observed that there were certain subjects connected with history, religion and culture of Muslims. I admit that. Yesterday, when an amendment was moved by an Honourable Member belonging to the Muslim League Party, I said that I would support that amendment, if only the members were, instead of being nominated by the Chancellor, to be co-opted by the Academic Council. I did not actually support because my proposal was not accepted either by the Muslim League Party or by the Government. Sir, I do think that there are certain subjects in which the Muslim community is interested,—such as Arabic, Persian and so forth. Similarly, there are certain other subjects in which the Hindu community is interested, ancient history, Sanskrit, Pali and so forth. It is my considered view that proper arrangements should be made for the study of these subjects in the University. But for that purpose, a separate Board should not be created. That is quite unnecessary. As for the students who take up these subjects, my Honourable friend Dr. Sir Zia Uddin Ahmad, who is not here just now, told us yesterday that there were very few students who were in favour of Arabic, Persian and Urdu. As a matter of fact, modern education is what most students want. If one or two per cent. of the Muslim students want to be trained in subjects like Arabic, Persian Urdu or Islamic history, proper arrangements can be made by the University without having a separate Board of Education.

Sir, I oppose the amendment.

Mr. J. P. Sargent (Government of India: Nominated Official): Sir, I admire the ingenuity with which many of the amendments we have been discussing have been framed and I also admire the persistent eloquence with which they have been advocated. But, I must admit that after the decision we reached in regard to amendment No. 32, which as my Honourable friend Dr. Banerjee pointed out, has added to the Academic Council, persons capable of advising in regard to subjects of Islamic culture and learning, I thought that we had gone almost the whole way to satisfy the principle behind this present amendment. Although I have been charged, I may say, with not having been long enough in this country to appreciate the educational aspirations of the Muslim community, I think I do appreciate that there are certain subjects of special interest to that community. There are also subjects of special interest to other communities, whether major or minor communities. There are subjects, probably of special interest to my own co-religionists and I should like to see every possible safeguard in any educational institution that these subjects will receive proper consideration. But, Sir, I hope that that has in fact been done. Therefore, it seems unnecessary to set up a special body in relation to one community. This moreover would I think in fairness involve the setting up of similar Advisory bodies in regard to other communities to advise in regard to educational questions. I am hoping that in the reorganised University, with increased support from the minority communities, the minority communities will gain that weight in the councils of the University which will ensure such treatment of their students as will satisfy them. Other Honourable Members of this House, I know, hold the opinion that probably under the new system things may be or will be worse than they were under the old. That is a *bona fide* difference of opinion which I am perfectly prepared to accept, although I shall continue to back up my own opinion until it is proved by facts to be wrong. But, Sir, I would point out that if my Honourable friends are right and I am wrong, an Advisory Committee of the kind proposed by this amendment will not in any case serve the purpose which they have in mind. For that reason I regret that we are unable to accept this amendment.

Qazi Muhammad Ahmad Kazmi (Meerut Division: Muhammadan Rural): Mr. President, I have heard the point of view of the Government in opposing this amendment and also the point of view of my Honourable friends of the Nationalist Party. In view of the fact that the Government have admitted during the course of the Debate on this Bill that many an injustice has been

[Qazi Muhammad Ahmad Kazmi.]

done to the Muslim interests under the present administration of the Delhi University, it was only fit that Government ought to have proposed a machinery by which at least they would be able to watch in future the interest of Muslims and the interests of minorities.

So far as I can understand most of the objections that have been raised against this amendment merely involve a play of words and not understanding the real purport of the amendment. No doubt the words 'interest of Muslim education' are not very happy. But if we read it as the 'interests of Muslims in education', I think the meaning would be the same, and it would not be subject to the criticism which has been brought forward as to Muslim education and others. It is not a question of Muslim education or Hindu education, but of the interests of the communities. We have been hearing that the interests that have been suffering are Muslim interests in education. If we were to consider the last part of this amendment (c), we find that they say that the Board shall have the right to address any authority or any officer of the University on matters affecting educational interests of Muslims. Then if the interests of Muslims in education are affected, they are to be helped by this Advisory Body. But it seems to me that if we introduce the word 'Muslim' in any amendment, it becomes a communal amendment. If that be the accepted principle, then I have nothing more to say. I would have to say that this is absolutely a communal amendment. But if we agree or if we think the matter more seriously, then we will find that if the question of safeguarding the interests of the community in the University is a valid object with which Government agree, then this body which is proposed in the amendment and which is only an extraneous body cannot be objected to. This body is not connected with the University. What is intended is that a body of independent persons belonging to the Muslim community which are nominated or elected by the Muslim Members of the Court should be appointed to look to the interests of the Muslim community in the University. And if necessary they should communicate or negotiate with the university authorities and bring to their notice the complaints that the Muslims have got. The body contemplated by the present amendment is not intended in any way to be a part of the Executive Council or Court or any other active body of the university itself. It will be an absolutely outside body.

We are today criticising the university and any Muslim can take up the cause of Muslims in this university, but that does not mean that he is a part of the Delhi University. The intention to take away communalism from the Delhi University is not defeated by the creation of such a body. I request the House to consider this matter seriously. Now that all amendments regarding the representation of Muslims have been overruled or opposed by Government and rejected, this amendment has been put forward so that while this body will have nothing to do with the constitution of the university itself it would be a committee which will look to the interests of Muslims inside the university and have the privilege of communicating its views to the university authorities. Therefore it is an entirely outside body and . . .

Dr. P. N. Banerjee: No, that is wrong. This body is to be elected by the Muslim members of the Court. If it consists of Muslim gentlemen who take an interest in Muslim students and occasionally address the university authorities there would be no objection, you can constitute such a body outside the university. But the Board in this amendment is a part and parcel of the university itself and that is where the objection comes in.

Qazi Muhammad Ahmad Kazmi: With regard to that I and Dr. Banerjee are on common ground that if it is an outside body elected by outsiders like the Anjuman Islamiya or by the Muslim citizens of Delhi, there would be no objection. But if the election is made by Muslim members of the Court I do not see how it becomes part of the university, when there is no power of interference and meddling with the affairs of the university given to this body. Personally I do not see any difference between the two,—election by an outside or public body and election by members of the Court; the thing remains the same. Their powers of interference are not exceeded and therefore there will

be no communalism introduced in the citadel of learning, as has been so often claimed in this House. If a body elected by the Muslim citizens of Delhi to safeguard the interests of Muslims or act as their watch-dog cannot be characterised as introducing communalism in the university, I do not see how it would introduce communalism if this body is elected by the Muslim members of the Court. From this point of view, Sir, I support this amendment which I consider to be absolutely innocuous and harmless and should be accepted by Government after this full exposition by the leader of the Nationalist Party.

Nawabzada Muhammad Liaquat Ali Khan: (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, my Honourable friends Mr. Chattopadhyaya and Dr. Banerjee have asked us how the interests of Muslims in matters educational differ from the interests of others. For the last few days we have been doing nothing but discussing this matter, and it reminds me of that story where somebody read the whole of Mulla Jamir's poem of Yusoof-Zuleikha and at the end asked whether Zuleikha was a man or a woman. Sir, we have been doing nothing but discussing this and by facts and figures I have tried to show that the interest of Muslim education has suffered in this university. I must say that I have had many shocks from Government but their opposition to this amendment is the greatest shock that one could get. They have opposed this amendment on the ground, as my Honourable friend Mr. Sargent said, that it will not be right to have a statutory body with regard to the interests of one community; if we do that we will have to have bodies like this in regard to the interests of every other community. Sir, I really wonder if Mr. Sargent has, after having been in this country for so many years, really understood what the situation in India is. There are two major communities,—the Mussalmans and the Hindus. The university of Delhi by the action and unjust attitude of Government has been handed over to the Hindu community, and so there is no question of having another statutory advisory body so far as their interests are concerned. They have got possession of this university and they had it for the last twenty years. It is only the Muslims who have been deliberately kept out by Government and who want that some sort of advisory body should be set up so that its voice might reach the authorities of the university. It is such an innocent amendment that I really thought that no one would have any objection to it. My Honourable friend Dr. Banerjee objects to it on the ground that the members will be elected by the Muslim members of the Court; he would have no objection if they were elected by people other than the Muslim members of the Court. Sir, we had to think of a constituency; you cannot suggest the formation of a board without considering how that board is to be constituted. And we thought that naturally the Muslim members of the Court of the university will be more in the know of things and more interested in the affairs of the university than others, and therefore that constituency will be the best constituency to elect members of this board. I assure him that the object is not that we want to have a sort of statutory body that will usurp any of the functions of the University. To my mind the constituency that has been suggested here is better than any other constituency that one could think of. We could have easily said that the whole of the Muslim adult population of Delhi should elect a board of seven. Perhaps Dr. Banerjee would not have had any objection to that proposition. But I submit, Sir, that anybody that might have been elected by a vote of that kind would not have been very suitable either for the University or for higher education of Muslims. When you want to constitute a body, the electorate must be such which understands the object for which that body is being set up, and which is intimately connected with the affairs of that institution for which that body is set up.

Sir, what is it really that this amendment desires. All that it wants is that there shall be an advisory board of Muslims which will now and again bring to the notice of the University authorities the requirements of Muslim education. My Honourable friend, Mr. Sargent, and other members also, have confined the requirements of Muslim education to the question of teaching of Urdu, Persian and Arabic. Well, although my Honourable friend Mr. Sargent is a great educationalist I beg to differ from him that the object of education is

[Nawabzada Muhammad Liaquat Ali Khan.] only to learn certain subjects by means of books. Education covers every field of activity of a person and therefore if these Universities are meant only to impart some book knowledge then, I am afraid, we are wasting all the money that is being spent on these Universities. I will give you one instance of how the interest of Muslim education is different from that of the other community: Last August on the 9th when the Congress leaders were arrested, there were Hartals here in Delhi for many days in all the colleges except the Anglo Arabic college. That was the only college that functioned during those troublous times. The Muslim students who are studying in these other colleges came to me and said: "We want to continue our studies, we do not want to join this Hartal. We have no sympathy with this but our teachers in the other colleges do not give us any opportunity to carry on with our studies." This is one of the matters where the question of Muslim education differs from that of the education of Hindu boys. The Hindu boys have made active politics as a part of their education. The Muslim boys have not yet made active politics as a part of their education.

Dr. P. N. Banerjee: Does the University recognize that as a part of the education?

Nawabzada Muhammad Liaquat Ali Khan: Whether the University recognizes it or whether the University does not recognize it, the fact is that all the trouble that was created in Delhi at that time was created by the Hindu students alone, and it were the Hindu colleges that were closed during that period. I want to know, if the University does not recognize, if the University condemns this action, what action has the University taken against those colleges or those students. The University cannot take any action because the University is dominated by the Hindu community.

Sir, I told these boys "Look here, you have got a Muslim college, but if you go and join other institutions I cannot help you." Their reply was very pertinent: "We do not want to go and join those other institutions but we have to because the University has not recognized your college to give higher teaching in certain subjects and when we want to take up those subjects we have to go to those other institutions." And, Sir, we were not given recognition in these subjects because of the fact that we had no voice in the University. So I want to show to this Honourable House and bring it home to the Government who seem to be sitting in their offices and do not know that there are any difficulties. Those of us who are in direct touch with the education in Delhi do face these difficulties, and that is why in the beginning we demanded that we should have an effective voice in the affairs of the University. We have been denied that. Now we come forward with a proposal which does not usurp any of the powers or authority of the University. All that it seeks to demand is that the University authorities will not throw away any communication that may be sent by this board in the waste paper basket. It really does not demand anything more and if the object of the Government is really to look after the interests of one community only and in spite of their pious wishes to ignore the interests of the other communities who unfortunately happen to be in a minority, then I could understand their objection to a proposal of this kind. But I really fail to see why the Government should object to the constitution of a Board of this nature. It is not unacademic. My Honourable friend, Mr. Nauman, has quoted from the report of a committee which certainly consisted of educationalists who were in no way inferior to the educationalists who are advising the Government of India today. They were not all fools. They were not the people who did not know what are the requirements in matters of education and whether Hindu education is different to Muslim education. They had studied the situation very carefully and they made this recommendation definitely. It is not that we have thought of something quite ingenious. We have taken it from the report of a commission which was appointed for the purpose of educational advancement and on which were members who were considered as the greatest educationalists that one could get hold of. So, I really fail to see why the Government are opposing and if that is their attitude, let me tell

them quite frankly that we do not care a— I won't use the word 'damn' although I feel inclined to use it—bit whether you accept it or not. You are not going to be here for ever. We are going to be here for ever and we shall get it and we are determined to get it in spite of your unsympathetic and unjust attitude that you have been adopting with regard to Muslim education. By talking tall of nationalism and not introducing communalism you are really being responsible for doing the greatest injury to the Mussalmans of Delhi.

An Honourable Member: The question may now be put.

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

"That the question be put."

The motion was adopted.

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

"That in clause 16 of the Bill, after Statute 16 in the proposed Schedule the following be inserted:

17. (a) There shall be a Muslim Advisory Board consisting of seven members to advise the University on matters affecting the interests of Muslim education.

(b) The seven members of the Board shall be elected by the Muslim members of the Court and they shall hold office for three years. The Board shall elect its own Chairman.

(c) The Board shall have right to address any authority or any officer, of the University on matters affecting the educational interests of Muslims."

The Assembly divided:

AYES—15.

Abdul Ghani, Maulvi Muhammad.
Abdullah, Mr. H. M.
Choudhury, Mr. Muhammad Hussain.
Essak Sait, Mr. H. A. Sathar H.
Ghiasuddin, Mr. M.
Kamaluddin Ahmad, Shamsul-Ulema.
Liaquat Ali Khan, Nawabzada Muhammad.
Murtuza Sahib Bahadur, Maulvi Syed.

Nairang, Syed Ghulam Bhik.
Nauman, Mr. Muhammad.
Siddique Ali Khan, Nawab.
Umar Aly Shah, Mr.
Yamin Khan, Sir Muhammad.
Yusuf Abdoola Haroon, Seth.
Zafar Ali Khan, Maulana.

NOES—39.

Ahmad Nawaz Khan, Major Nawab Sir.
Aiyar, Mr. T. S. Sankara.
Ambedkar, The Honourable Dr. B. R.
Banerjee, Dr. P. N.
Bentham, The Honourable Sir Edward.
Bewoor, Sir Gurunath.
Chapman-Mortimer, Mr. T.
Chatterji, Mr. S. C.
Chattopadhyaya, Mr. Amarendra Nath.
Daga, Seth Sunder Lall.
Dalal, Dr. Sir Ratanji Dinshaw.
Dalpat Singh, Sardar Bahadur Captain.
Dam, Mr. Ananga Mohan.
Deshmukh, Mr. Govind V.
Habibur-Rahman, Khan Bahadur Sheikh.
Haidar, Khan Bahadur Shamsuddin.
Imam, Mr. Saiyid Haidar.
Ismael Alikhan, Kunwar Hajee.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Kailash Bihari Lall, Mr.

Lalchand Navalrai, Mr.
Mackeown, Mr. J. A.
Maitra, Pandit Lakshmi Kanta.
Maxwell, The Honourable Sir Reginald.
Muazzam Sahib Bahadur, Mr. Muhammad.
Pai, Mr. A. V.
Parma Nand, Bhai.
Piare Lall Kureel, Mr.
Raisman, The Honourable Sir Jeremy.
Ray, Mrs. Renuka.
Roy, The Honourable Sir Asoka.
Sargent, Mr. J. P.
Spear, Dr. T. G. P.
Spence, Sir George.
Sultan Ahmed, The Honourable Sir.
Thakur Singh, Major.
Trivedi, Mr. C. M.
Tyson, Mr. J. D.
Zaman, Mr. S. R.

The motion was negatived.

Sir George Spence: I move:

"That in clause 16 of the Bill, in clause (2) of Statute 17 in the proposed new Schedule for the word 'six' the words 'the following' be substituted."

Sir, the point of this amendment is that there is one possible contingency in which the Committee of Selection will have only five members. If Honourable Members will look at the first pair of clauses numbered (v) and (vi), they will see that where the appointment or recognition of a Professor is in question, the sixth member is to be the Dean of the Faculty concerned unless he is himself a candidate. If he is a candidate he won't be on the Committee and nobody else will take his place and there will be only five members. Sir, I move.

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

"That in clause 16 of the Bill, in clause (2) of Statute 17 in the proposed new Schedule for the word 'six' the words 'the following' be substituted."

The motion was adopted.

Maulvi Muhammad Abdul Ghani: I want to speak on the amendment. I am going to oppose it.

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

Mr. Amarendra Nath Chattopadhyaya: Sir, I move:

"That in clause 16 of the Bill, to clause (2) of Statute 17 in the proposed Schedule, the following Proviso be added:

'Provided that the Principal of the College concerned shall serve as an Adviser on the Committee of Selection'."

This is a very small and reasonable amendment. The Statute says that no person shall be appointed or recognised as a teacher of the University except on the recommendation of a Committee of Selection constituted for the purpose. The Committee of Selection consists of six members, but without the Principal of the college where the appointment is made, it is not complete. Here I have proposed that the Principal of the college concerned should be co-opted as an adviser—he is not going to be in the committee itself, but only for the purpose of that particular college whose Principal has to give his advice on the appointment. I believe that the amendment is so reasonable that the Government will accept it and I do not therefore like to take the time of the House further. I move.

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

"That in clause 16 of the Bill, to clause (2) of Statute 17 in the proposed Schedule, the following Proviso be added:

'Provided that the Principal of the College concerned shall serve as an Adviser on the Committee of Selection'."

Mr. J. D. Tyson: Sir, I agree with my Honourable friend the Mover of this amendment that it is a reasonable one. The effect of the proposals in the Bill is to cut out of the Committee of Selection the present provision whereby a representative of the Governing Body of each college is a member of the committee. That in effect meant six principals or representatives of governing bodies attending, and was one of the elements which went to make the Committee of Selection excessively large. That has been cut out and we certainly felt that if we were going to tackle that very large element at all it could only be by cutting the whole lot out. It would obviously have been unfair to put certain colleges on and leave others off. We thought for a time of having colleges in rotation. That, probably, would also not have worked fairly. In this particular amendment that is before us, it is provided that where the question of recognising a college teacher as a teacher of the university comes up, the principal of the college concerned should serve on the committee as an adviser. He is obviously a very competent adviser to speak for a teacher drawn from his own college. I must say that I think that this amendment is a helpful one, and I should be very glad from the Government side to accept it.

Mr. Lalchand Navalrai: Sir, I support this amendment on this ground that it removes my two amendments that will be coming hereafter. Nos. 51 and 53. That will be saving time also.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member would have saved time still more if under the circumstances he did not speak on this amendment at all.

Mr. Lalchand Navalrai: I am not going to make my usual speech. I shall say only a few words. I only say that this will satisfy that when the Principal is there the interests of the professors will be safeguarded. I think this amendment is a very salutary one.

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

"That in clause 16 of the Bill, to clause (2) of Statute 17 in the proposed Schedule, the following Proviso be added:

'Provided that the Principal of the College concerned shall serve as an Adviser on the Committee of Selection'."

The motion was adopted.

Syed Ghulam Bhik Nairang: Sir, I move:

"That in clause 16 of the Bill, to clause (2) of Statute 17 in the proposed Schedule, the following proviso be added.

'Provided that at least two members of the Committee of Selection shall be Muslims'."

The attitude of the Official Benches towards this and other amendments moved from this side of the House to safeguard in any way the interests of the Muslims has now become quite transparent and it has not created any hope for any good from those quarters to encourage us to move these amendments. Their attitude is, to say the least and to put it very mildly, deplorable. But we have also now decided to go on with our amendments and to expose the rotten system that prevails in the Delhi University and also to expose the quarters from which the Delhi University receives encouragement in doing its work in the way in which it has been doing for the last twenty years. We have been time and again been treated to professions of very tender regard, almost paternal regard, for the interests of all communities, and the meticulous care that is always taken of the interests of all concerned in institutions like the University; but we find that all those professions are, when seen in the light of what happens in practice, entirely hypocritical. Most reasonable proposals, most inoffensive proposals, proposals not likely to confer any power on any body that can be called communalistic, are opposed; and of course when one wants to oppose a thing, reasons and arguments can be found. There is such a vast armoury of arguments and reasons at the disposal of the Official Benches; they can take out a few of them and trot them out as reasons in support of their attitude. Now, look at the proposal to have a Muslim Advisory Board. It was completely demonstrated that that would be absolutely an inoffensive body and it would do nothing better and nothing worse.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must not go back and reflect on a decision already taken.

Syed Ghulam Bhik Nairang: I give it only as an instance of the way in which Government.

Mr. President (The Honourable Sir Abdur Rahim): It happened just now; it is not permissible to go back to it.

Syed Ghulam Bhik Nairang: Anyhow, Sir, I cited it simply as an instance of even the most innocent thing being rejected.

Mr. President (The Honourable Sir Abdur Rahim): In this way you could go on citing while discussing every new amendment, every other amendment which has been dealt with already.

Syed Ghulam Bhik Nairang: You know that this Selection Committee is one of the most important bodies. The University Statute lays it down that no person shall be appointed or recognised as a teacher of the University except on the recommendation of a Committee of Selection constituted for the purpose. So unless this hurdle is crossed, nobody can hope to be either appointed or recognised as a teacher of the University. Then the composition of the Selection Committee is detailed in clause 2, which is as follows:

- (i) The Vice-Chancellor,
 - (ii) the Educational Adviser to the Government of India,
 - (iii) a person elected by the Academic Council, who need not be a member of the Academic Council but shall be a person unconnected with any of the Colleges,
 - (iv) a person nominated by the Chancellor, and where the appointment or recognition of a Professor is in question,
 - (v) a person, not connected with the University or any College, with expert knowledge of the subject concerned, appointed by the Executive Council, and
 - (vi) the Dean of the Faculty concerned unless he is himself a candidate;
- where the appointment or recognition of a Reader is in question:
- (v) a person, not connected with the University or any college, with expert knowledge of the subject concerned, appointed by the Executive Council, and
 - (vi) the head of the Department concerned;
- where the appointment or recognition of a teacher other than a Professor or Reader is in question:
- (v) a person not connected with the University or any College, appointed by the Executive Council, and
 - (vi) the head of the Department concerned."

[Syed Ghulam Bhik Nairang.]

And now, a very useful proviso has been added, viz., that the Principal of the college concerned shall serve as an Adviser on the Committee of Selection. This we heartily welcome.

If things are allowed to proceed as they have been proceeding, and looking at the composition of the Delhi University as at present obtaining, we cannot hope, Sir, that the cases of Muslim candidates for appointment or recognition as teachers in the University will receive any but the unsympathetic treatment which they have been receiving so far. Therefore, we seek to add this proviso that two members of this Committee at least shall be Muslims. Sir, I move.

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

"That in clause 16 of the Bill, to clause (2) of Statute 17 in the proposed Schedule the following Proviso be added:

'Provided that at least two members of the Committee of Selection shall be Muslims.'"

Mr. J. D. Tyson: Sir, the Committee of Selection envisaged in the Schedule before the House will consist of six persons—five in one contingency into which I need not enter here. There are in fact three Committees of Selection envisaged: a Committee of Selection where a Professor is to be appointed or recognised; a Committee of Selection where a Reader has to be appointed or recognised; and a Committee of Selection where a teacher other than a Professor or a Reader has to be appointed or recognised. Now, the amendment before us seeks to provide that of the six persons two shall be Muslims. I do not think it is possible to lay it down effectively in the Statute. The first member of the Committee common to all the three kinds of Committees is the Vice Chancellor and I cannot guarantee that he would be a Muslim. The next is the Educational Adviser. He is common to the three and there again the same applies.

Dr. P. N. Banerjee: Both of them may or may not be Muslims.

Mr. J. D. Tyson: Yes. The third is a person selected by the Academic Council, not necessarily from its own body, and unconnected with any College. We cannot lay it down that he will be a Muslim. Let us leave the fourth one for the moment, who is a person nominated by the Chancellor. The fifth is an expert not connected with the University and appointed by the Executive Council. In one case he is not required to be an expert, but simply a person from outside appointed by the Executive Council. There again it cannot be assumed that he would be a Muslim. The last is in one case the Dean of the Faculty, unless he is a candidate for the professorship; in the other cases it is the head of the Department concerned. He is there *ex-officio* and it cannot be assumed that he will be a Muslim. Therefore there is no opening there whereby it can be laid down that this one must be a Muslim; and the only one that remains is the nominee of the Chancellor. The Chancellor's nomination would normally be made when he saw what the Committee of Selection looked like after the other appointing bodies had made their selection and would be used to fill any obvious lacuna. It might be used to fill a lacuna as regards communities, but one could not bind the Chancellor to that view, for it might be necessary for him to fill some academic lacuna. I think, therefore, that on the basis of a Selection Committee of six, it really is not practicable to lay down that two of them shall be Muslims. That is an objection of what I might call machinery. Of course, there is the objection that the primary object of this Statute is to secure the best possible Committee of Selection bearing in mind the subject in which the appointment or recognition is to take place, and I think that from that point of view a proviso such as envisaged by this amendment is quite out of place.

As regards recognition we have, in the amendment just accepted, tried to ensure that where a teacher from a certain College is under consideration for recognition, the Principal of that College will be present and able to give his opinion. But I am afraid we cannot go further. We cannot accept an

amendment which seeks to lay down that two of this Committee of six must be Muslims.

Maulvi Muhammad Abdul Ghani: I find Sir, that this Committee of Selection is all in all and is very powerful and it can do or undo anything it likes. Here in clause 3 it says that the Committee of Selection appointed under sub-clause (1) shall report to the Executive Council which shall, if it accepts the recommendation of the Committee, make the appointment or confirm the recognition as the case may be. So it lies entirely in the power of the Executive Council. The recommendation of the Committee of Selection will go to the Executive Council. Now you know that we lost our amendment regarding the safeguards in the Executive Council which we wanted to have to protect the interests of Muslim students. So practically speaking, all our doors are going to be closed; some on the plea that it does not suit the Government; some on the plea that a smell of communalism comes in; and some on the plea that it is not advisable. So, on innumerable pleas, some of which have been expressed and some are unexpressed, our demands are going to be opposed. However we are not discouraged and we shall continue to do what we think is just and proper in the interests of education in general and Muslim education in particular.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has said that very often. He must confine himself to the amendment.

Maulvi Muhammad Abdul Ghani: All these matters should be left to the chosen representatives of the people. That procedure is not up to now cared for. We have to face these difficulties, so much so that even persons who are nominated to protect the interests of minority communities are not allowed to vote on this side or the side they like. So, they also cannot exercise their votes freely. What was the necessity of nominating these persons, if they cannot safeguard the interests of the community to which they belong. I want to know whether there has been any decision or not in regard to asking the members concerned, belonging to a particular community, to exercise their vote freely. In case there is any silence or any refusal to reply, we could be compelled to take it that their votes are given only under compulsion.

Mr. Muhammad Nauman: The Government representative explained away Governments position by saying that there are difficulties in accepting the amendment. They do not want to bind the hands of the Chancellor in the matter of nomination or place restrictions on Academic Council or the Executive Council, the three authorities who will make nomination on this committee but the Government is not shy of flouting the opinion of this House and seeing that they pin down the Muslims to a position in which it will be impossible for Muslims to get into this committee. What harm could there be if it was put down in the Statute that two of the members would be Muslims. In that case the members of the Academic Council would have the full liberty of making the best selection from amongst the Mussalmans only; unless the Government is prepared to tell us that there is no possibility of getting a Mussalman deserving of that position, I do not suppose that there can be any reason to advocate the position which the Government has taken in this connection. When the Government is convinced at this stage at least that Muslim representatives do feel that they have been definitely put in a position where they will have no representation, was it not necessary to put it down in the statute that the Chancellor uses his discretion in making the selection from among the 100 millions of Mussalmans only. It is not the case of a very small community where the selection would be difficult and the Chancellor would not be able to get the right type of person. With these remarks I would again ask the Government to revise their attitude and respect the views that we are placing before them and to respect the feelings of the nation whom we represent and which we are voicing in this House. With these words, I support the amendment.

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

"That in clause 16 of the Bill, to clause (2) of Statute 17 in the proposed Schedule the following Proviso be added:

'Provided that at least two members of the Committee of Selection shall be Muslims'."

The motion was negatived.

Syed Ghulam Bhik Nairang: Sir, I move:

"That in clause 16 of the Bill, to clause (3) of Statute 18 in the proposed Schedule, all the words beginning with the words 'A person in the service of' and ending with the words 'in the service of the College' be omitted."

It appears that the teachers of the University are classified into Professors, Readers and Lecturers. There are stipendiary professors and teachers and also honorary but we do not understand what is meant by a teacher other than a Professor, Reader or Lecturer and unless it is made clear what kind of a teacher remains outside the categories of Professor, Reader or Lecturer and this provision becomes intelligible, we think this is a redundancy and should be expunged. Sir, I move.

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

"That in clause 16 of the Bill, to clause (3) of Statute 18 in the proposed Schedule, all the words beginning with the words 'A person in the service of' and ending with the words 'in the service of the College' be omitted."

Mr. J. P. Sargent: Sir, I will do my best to make this point clear. I

think there has been some misunderstanding as to the intention both of sub-clause (3) of Statute 18 and of the next one. In the first place, it is intended under the reorganised system that nearly all college teachers will be recognised as coming under the category of teachers in the University. Now, it is necessary to make it clear, as it is made clear in the definitions of the Act, that a teacher of the University, whether appointed or recognised, may be a professor, a reader, a lecturer or any other teacher of the University. The University has assistant lecturers and demonstrators in the Science Department and they are teachers of the University. Therefore, there are other persons besides professors, lecturers and readers who are teachers of the University.

Now, Sir, the first part of Statute 18(3) is intended to be a safeguard to the college teacher who is recognised. Under the old system it was customary for the University to recognise college teachers for as short a period as two years. Those Members who have been associated with the recent developments know that it is in order to ensure recognition of an adequate number of college teachers that we have prescribed that in order to be recognised for Government grant a college teacher shall be recognised as a teacher of the University. It is, therefore, quite clear that a college teacher, when being recognised as a teacher of the University, should be assured of a reasonable security of tenure. That is a safeguard to the college teachers when they are recognised as teachers of the University. It means that after recognising a teacher for two years, the University cannot withdraw recognition from that teacher so long as the colleges are satisfied with him or unless clause (4), on which there is another amendment and I must not refer to it, is operative. Clause (4) provides that the Vice-Chancellor may recommend, that such a teacher should not any longer be recognised. But this particular clause which we are considering at the moment is to safeguard the college teachers as they are recognised by the University. I do not know whether I have been able to make the position clear, but I think it is a clause which is in the interests of the teachers.

Nawabzada Muhammad Liaquat Ali Khan: May I ask a question from the Honourable Member? The teachers are professors, readers and lecturers and the Honourable Member has referred to certain teachers in the Science Department who are either assistant lecturers or demonstrators. But as he is aware, the teaching of science is to be done by the University in future and so the question of their being in the service of a college does not arise. So, this will

not refer to those teachers who do not come under the category of professors, readers or lecturers. I do not know whether I have made my meaning clear to the Honourable Member.

Mr. J. P. Sargent: I quite appreciate the point, but I think it is a desirable safeguard. There is no reason why there should not be assistant lecturers in other subjects who may also be recognised as teachers of the University. It would not do any harm to have them in if they were assistant lecturers and the university recognised them in that capacity.

Syed Ghulam Bhik Nairang: In the circumstances, Sir, I beg leave of the House to withdraw my amendment.

The amendment was, by leave of the Assembly, withdrawn.

Syed Ghulam Bhik Nairang: Sir, I move:

"That in clause 16 of the Bill, clause (4) of Statute 18 in the proposed Schedule be omitted."

Sir, clause (4) of Statute 18 reads as follows:

"The Executive Council may, on a reference from the Vice-Chancellor, withdraw recognition from a teacher:

Provided that the teacher or the College concerned may, within a period of thirty days from the date of the order of withdrawal, appeal against the order to the Chancellor whose decision shall be final."

By this amendment we seek to do away with this provision and obviate the chances of withdrawal of recognition and consequent appeals to the Chancellor which will only tend to increase the sense of insecurity among the class of teachers recognised. My Honourable friend Mr. Sargent in his remarks about the last amendment said that, among other things, the object of enacting the provision relating to teachers other than professors, readers and lecturers was to inspire in them a sense of security. I say the same sense of security is necessary here also. Once you have recognised a teacher after duly checking his qualifications and giving him a certain status, why provide for a withdrawal? Why create this sense of insecurity in his mind that tomorrow his recognition may be withdrawn? The teachers will not have their heart in their work if this provision is there. I submit that this provision is also a redundancy and therefore this clause should be deleted. Sir, I move.

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

"That in clause 16 of the Bill, clause (4) of Statute 18 in the proposed Schedule be omitted."

Mr. J. P. Sargent: Sir, I have always supported any steps to give a reasonable security to teachers both in the colleges and in the University and I have explained that the previous clause was meant to carry out that intention. But it would be essential in the interests of the efficiency that there should be some power left in the Statute by which recognition could be withdrawn from a teacher who had proved himself to be inefficient, otherwise we would presumably guarantee his recognition permanently. This clause provides for steps to be taken for the withdrawal of recognition from a teacher whom the University regards as inefficient. Since the proviso provides a method by which a college and a teacher may represent their views if they should not happen to be in accordance with those of the University, I think sufficient safeguards against injustice are included in this proposal.

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

"That in clause 16 of the Bill, clause (4) of Statute 18 in the proposed Schedule be omitted."

The motion was negatived.

Syed Ghulam Bhik Nairang: Sir, I move:

"That in clause 16 of the Bill, clause (2) of Statute 19 in the proposed Schedule be omitted."

Sir, Statute 19 deals with the recognition of colleges and reads as follows:

"(1) The following colleges, namely:

(a) St. Stephen's College, (b) Hindu College, (c) Ramjas College, (d) Anglo-Arabic College, (e) Commercial College, and (f) Indraprastha Girl's College shall be recognised as colleges of the University, teaching in such subjects as the Executive Council, on the recommendation of the Academic Council, may, from time to time, authorise them to teach.

[Syed Ghulam Bhik Nairang.]

(2) So long as a direction made by the Central Government under the proviso to sub-section (2) of section 36 is in force, the Ramjas Intermediate College shall be recognised as a College of the University in respect of its Intermediate Classes, and shall provide instruction up to the Intermediate standard in the following subjects, namely: English, History, Mathematics, Economics, Commerce, Geography, Philosophy, Sanskrit, Persian, Hindi and Urdu."

Mr. J. D. Tyson: May I, Sir, intervene for a minute, I do not wish to prevent my Honourable friend from explaining to the House what the House has the right to hear,—the object of his amendment,—but it may enable him to explain more briefly if I say that we are disposed to accept it.

Syed Ghulam Bhik Nairang: I am thankful to my Honourable friend Mr. Tyson for enabling me to cut short my speech. I quite welcome his suggestion.

Sir, this particular College, I understand, has not itself affiliated to the Allahabad University. So this will be an amphibious College affiliated to this University and at the same time to another University. Besides this, we are abolishing by this Act the Intermediate stage of education. Therefore, this College should not find a mention in the Statute. Sir, I move:

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

"That in clause 16 of the Bill, clause (2) of Statute 19 in the proposed Schedule be omitted."

The motion was adopted.

Syed Ghulam Bhik Nairang: Sir, I move:

"That in clause 16 of the Bill, clause (3) of Statute 19 in the proposed Schedule be omitted."

Sir, on further consideration, I have decided not to proceed with this amendment.

Sir, the next amendment No. 58 has also been tabled under a misconception, rather for want of information as to what 'other teachers' meant. I do not move amendment No. 58 also.

Maulvi Muhammad Abdul Ghani: Sir, I move:

"That in clause 16 of the Bill, in sub-clause (a) of clause (2) of Statute 22 in the proposed Schedule for the word 'five' the word 'three' be substituted."

Sir, I want to reduce the fee for registration from Rs. 5 to Rs. 3.

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

"That in clause 16 of the Bill, in sub-clause (a) of clause (2) of Statute 22 in the proposed Schedule for the word 'five' the word 'three' be substituted."

Mr. J. D. Tyson: I did not fully hear the arguments by which my Honourable friend sought to support his amendment.

Nawabzada Muhammad Liaquat Ali Khan: No arguments except the poor economic condition of the people.

Mr. J. D. Tyson: Well, Sir, in this matter of fees, we have not raised them. We have not made any change in the new Statutes. The fees are the same as they were before. I have looked at the fees right through the Universities all over India, but I will not inflict them on the House; they vary in different Universities in scale and system: in some cases, the effect is higher; in some cases, the effect is lower than the Delhi University fees. But I would say this in justification for the existing fees, which were of course fixed by the University,—that they are exactly in line with the fees which the Benares Hindu University and the Aligarh Muslim University levy. These three Universities are Central Universities and I feel, Sir, that we should stick to them as they are and that the amendment should be resisted.

Dr. P. N. Banerjea: Sir, I rise to support this amendment. Most of the students who come from the Secondary stage of Education to the University are very poor. This has been my experience in Calcutta during the last forty years. We find that many of the students find it extremely difficult to meet all the fees that have to be paid at the time of entering the University. They have to approach kind hearted gentlemen and in some cases, I have found that their education is delayed, sometimes for one or two years if they find it difficult to collect the necessary fees, because registration fee is not the only fee to be paid. The registration fee is Rs. 5, besides there is the admission fee to the College, there is the fee once every three months, they have also to buy books.

Mr. J. D. Tyson: May I point out that this is not entrance fee; it is registration fee.

Dr. P. N. Banerjea: I say that when a student desires to enter a university he has to pay registration fee of Rs. 5; besides he has to meet many other expenses. Therefore, I suggest that in the interest of the poor students, it will be desirable to reduce the registration fee from Rs. 5 to 3. It is a very reasonable demand and I hope on this occasion Government will accede to this demand.

Nawabzada Muhammad Liaquat Ali Khan: Sir, I am afraid that my Honourable friend Dr. Banerjea has not quite followed, although he supported the amendment which has been moved, as to what kind of fee is mentioned here. This is registration fee for graduates.

Dr. P. N. Banerjea: I am sorry.

Nawabzada Muhammad Liaquat Ali Khan: His arguments are all right except that he confused a little as to what sort of demand this registration fee referred to. Sir, the point is this. Here a fee has been prescribed, a registration fee of Rs. 5, that is to be paid by the graduates who want to be enrolled as registered graduates. Now, Sir, the market value of a University degree now-a-days is about Rs. 35 or Rs. 40. I think to ask these people that if they want to have their names on the roll of registered graduates, they must pay a fee of Rs. 5, is a bit too high. If the market value of the graduates that are turned out by the Universities was higher then, I think, the University will be entitled to demand a larger fee. I think a sum of Rs. 3 for registration is a very fair fee and I support the amendment that has been moved by my Honourable friend Maulvi Muhammad Abdul Ghani.

It is not only that the market value is low; as a matter of fact hundreds of them cannot get any job whatever. How can you expect these people to find five rupees after you have given them a type of education which only fetches them an income of Rs. 35 or 40. And in most cases they cannot find even such a job. I do not think it is right and therefore a fee of three rupees is quite high enough to keep out undesirable graduates from the register. Sir, I support the amendment.

Mr. Amarendra Nath Chattopadhyaya: Sir, I am not aware what difference it makes between a graduate who is registered and one who is not. Registration is only for voting purposes, and sometimes when graduates cannot pay the fee the candidates who want their votes pay for them. That is a fraud of course. The best thing is to stop this registration of graduates and to give every graduate the vote. But as that is not the amendment now I support the present amendment.

Mr. Muhammad Nauman: Sir, I want to impress on Government that the registration of graduates, only creates a constituency for election to the Executive Council and other bodies. The mere fact of an individual being a graduate should be enough and no initial fee should be demanded for such registration. If it is to be paid at all it should be very nominal, and as this amendment is very simple I request Government to accept it and reduce the amount of Rs. 5 to Rs. 3 only.

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

"That in clause 16 of the Bill, in sub-clause (a) of clause (2) of Statute 22 in the proposed Schedule for the word 'five' the word 'three' be substituted."

The motion was adopted.

Maulvi Muhammad Abdul Ghani: Sir, I move:

"That in clause 16 of the Bill, in sub-clause (b) of clause (2) of Statute 22 in the proposed Schedule for the word 'fifteen' the word 'ten' and for the word 'twenty' the word 'fifteen' respectively be substituted."

It has just now been decided that for registration a graduate will have to pay an initial fee of three rupees. In addition to that it is sought to enact that he will have to pay an annual fee of two rupees for fifteen years or, twenty rupees if he wants to pay a lump sum. In place of that I propose the annual fee of two rupees for ten years or a compounded fee of fifteen rupees. In these hard days graduates have to exhaust all their resources for getting a degree and that degree also, as we have found, may be withdrawn. After getting his

[Maulvi Muhammad Abdul Ghani.]

degree the poor man in order to exercise his vote has to pay another penalty. I submit that considering the condition of the country and the financial resources of these men the fee should be lowered and should be very nominal. I should have proposed an even lower figure but being afraid of the attitude of the Treasury Benches I have suggested this modest amendment which there should be no difficulty in accepting. Sir, I move.

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

"That in clause 16 of the Bill, in sub-clause (b) of clause (2) of Statute 22 in the proposed Schedule for the word 'fifteen' the word 'ten' and for the word 'twenty' the word 'fifteen' respectively be substituted."

Mr. J. D. Tyson: Sir, as a sporting speculation in finance I am prepared not to resist this amendment.

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

"That in clause 16 of the Bill, in sub-clause (b) of clause (2) of Statute 22 in the proposed Schedule for the word 'fifteen' the word 'ten' and for the word 'twenty' the word 'fifteen' respectively be substituted."

The motion was adopted.

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.

Syed Ghulam Bhik Nairang: Sir, I move:

"That in clause 16 of the Bill, in Statute 23 in the proposed Schedule for the words 'two years' the words 'four years' be substituted."

If you turn to Statute 23, you will find:

"Except as provided in the Act, the Vice-Chancellor shall hold office for a period of two years."

I would like to make it 4 years. I think the reasons for desiring a term of four years to be provided for for the Vice-Chancellor are quite obvious. Unless the Vice-Chancellor has been re-appointed a second or a third time after completing his first term he will not have any experience of the machinery of the university or its needs and requirements, and it will take him a good many months, possibly a year, to understand how he is situated and how the University has been so far run and how it should be run in the future. To give him only two years as the term of his office is, I think, to allow him too little time to do any work worth the name. With the consciousness that he is to serve for a term of two years only and may thereafter not be re-appointed, I think he will not be able to throw his heart into the work. It will be conducive to efficient work by a Vice Chancellor if the term of two years is extended to four years. I think the matter is so simple that I need hardly make any long speech on it. Sir, I move.

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

"That in clause 16 of the Bill, in Statute 23 in the proposed Schedule for the words 'two years' the words 'four years' be substituted."

Mr. J. D. Tyson: Sir, the tables are now turned and I find myself arguing for the shorter term against my Honourable friend, who previously was arguing for the shorter term against me.

The existing provision and the existing arrangement is that the Vice Chancellor shall serve for two years and be eligible for re-election. I believe—I won't say tradition—but the practice has been that a second term is enjoyed. We have no objection to that. We, in fact, see advantages in it. But when we were amending the Act to provide for a whole-time and probably paid Vice Chancellor, we felt that to let the existing term of office remain would preclude the University from getting a suitable candidate. A person who is going to take up a whole-time post has obviously got to give up all his other activities. We felt that; and I remember the matter went to a division: we had to divide the House in favour of the term of four years as against even three, for we felt that four years was the minimum that we should hold out in order to get a suitable candidate to give up all that he was doing and come and be Vice-Chancellor. But that does not apply at all to a part-time Vice Chancellor: and when it is

remembered that he can be re-elected and generally is, we see no reason for altering the present provision and, in fact, we should on this side prefer to retain it. Sir, I oppose the amendment.

Dr. P. N. Banerjee: Sir, I rise to oppose this amendment. Only the other day when the Government sought to fix the term of appointment of the paid Vice Chancellor at four years we, on this side of the House, asked for reduction in the period and we did succeed in reducing the term from four to three years.

Nawabzada Muhammad Liaquat Ali Khan: No, we did not succeed.

Mr. J. D. Tyson: Only the pay was reduced.

Dr. P. N. Banerjee: I stand corrected; I had a mistaken impression in my mind.

It is urged now that the period should be raised from two to four years for the honorary Vice Chancellor. I do not know whether it is the intention of my Honourable friend to pay the Government back in their own coin. Because they did not agree to reduce the term of office of the paid Vice Chancellor from four to three years, my Honourable friend suggests that the term of office of the honorary Vice Chancellor should be extended from two to four years. I do not think that this is desirable. So far as an honorary Vice Chancellor is concerned, he may be able to give his services for two years at a time, but it is possible that he may be unable to give four years' time; he may, if he be a very busy man, find it difficult to accept an appointment for four years and be tied down for a long period.

Syed Ghulam Bhik Nairang: It would be open to him to resign.

Dr. P. N. Banerjee: Yes, it would be open to him to resign, but when a conscientious person takes upon himself the duties of the head of the University, he would feel very reluctant, in spite of his inconveniences, to relinquish that appointment.

Besides, Sir, if an honorary Vice Chancellor is unable to give satisfaction to all the parties and the interests concerned in the University, it would be better that his term of office should come to an end after two years instead of waiting for another two years.

Then, Sir, I think it is known to all persons on this side of the House as well as on the other side that wherever there is a system of honorary Vice Chancellorship—I should not perhaps say 'wherever', but in most of such Universities—the term of office is fixed at two years. In Calcutta that is the system. In Calcutta we have not had any difficulty with regard to this term of office. We have in our midst an ex-Vice-Chancellor of the Calcutta University who was first appointed for two years and then he was reappointed for another period of two years. Similarly, Sir, in most of the other Universities no difficulty has been experienced. Further, as my Honourable friend, Mr. Tyson, has pointed out, the system has worked well in the Delhi University and I do not see what is the reason for lengthening the term of office.

Sir, in the case of a paid Vice Chancellor, it may be necessary to give him fixity of tenure for a longer term, but that does not apply to the case of an honorary Vice Chancellor. The honorary Vice Chancellor comes of his own accord and renders service to the University without accepting any remuneration and without hope of any reward. Therefore, considering the question from all points of view, it does not seem to me to be right to extend the term to four years. If any difficulty arises in the Delhi University in future, there will be time to amend the Act. But at the present moment, it has not been said by anybody that any difficulty has been experienced in this University. I would, therefore, stick to the present system instead of changing it.

Nawabzada Muhammad Liaquat Ali Khan: I would like to explain what was our attitude regarding the term of office of the Vice-Chancellor, paid or honorary. We were of the opinion that the term of office of a Vice Chancellor should be three years, and it was with that intention that an amendment was moved when we were discussing the question of the appointment of a paid

[Nawabzada Muhammad Liaquat Ali Khan.]

Vice Chancellor. At that time our intention was that when we came to the Statutes, we would move an amendment if the other amendment was acceptable to the House, fixing the same term as that in the case of a paid Vice Chancellor. But as the House has accepted four years to be the term of office of a paid Vice Chancellor, we thought that to have the same uniformity it would be better if the same term of office was fixed in the case of an Honorary Vice Chancellor also.

My honourable friend, Mr. Tyson, has advanced an argument in support of continuing the present provision that an honorary man can be reappointed for another term of two years after his first term. Well, so could a paid man be. There was nothing to prevent a paid Vice Chancellor being reappointed after the first term of office was over.

Then, Sir, if Honourable Members would look to the past history of this University, they will find that all the Vice-Chancellors who have held office so far have always held it for four years. In the case of the present Vice Chancellor he has been reappointed for a third term of two years. But all the others held office for four years. So, in other words, the University authorities have recognised that a Vice Chancellor in fact cannot be expected to discharge his duties to the satisfaction of the University till he holds that office for at least four years. Dr. Sir Hari Singh Gour was the first Vice Chancellor appointed in 1922. He held office till 1926. After that came Rai Bahadur Dr. Seth Moti Seghar who held office till 1930. Then came Khan Bahadur Sir Abdul Rahaman who held office till 1934 and Rai Bahadur Ram Kishore who held office till 1938 when the present Vice Chancellor, Sir Maurice Gwyer, was appointed.

So, what I submit is this that from the experience of twenty years it has been found that no person can really discharge his duties as Vice Chancellor satisfactorily unless he holds that office for four years. Now, my Honourable friend says that there is no harm in the case of an Honorary Vice Chancellor; if he is really suitable and a fit person, he can be reappointed. What I submit is this. I think that in the case of an Honorary Vice Chancellor it is more desirable to give him a longer term of office because he depends upon the votes of the members of the Executive Council. Therefore, if this two-year term of office is hanging over his head all the time, he will not be able to work independently and he will continuously have to be pleasing the members of the Executive Council: and we know that the Executive Council constituted as it is now consists of a few officials, a number of teachers of the University, Professors, Readers, and others and the Principals of various Colleges. So, the Vice Chancellor would for his re-election really depend on the votes of those whose interests are directly under the supervision or under the control of the Vice Chancellor. In other words, if a Vice Chancellor or an Honorary Vice Chancellor wanted to carry on some improvements, he cannot hope to do so for the first two years of his office. He can only hope to do so if he is lucky enough to be elected for the next term: and as I have pointed out, the University authorities and the Chancellor (because it is always the Chancellor who makes this appointment) have recognised this fact that for a person to be able to carry out his duties satisfactorily, it is necessary that he must be the Vice Chancellor of the University at least for four years. So our idea in moving this amendment was that, when we have accepted, in the case of a paid Vice Chancellor, that his term of office should be four years, and as it has been the practice in the past right up to today for the last 20 years that no person has been a Vice Chancellor for less than 4 years, it would be better to make a provision that the Honorary Vice Chancellor will also be for four years, so that he may not depend on the votes of those against whom he may have to take certain action. Now, under the present scheme the Vice Chancellor has been given really greater powers than what were enjoyed by the Vice Chancellors in the past, and it is more necessary than ever that he should be given a

more secure tenure of office to be able to discharge his duties satisfactorily and in the best interests of the University. Therefore, Sir, I support the amendment that has been moved by my Honourable friend.

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

"That in clause 16 of the Bill, in Statute 23 in the proposed Schedule for the words 'two years' the words 'four years' be substituted."

The Assembly divided:

AYES—10.

Abdul Ghani, Maulvi Muhammad.
Abdullah, Mr. H. M.
Choudhury, Mr. Muhammad Hussain.
Essak Sait, Mr. H. A. Sathar H.
Liaquat Ali Khan, Nawabzada Muhammad.

Nairang, Syed Ghulam Bhik.
Siddique Ali Khan, Nawab.
Umar Aly Shah, Mr.
Yusuf Abdoola Haroon, Seth.
Zafar Ali Khan, Maulana.

NOES—37.

Ahmad Nawaz Khan, Major Nawab Sir.
Aiyar, Mr. T. S. Sankara.
Ambedkar, The Honourable Dr. B. R.
Banerjee, Dr. P. N.
Bentham, The Honourable Sir Edward.
Bewoor, Sir Gurunath.
Chapman-Mortimer, Mr. T.
Chatterji, Mr. S. C.
Daga, Seth Sunder Lall.
Dalal, Dr. Sir Ratanji Dinshaw.
Dalpat Singh, Sardar Bahadur Captain.
Dam, Mr. Ananga Mohan.
Deshmukh, Mr. Govind V.
Habibur-Rahman, Khan Bahadur Sheikh.
Haidar, Khan Bahadur Shamsuddin.
Ismail Alikhan, Kunwar Hajee.
James, Sir F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Kailash Bihari Lall, Mr.

Kamaluddin Ahmad, Shams-ul-Ulema.
Lalchand Navalrai, Mr.
Mackeown, Mr. J. A.
Maxwell, The Honourable Sir Reginald.
Muazzam Sahib Bahadur, Mr. Muhammad.
Pai, Mr. A. V.
Parma Nand, Bhair.
Piare Lall Kureel, Mr.
Raisman, The Honourable Sir Jeremy.
Roy, The Honourable Sir Asoka.
Sargent, Mr. J. P.
Spear, Dr. T. G. P.
Spence, Sir George.
Sultan Ahmed, The Honourable Sir.
Thakur Singh, Major.
Trivedi, Mr. C. M.
Tyson, Mr. J. D.
Zaman, Mr. S. R.

The motion was negatived.

Seth Yusuf Abdoola Haroon (Sind: Muhammadan Rural): Sir, I move:

"That in clause 16 of the Bill, sub-clauses (i) and (ii) of clause (1) of Statute 26 in the proposed Schedule be omitted and subsequent sub-clauses be re-lettered accordingly."

The sub-clauses which I wish to omit read as follows:

"(i) Harichand Puranchand Khatri Scholarship of the value of twelve rupees and annas eight per mensem awarded for one year to the best Hindu Khatri student who stands highest in the Matriculation examination or an examination recognised by the University as equivalent to the Matriculation examination held in Delhi during a period of five years from the commencement of the Delhi University Act and such further period, as the Central Government may direct, and joins any one of the Colleges of the University either in the Faculty of Arts or Science.

(ii) Tulsanrani Harichand Puranchand Khatri Scholarship of the value of twelve rupees and annas eight per mensem awarded for one year to the best Hindu Khatri student who stands highest in the Faculty of Arts or Science in the Intermediate examination of the University or an examination recognised as equivalent thereto, and joins any one of the Colleges of the University in the Faculty of Arts or Science."

Sir, the Government since last week have been fighting against communalism and trying to show us and to the world that they will give no ground to any communal body, or communal ideals. Many pleas have been put forward by the Honourable Member. One plea was that the University is not a place where any communal body should be allowed or any communal ideals be introduced. Here, Sir, I have just quoted two clauses which are purely communal. The scholarships are to be given only to particular community students. There are other clauses also such as Rai Bahadur Brijmohanlal Sahel Sudhi Memorial scholarship of the value of Rs. 15 per mensem, tenable for two years for training in higher grade electrical engineering, awarded every second year to a Science graduate. Here it does not say 'Hindu graduate'. Then there is the Makhan Lal Gold Medal of the value of Rs. 100 awarded to the best Hindu lady candidate in the University every year. There is another one: Bhola Nath Gold Medal of the value of one hundred rupees awarded every year to the best Hindu candidate in the B. A. examination provided he knows Sanskrit.

[Seth Yusuf Abdoola Haroon.]

Government has been telling us that they will not be a party to any communal thing. On the other hand, members of the Nationalist Party like Mr. Kailash Bihari Lall have been speaking of their dream-land and all that and said they will not stand the communal bogey. Mr. Lalchand Navalrai also threw out a challenge.

Mr. Lalchand Navalrai: If you only understand what I was saying!

Seth Yusuf Abdoola Haroon: I very well understood what you were saying. Whatever pleases you is national and whatever does not please you is communal. So, Sir, that is the reason and our stand regarding these clauses. I trust that Government will appreciate the very arguments which they have been using against us and accept this amendment. Sir, I move.

Mr. Deputy President (Mr. Akhil Chandra Datta): Amendment moved: "That in clause 16 of the Bill, sub-clauses (i) and (ii) of clause (1) of Statute 26 in the proposed Schedule be omitted and subsequent sub-clauses be re-lettered accordingly."

Mr. J. D. Tyson: Sir, in the first place I would draw attention to the fact that these are not university endowments, which are covered by Statute 25—University Scholarships,—but they are endowed scholarships. In other words, in the early days of the University these gentlemen came forward and offered these scholarships and they were accepted. If such gifts are accepted, under sections 4(8) and 28(b), they must appear in the Statutes. I do not say for a moment that we on the Government side like this sort of thing and I understand that there is a definite move afoot in the University also to refuse scholarships and prizes of this kind in future, which are restricted to one community; but of course there is a history to these things. The Delhi University does not stand alone in accepting them. I do not know whether the House would like me to read them but I happen to have in my hand the calendar of the University of Dacca. In the University of Dacca we have the Nawab Asanulla Scholarship awarded for Muhammadans. (*An Honourable Member:* "You condemned Dacca as communal.") Well, they are in the statutes there. (*Interruption.*) These things have been offered and accepted in the past, whether rightly or wrongly. I think the view of the University now is 'wrongly' but so long as they exist they have got to figure in the Statutes. If the University wants to keep the scholarship at all, it has got to appear in the Statutes.

An Honourable Member: Return them to the donors.

Mr. Lalchand Navalrai: This is an amendment which comes from my brother of Sind but I do not find in him that talent for putting a proper interpretation on it, which I should like to see. He says that we have said that in matters which are not communal we will join him. I still stick to that view but, is this communal or not? The question that arises is this: Is this communal or not? I say 'No'. I should like to give an instance. If he or his revered father had given an endowment to somebody, would he like that to be given to some other man instead of the man to whom they wanted to give it? The reply is quite plain. This is an endowment which takes the form of a gift or a will and when a gift or a will is made, it has to be executed according to the wishes of the man who makes the gift. Here it is given by a particular individual and the money should be given out according to his wish. If you think that the money should not be used then return the money to him. (*An Honourable Member:* "That is what we say".) I say that is wrong. I wish to give some money to one of my sons in preference to the other sons. What then? The money should not be returned to me but should be given to the son to whom I want to give it. The matter is very plain. I am sorry what my friend from Sind has said is distortion. As pointed out by Mr. Tyson, this is not an endowment or scholarship given from the University funds. The University is only a trustee or an executor. Therefore, the University cannot say that the money should go elsewhere. When a Muhammadan makes a gift to a Muhammadan boy, that money should not be given to any one else.

Sir, I think it is very unfortunate that the Muslim League should have given this amendment in the hands of my friend from Sind. I know he has joined the Muslim League but I do not want him to be contaminated so much. He is yet a young man and he should not be misguided and led away by the mere fact that he has joined the Muslim League. In Sind, we know what a sorry spectacle is going on between the Muslim League and the Hindu Mahasabha and we should avoid such a thing. My Honourable friend is an influential man; he is a man of position; he has money and riches and he can have a hand in the making and unmaking of the Ministry in Sind. So, if a man of his position comes forward with such arguments in this House, I do not think I can give him credit for that. He has come here for the first time and he should show his talents and ability which Sind possesses and I would like that and would also help him in that. But in a matter like this when he is interpreting so wrongly, I cannot support him. If he has done now what has been dictated to him by the Muslim League, he will do the same in many other things and he will cut a sorry figure. I sympathise with him but I oppose this amendment.

Maulvi Muhammad Abdul Ghani: Sir, I am glad that this amendment has been brought by the youngest Member of this House. I do not know on what principle the Government is going to accept this thing which is out and out communal. You will find that there is a Khatri scholarship which is to be given only to Khatri students. It is not only confined to the Hindus but to a sub-caste of Hindus. Can it be said that there can be anything more communal than this?

Bhai Parma Nand (West Punjab: Non-Muhammadan): It is not communal.

Maulvi Muhammad Abdul Ghani: Let me explain. I must say that it is not only communal but rather extra-communal. Take the first scholarship. I would have appreciated the generosity of this kind of donor if he had given the scholarship irrespective of caste or creed. The next scholarship is for Science, but that, too, is only to be given to a Hindu student. Sir, it is enough that the attention of the Government has been drawn to these scholarships because the Government has given ample proof that they do not like the idea of communalism. They have in season and out of season opposed all amendments moved by our Party simply on the ground that there was the word 'Muslim' in them. That is taking shelter under the pretext that there is some scent of communalism in them and on that ground they have opposed them and with votes in their pocket they have defeated them. Now, it is our turn to ask the Government to explain their conduct whether they are going to stick to that principle which they have enunciated so many times during the last few days or whether they are going to change their mind and the principle under which they have hitherto taken shelter. I do not think that a man like my Honourable friend Mr. Tyson will come forward and say that he is going to change that principle and going to keep these scholarships simply because they belong to the majority community.

Sir, our ears have been vitiated by hearing the slogan of 'communalism' on every occasion and it is now the turn of those national friends who were always out to plead the cause of nationalism whether they are going to support this amendment or whether they are going to have such a thing on the Statute. It has been said that this is not one of those scholarships which are given by the University but this is an endowed scholarship. It may be so, but, after all, the University has accepted this nauseating principle. If they will show any liking for such a nauseating thing, I will have to conclude that it is due to the influence of the majority community and nothing else. I will only say this that this kind of thing should not be tolerated.

Instances have been given that such a thing is to be found in the Dacca University. I should have thought it a sensible reference if anything of the Dacca University had been taken in the Delhi University. On many occasions we said that such and such thing is to be found in the Dacca University and in

[Maulvi Muhammad Abdul Ghani.]
the Calcutta University, but no notice was taken of it. Even the recommendations of the Calcutta University Commission on which a man like Sir Asutosh Mukherjee was there, were not taken into consideration. I do not think it is sound on the part of the Government to take shelter under these things which they opposed so vehemently only a few minutes before. I hope the Government will come forward with that kind of courage with which they have acted for so many days and support this amendment and thus delete these nauseating things.

Mr. Kailash Bihari Lall (Bhagalpur, Purnea and the Sonthal Parganas: Non-Muhammadan): Sir, I rise to support the amendment. With due respect to my Honourable friend Mr. Lalchand Navalrai, I will say with whatever little intelligence that I possess. I will not mince matters. It is this sort of policy of blowing hot and cold in the same breath that has landed the nation today into this difficulty. We must now be outspoken, and we must boldly admit the mistakes also. I consider that this is the legacy of the vicious principle followed in the past by the Government, and also followed by our people. If we do not set our face against such things, we cannot then give a true lead to the nation. They will not serve any good purpose. So, we must be frank and we must say, and we must try to solve the difficulties as they present themselves before us. The Government Member said that this is an endowed scholarship and it has nothing to do with the University or with the Government. That is the difficulty. I realise that difficulty, but there must be ways out of this difficulty also. If really the Government mean to keep this measure free from such communal principles, if they mean to stick to the stand that they have taken up till now, they should be frank to confess that this is a communal provision and it should not be allowed to disfigure the Statute book. It is really communal in my opinion. It is really such provisions that lead to complication. It is in the interest of the University itself, it is in the interest of purity of learning which has so often been advocated by Mr. Tyson that I appeal to him to find out a way to get rid of such provisions. He can do it. My Honourable friend pointed out to me that it is an endowed scholarship and there comes the difficulty. Perhaps the person who endowed the scholarship is no more. What is to be done. We cannot go against the wishes of the donor as well. I suggest if there is any representative of the donor, or if there is any trustee administering the trust created by the donor, whoever may be in charge of the trust now, he should be approached and he should be told that according to the policy of the Government or according to the principle and policy now adopted by the University, it is not desirable to have such communal things. The trustee should further be told "either take it back or allow the University to make it non-communal and throw open the scholarship to all without restriction of community". If the trustee takes back the endowment, so much the better. The trustee may create a private trust and comply with the wishes of the donor and give the scholarship to a Khatri Hindu or to whomsoever the donor desired to give in his endowment. If there is no representative of the donor, if there is no trustee of the donor for the administration of this endowment, then the only option left to the Government is to allow the Delhi University to make it non-communal at its own discretion according to its own policy. The Honourable the Leader of the House can certainly devise some means to do it.

The Honourable Sir Sultan Ahmed (Leader of the House): I cannot do it.

Mr. Kailash Bihari Lall: I am not as big a lawyer as the Honourable the Leader of the House, but I can say this much that when the Government outlines a certain policy and wants to adopt it, these legal difficulties cannot stand in their way, because the sacred policy which the Government are going to follow cannot be allowed to be thwarted by such difficulties in their way. Well, Sir, I am told that some communally minded Muslim also may support it. I can quite understand their meaning. Communally minded Muslims will

always support such communal principles. Some communally minded Muslim might make a similar endowment for the Delhi University giving scholarships only to Muslims. They may find a loophole for this. But I submit those who are piloting the Delhi University Bill should not be a party to it, they should not allow such a provision to desecrate the Statute book. That is my honest opinion. Consistent with the policy that the Honourable Member for Government has been pursuing till now, I hope he will see his way to remove this, so that it may not disfigure the Statute book. I have already spoken about this principle in my previous speech. In my first speech, I said that I was opposing some amendments, but that I would support such amendments as are intended to do away with communalism. My Honourable friend ought not to have accused me of being communal. I have already indicated that there are such communal scholarships which I was opposed to. In spite of the fact that it is a painful duty, I stand today to oppose such scholarships. It is really regrettable that I have to differ from the Members of my own Party, such old friends as Mr. Lalchand Navalrai. But I would request my Honourable friend Mr. Lalchand Navalrai to see things in their proper light. Of course the endowment is not going to be thrown away into the ocean. It will remain there. But if the donor wants to take it back and give it to a student of his own choice belonging to his own community, by all means let him do it. But the University should not be a party to such things, it should keep to the sacred principle that has been followed and that will really show our depth of feeling and our genuineness in keeping the temple of learning free from any communal colour. We will be able to stand before the world vindicating our principle of non-communalism. It will do a real service to ourselves, it will do service to the nation. With these words, I appeal to the Government to see their way to remove these communal scholarships.

Mr. J. P. Sargent: Sir, I can say quite frankly that neither in my own country nor in this country have I ever liked these special awards and prizes reserved for particular classes of students, and if I thought that by adopting this amendment, it would mean that these scholarships and prizes would be thrown open to members of all communities in the University of Delhi, then certainly it would have my support. But one has to be practical in these matters. If this amendment were passed, it would simply mean, by the mere passing of it, that nobody would get this money at all. I am inclined to agree very much with the last speaker, in fact we have already to a certain extent anticipated the suggestion made by my Honourable friend that action should be taken to approach the donors, if they are still alive or the trustees, if they still exist or their successors, with a view to getting these scholarships and benefactions enlarged. If the House desires to know the attitude of the University in this matter, I remember at a not very far distant meeting which I attended, that an offer to create another scholarship on these lines was not accepted by the University and was referred back to the donor with a request that restrictions of this kind should not be imposed. I would therefore suggest that the University, if I am right in my description of the wishes and outlook at any rate of the Vice-Chancellor, should be asked to take up the question at a very early date with the donors of these rather ancient bequests, which take us back to the very early days of the University. The University should take up with them the question of enlarging the terms of the benefactions so as to remove the objection which has been voiced this afternoon, and I do hope that in that way money which is not too easy to get in educational matters may be retained for the University under unexceptionable terms.

Qazi Muhammad Ahmad Kazmi: Mr. Deputy President, I am glad that my Honourable friend Babu Kailash Bihari Lall in his last speech said that people who have moved such amendments are not probably communally minded. Probably he had an inkling that I will be opposing this amendment. Therefore the only person communally minded among Muslims that remains in this House happens to be myself, and the only nationalist would be Babu Kailash Bihari Lall. Now coming to the amendment it is of course very easy to say that we

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would not avail of these scholarships for avoiding communalism. But what do these scholarships denote? They give an inkling into the workings of the minds of the inhabitants of India. Communalism is there. If you want to stop persons from helping their own community you cannot get funds and the sources of money will be stopped. I cannot understand the mentality of the Delhi University in discouraging scholarships of that kind. Helping a part is helping the whole. If Muslims come forward to help their community and help some students of the Delhi colleges they should be given encouragement; if Hindus want to give scholarships to Hindu students they should be encouraged to do that. Do you think that whenever a student enters college he has to take an oath that he ceases to be a Hindu or Muslim or Christian?

Nawabzada Muhammad Liaquat Ali Khan: That is what Government think.

Qazi Muhammad Ahmad Kazmi: I cannot accept that mentality. When you have to work charitable and educational institutions you are perfectly authorised to see that so far as the general funds are concerned they are spent on the whole body and no minority is deprived of its proper share in those funds. But if any particular community wants to help that community you cannot stop that and if you stop it you stop the sources of charity. I know of course that people who want the uplift of their community can go and give donations to the Aligarh Muslim University and the Benares Hindu University. But these cannot command the whole of India. And if a Hindu wants to help Hindus and Muslims want to help their own brethren, why should not the Delhi University accept them? It is easy of course for Government to say that they will stop these two scholarships,—they are small ones,—and the logical consequence of their attitude on the debates we have had on this Bill is that these communal scholarships should be stopped. But they must remember that this is not the only instance in which they can do away with communalism altogether. Instead of trying to stop them they should try to understand the mentality of the people of this country and solve the problem from that point of view. It is no use shutting your eyes to facts. After all blood is thicker than water and people are inclined more to help their own community and their co-religionists than others. You must take advantage of that tendency. If of course people want to serve humanity at large that is a welcome tendency but why should you stop people who want to help their own community? Therefore, Sir, I feel that the retention of this clause is necessary, and on the principle of Muslims wanting representation in the University I press for its retention.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Sir, throughout the debate on this Bill we have tried to impress on Government that Muslims are not given sufficient encouragement and impetus in the matter of education in this University. As a matter of fact they are discouraged and the best evidence of that is the number of scholarships for non-Muslims and some of them reserved for particular castes. And Government have supported these things. There are scholarships not only for members of a particular community but even for members of particular castes. That shows that the Delhi University have been recognising the principle of communalism in some form or other and Government have also committed themselves to this principle. But when we wanted something for the encouragement of Muslim boys we found the Government opposed to us.

Bhai Parma Nand: Why don't you create endowments for Muslim boys? Nobody stops you from doing that.

Sir Muhammad Yamin Khan: I am grateful to my Honourable friend for whom I have great respect and who has been a friend of mine since 1913, for that suggestion. Yes, we can create endowments for Muslim boys, but that will be the same principle on which we have been fighting with Government and they have been opposing us and my Honourable friend Bhai Parma Nand has been supporting Government in this. So the fact is there and has to be recognised that every community wants to help its own members. But Government

must accept and stand on one principle. They must stand either for communalism or for no communalism. If they say there should be no communalism then everything communal should be washed off. But if they accept this kind of scholarships they accept communalism. Here the scholarship is only for a Khatri boy. So if you give scholarships to particular boys only or if it is said that a scholarship meant for a lady should go only to a Hindu lady, then Muslim boys and girls have nothing to look forward to and they are discouraged. If the University accepted these scholarships they should have at the same time opened from their own funds some kind of scholarships which would be open to everybody, so that every boy and girl may have some incentive for hard work and they may know that if they attain the highest position due encouragement will be given in the shape of an award of scholarship or medal—may be silver or gold. Here we see that gold medals are given but Muslim students have no access to that, and even if a Muslim student gets cent, per cent. marks he cannot get that scholarship. This principle having been accepted by the Government, it does not lie in their mouth now to say that they do not want communalism in this University. The Government Members have been telling us for more than a week that they would not encourage communalism. Well, now I am taking them on their words. And I ask them if they were sincere and right in what they have been telling us. But they have been telling us simply because they were opposing us. As my Honourable friend, Nawabzada Liaquat Ali Khan, said the other day, the name of a Muslim acts like a red rag to a bull. Here the Government have discouraged the Muslim students.

Not only have they gone so far in respect of the Delhi University, but they have allowed some shameful acts elsewhere. There are many colleges started by the funds contributed by Hindu public with the express provision that no Muslim shall be admitted there. I can give you the names: There is one Lakshmi Narain Technological Institute in C. P. which was endowed by one Rao Bahadur Lakshmi Narain, who for sometime was a member of the Council of State also, with 50 lakhs of rupees. They have got the same provision of not admitting any Muslim and the Nagpur University shut their eyes to that fact and recognized this institution. If the British Government were so non-communal and nationalistic they should have refused to give recognition to an institution of this kind on the plea that it is a stigma on the fair name of nationalism, and I am sure my Honourable friend, Mr. Kailash Bihari Lall, would have endorsed that at once. He is right when he says that you cannot blow hot and cold in the same breath. You are saying one thing in one case and something totally different in the other. I think the retention of these scholarships—whatever may be the history of these, and whoever may have been the persons—should not be accepted. I can appreciate that those who endowed these were actuated by noble motives and they were great souls who were trying to do something for the benefit of their own community, but it was wrong on the part of the University to have accepted that offer if it were not communal itself. If some charitably-minded people gave some money or endowed some money exclusively for those Khatri students who secured the highest marks in their examinations and awarded them privately, that was all right. There is nothing wrong in it; that was a private business of one community. Let them go on doing it. But here it is provided in the Bill and yet it is limited to a very small section of the Hindu community. I think the Government has not only shown that they were communal, but in accepting the principle of communalism they have gone down further low. If the Government want to keep up their attitude of consistency, the best thing for them would be not to accept these scholarships if those who are giving it are not prepared to throw these open to other communities also.

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

I think these scholarships should go to those students who obtain the highest number of marks, may be Hindu, Muslim, Sikh, Parsi or Depressed Class students. But if the trustees are not agreeable to that, the University should

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say: "No, thank you very much. You are very generous and your ancestors were very generous, but we are sorry we cannot accept this because it is against our policy. You may do what you like outside the University but we cannot have such scholarships brought on to the Statute book and embodied in our laws." This should, I think, be the attitude of the Government. With these few words I support the amendment.

Sir George Spence: The question may now be put.

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

"That the question be now put."

The motion was adopted.

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

"That in clause 16 of the Bill, sub-clauses (i) and (ii) of clause (1) of Statute 26 in the proposed Schedule be omitted, and subsequent sub-clauses be re-lettered accordingly."

The Assembly divided:

AYES—14.

Abdul Ghani, Maulvi Muhammad
Abdullah, Mr. H. M.
Choudhury, Mr. Muhammad Hussain
Essak Sait, Mr. H. A. Sathar H.
Kailash Bihari Lall, Mr.
Liaquat Ali Khan, Nawabzada Muhammad.
Murtuza Sahib Bahadur, Maulvi Syed.

Nairang, Syed Ghulam Bhik.
Nauman, Mr. Muhammad.
Siddique Ali Khan, Nawab.
Umar Aly Shah, Mr.
Yamin Khan, Sir Muhammad.
Yusuf Abdoola Haroon, Seth.
Zafar Ali Khan, Maulana.

NOES—32.

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.
Chapman-Mortimer, Mr. T.
Chatterji, Mr. S. C.
Daga, Seth Sunder Lall.
Dalal, Dr. Sir Ratanji Dinshaw.
Dalpat Singh, Sardar Bahadur Captain.
Datt, Mr. Ananga Mohan.
Habibur-Rahman, Khan Bahadur Sheikh.
Haider, Khan Bahadur Shamsuddin.
Imam, Mr. Saiyid Haider.
Ismail Alikhan, Kunwar Hajee.
Jawahar Singh, Sardar Bahadur Sardar Sir.

Kamaluddin Ahmad, Shams-ul-Ulema.
Mackeown, Mr. J. A.
Maxwell, The Honourable Sir Reginald.
Pai, Mr. A. V.
Parma Nand, Bhai.
Piare Lall Kureel, Mr.
Raisman, The Honourable Sir Jeremy.
Roy, The Honourable Sir Asoka.
Sargent, Mr. J. P.
Spear, Dr. T. G. P.
Spence, Sir George.
Sultan Ahmed, The Honourable Sir.
Thakur Singh, Major.
Trivedi, Mr. C. M.
Tyson, Mr. J. D.
Zaman, Mr. S. R.

The motion was negatived.

Seth Yusuf Abdoola Haroon: Sir, I move:

"That in clause 16 of the Bill, sub-clauses (i) and (ii) of clause (2) of Statute 26 in the proposed Schedule be omitted and subsequent sub-clauses be re-lettered accordingly."

Sir, the clauses which I like to omit are:

"(i) M. Makhan Lal Gold Medal of the value of one hundred rupees awarded to the best Hindu lady candidate in the University every year.
(ii) M. Bhola Nath Gold Medal of the value of one hundred rupees awarded every year to the best Hindu candidate in the B.A., examination provided he knows Sanskrit."

In these two clauses you will find that one gold medal is awarded to a Hindu lady and another to a Hindu candidate who knows Sanskrit. My friend Mr. Lalchand says they are not communal. If the donor did not want it to be communal they could have awarded it to any lady candidate of the University, because after all there are very few Muslim ladies in this University. However, the Honourable Member on the Government side has tried to take protection under the Dacca University Manual and said that there were Muslim scholarships in that University. We confess that it is so. But how does that affect the position here? The Honourable Member has refused to take into consideration the same Dacca University calendar when it was quoted by the Deputy Leader of the Muslim League Party. I wish that the Honourable Member had come over with a more frank statement than this. Regarding these clauses he said that there is a history behind it. He also said that it was accepted rightly or wrongly long before and we cannot help it. If you cannot help it now, if you cannot do anything, why not accept our principle also?

When we want some Muslim representation, then he denies. The plea put forward by the Honourable Member is not very convincing to this side. The result of last voting proves that even the European Group remained neutral, because they felt our demand was just and that the Government were not playing the fair game,—I must tell them that this Government has no principle, and will have no principle because they do not represent any electorate. If they had represented any electorate, they would have had to adopt one kind of definite policy; but now they can change their policy as they like. My friend, Mr. Lalchand Navalrai paid a high compliment to me and said a lot about my influence and everything; but he forgets that my policy and ideas are of the League; and if I had not believed in those ideas and not thought them right, I would not have joined the Muslim League Party. Nobody compelled me or forced me; and therefore when I have joined the Muslim League Party. I must adopt the policy of the League. My eyes are more open than my Honourable friend's. I must also tell him the instance he quoted of the Hindu Mahasabha and the Muslim League in Sind—they are co-operating in Sind. A member of the Mahasabha is a minister in the Sind Government. He went as far as Bombay

Mr. Lalchand Navalrai: That has been condemned by the Hindus

Mr. President (The Honourable Sir Abdur Rahim): I think the Honourable Member had better leave that alone. The question about Hindu Mahasabha and Muslim League ministers does not arise on this.

Seth Yusuf Abdoola Haroon: There are other scholarships also in this such as the Jageshar Nath Goela Medal of the value of Rs. 100. If such scholarships were brought here, we would have accepted as they are not for a particular community. As for the instance quoted by Sir Yamin Khan, I want to inform the Honourable Member that we have now started in Sind a Muslim college, but we have not restricted scholarships which are about 40 to 50 in number, to any particular community. We have left the door open for every community. But here we do not know what the policy of the Government is or will be. It is a mixture. They profess they do not want to be communal but here it is a living example; they have themselves admitted it, but they are obstinate and say "How can we return this scholarship?" Why is it not possible? Do not give them. Keep them. Under these circumstances, I hope and feel that the Government may change their attitude towards my amendment. Sir, I move.

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

"That in clause 16 of the Bill, sub-clauses (i) and (ii) of clause (2) of Statute 26 in the proposed Schedule be omitted and subsequent sub-clauses be re-lettered accordingly."

Mr. J. D. Tyson: Sir, I do not know that there is much to be said after the debate that we have already had. We have reached rather an extraordinary position that my friends opposite, if I understand them alright, approve of these scholarships reserved for particular communities but do not like them in my Bill, whereas we on this side do not care much for them but we want to keep them in the Bill. That, I think, is the position. There is this to be said for our point of view, that it was not the Government who accepted these scholarships—or medals, as they are in this case; they were accepted by the University and, having been accepted by the University, the University had to embody them in the statutes, and the statutes being there—not put in by us on this occasion, but being there,—we think we should leave them there, so that the wishes of the original donors may be respected until they or their successors can be persuaded to alter them. That is the position; and my friends opposite, if their community had made such offers to the University, would themselves have figured in the list. It is not really a communal matter in that sense. It is perfectly open to any community, if the University will agree, to endow medals of this kind for its own community; and the fact that medals are reserved for Hindus in this case does not prevent my friends opposite from offering to endow similar medals to be reserved for their own community if they so wish. I think, however, as I said before, that the attitude of the University now is not to accept any more such offers in the future

Sir Muhammad Yamin Khan: How shall we be able to endow, then?

Mr. J. D. Tyson: I do think you will now be able because I am rather hoping that even these existing ones will be eliminated by the University. I do not wish to prolong the debate. I think really almost everything that can be said has been said, but I do not wish to put my friends on their mettle. I oppose.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): Sir, for once Messrs. Tyson and Sargent have been caught in their own meshes. For the past many days that this memorable controversy has been going on on the floor of the House, the Government have been lecturing us on the evils of communalism; but out of my friend, Mr. Kailash Bihari Lal's mouth they have been condemned as rank communalists themselves; and perhaps it was owing to that unexpected attack—*et tu Brute*—thou too, Brutus!—that they had to admit they were communalists and for the future they would take care that such scholarships are not accepted from any donor whatever. I will place one proposition before them to save their faces and to save the face of Mr. Lalchand Navalrai also. My friend, Mr. Navalrai, was attacking my friend, Seth Yusuf Abdoola, Haroon.

Mr. Lalchand Navalrai: I did not attack him. I was praising him.

Maulana Zafar Ali Khan: You were praising him, but that praise was mixed with a little poison. You admired him for his youth, you admired him for his wealth, you admired him for his influence; but you came on him with a rod on the head of the Muslim League. Let me tell you that the Muslim League's head is very hard. So I shall permit the Government to encourage education by accepting scholarships from donors; certainly they should do that but if they are sincere in their condemnation of communalism, they should attach a condition to their gifts, that the gift of a Hindu should be in favour of a Muslim. Similarly, any scholarship given by a Mussalman in the Delhi University to any one shall be in favour of a non-Muslim. If really Government wants to promote unity between Hindus and Muhammadans, this is the way. Are they prepared to do it? It is all very well to say 'We want Hindu-Muslim unity. At least in one University, which should be a model University, there should be no communalism'. But what steps are you taking towards that end? This is one of the real constructive proposals. Both the Hindus and the Mussalmans will be pleased if you make a rule to that effect.

Mr. J. D. Tyson: Will there be any scholarships?

Sir Muhammad Yamin Khan: I will give one, if you make this rule.

Maulana Zafar Ali Khan: Seth Yusuf will give one. He will endow a scholarship of Rs. 100 to a Hindu who stands first in the University. Is any Hindu prepared to do a similar thing? I think this a subject which is very catching and very interesting. There are other gentlemen who want to speak and so I shall not take up the time of the House any more. I give my heartiest support to Seth Yusuf.

Mr. Kailash Bihari Lal: I again rise to give my support to this amendment but I will make one point clear that so far as the wording is concerned it does not offend against the definition of a Hindu that I have always held. I have said that even the Mussalmans in this country are Hindus. Had the Government accepted my definition of a Hindu, there would have been no objection but the definition here is a 'communal Hindu' and it is in that sense that I am opposing it. If the word 'Hindu' is used in a communal sense, I would say that this provision is disfiguring the statute but if the word 'Hindu' is taken in the sense in which I always use it, for the people of the country of Hindustan, then it does not offend against that and I am afraid my Muslim brethren, in the frame of mind in which they are, are not prepared at present to take my definition. That is my difficulty. Anyhow, this is a thing which will work itself out properly later on and they will also call themselves Hindus. (An Honourable Member: "Change it and say 'Hindustani'".) So, I am opposing the stand of the Government in this matter. I do not agree with the

Government's argument that it is the donors who have given the money and they cannot do anything to go against the wishes of the donors. I want to suggest that the money should be returned to the representatives of the donors or if there is none, to the Official Trustees. There are legal luminaries in the Government of India and they may find out what is to be done. There are many unclaimed sums operated by the Government. In the same way, if the Delhi University says 'It is a dirty thing. We cannot operate it any further and we return it to the Government to take care of it', if that is done, surely Government will find a way. Such properties as are endowed by persons are taken care of by the official trustees. There are official trustees in every province appointed by the Government and the Official Trustees take care of such trusts about which the donor himself does not care or does not make adequate provision. If the property is unclaimed, it is operated by the Official Trustee. If the Government is at all convinced that this is a pernicious principle and this is against the principle adopted by the Government with regard to their future course of action, they should take steps to return the money to any representative of the donor, if there is one. If not, the money should be handed over to the Government and Government must find out some law and operate this endowment according to the wishes of the donor. If the wishes of the donor are to be respected and if that is the difficulty, as I understand it, then the Government may even form a trust and hand over the money to that committee or trust and operate it according to the wishes of the donor but so far as the University is concerned, the action of the Government will be consistent only when they wash their hands off this affair.

My friend Mr. Kazmi argued that this is a very small thing. He was arguing very pitifully, just like an advocate in order to persuade the judge to give a verdict on his side. He said that it is a small scholarship of Rs. 12-8-0 and we should not bother about it. That is not the point. It does not matter if the amount is small or big. Government spends thousands of rupees if there is a defalcation of one pice. They would spend hundreds and thousands of rupees, if there is a defalcation of Rs. 200. The amount is not the question here. The question is one of principle. If the principle is bad, if a bad principle is eating into the vitals of nationhood, if it is disrupting our nationhood, then we should attach as much importance to one pice as to thousands of rupees. If it is argued, as Mr. Kazmi has argued, then a man who swindles say Rs. 15 should be left off by the Government, because it is a small sum. That is the pitiful way in which Mr. Kazmi argued.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has said that several times.

Mr. Kailash Bihari Lal: Very well, I will not dilate any further on that point. Mr. Kazmi has also said that acts such as this show the state of mind of the people existing in the country and so it is no use doing away with such things. It is a very peculiar argument. If that is the state of mentality of the people, do you adhere to it? Do you like it? Those who believe that they are against these amendments on the ground of the solidarity of the nation, they must also believe that the amendments moved by my Muslim friends give a clue to the mind of my Muslim League friends. It also gives a clue to the mind of the Government. What we should try to do is to change the mind of the people who make such endowments. It does not matter whether the amount is big or small. The purpose of my friend Mr. Kazmi was that it is a clue to the mind that communalism exists. We understand that this is the mind of the people and so we should retain it. This is not the proper argument. Because this is the state of the mind, we have to do away with. These things have done harm and really they provide us with a clue to the mind of the people. So, we should do away with them. But their argument is that because it is a clue to the mind, we should retain it. That is something absurd.

LEGISLATIVE ASSEMBLY.

Saturday, 21st August, 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.

MOTIONS FOR ADJOURNMENT.

DEMOLITION OF A MOSQUE ON ASOKA ROAD, NEW DELHI.

Mr. President (The Honourable Sir Abdur Rahim): I have received notice of a motion of adjournment from Maulvi Abdul Ghani who wants to discuss a definite matter of urgent public importance, namely, the demolition of a mosque in the premises of quarter No. 9, Asoka Road, by the Government officers and men of the Public Works Department.

When did this take place?

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): It was done about ten days ago but I got information about it only last night.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is not the only person interested. If it is an urgent public matter it is for every one to take notice of it immediately. Why was no notice taken before?

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Sir, it did not come to the notice of any Member of the House until yesterday, because it was done in one of the Government quarters.

Mr. President (The Honourable Sir Abdur Rahim): Then how did the Honourable Member come to know at all about it?

Sir Muhammad Yamin Khan: Some passers-by came and informed some Members and made a complaint.

Mr. President (The Honourable Sir Abdur Rahim): Have Government anything to say about this?

The Honourable Dr. B. R. Ambedkar (Labour Member): Sir, I have had no notice of this motion. Evidently my Honourable friend wrote a letter giving notice of this adjournment motion to the Department of Education, Health and Lands, which has been just now handed over to me.

Mr. President (The Honourable Sir Abdur Rahim): I want to know the facts.

The Honourable Dr. B. R. Ambedkar: I have made inquiries from my Department and I am told that they do not know of any such incident at all. As I said, I have not had sufficient time to make inquiries in the matter, and I have no reason to suppose that any such demolition has taken place. However, if my Honourable friend chooses to put a short notice question, I will make inquiries and let him have the information he wants.

Mr. President (The Honourable Sir Abdur Rahim): I think that will be the best course.

Mr. H. A. Sathar H. Essak Sait (West Coast and Nilgiris: Muhammadan): Then this motion can be held over.

Mr. President (The Honourable Sir Abdur Rahim): If a short notice question is put I will consider it later.

Sir Muhammad Yamin Khan: In any case the short notice question cannot be put today and can only be asked on Tuesday if the Assembly sits till then.

Mr. President (The Honourable Sir Abdur Rahim): Better ask a short notice question.

NON-RELEASE OF MAULANA HAFIZUL RAHMAN DETAINED IN MORADABAD JAIL.

Mr. President (The Honourable Sir Abdur Rahim): I have received another notice from Mr. Kazmi who wants to raise a definite matter of urgent public importance, namely, the non-release of Maulana Hafizul Rahman, Secretary, Jamiat-ul-Ulema-i-Hind, Delhi, who is detained in Moradabad jail under the

[Maulvi Muhammad Abdul Ghani.]
only. This is the percentage of all the institutions whether recognised or unrecognised from the alphabet class to the highest class, i.e., percentage of all pupils in all institutions to the total population.

Mr. President (The Honourable Sir Abdur Rahim): The figure of literacy?

Maulvi Muhammad Abdul Ghani: Yes. That is the thing that vexes our mind. When the progress of education is going on so slowly, then certainly it is the duty of the representatives of the nation that they should come to the rescue of future generations. So it is an alarming thing that during the course of twenty years, progress is very slow.

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

Maulvi Muhammad Abdul Ghani: I am simply emphasizing it.

Mr. President (The Honourable Sir Abdur Rahim): You need not repeat all that. The question of percentage of literacy does not really come in.

Maulvi Muhammad Abdul Ghani: Then what are the causes?

Mr. President (The Honourable Sir Abdur Rahim): That is a very wide question which cannot be dealt with during the debate on the Delhi University Bill.

Maulvi Muhammad Abdul Ghani: If such is the case then it is useless and sheer waste of time on my part.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot deal with those matters in this Bill.

Maulvi Muhammad Abdul Ghani: Sir, in my opinion I am perfectly justified in putting all these arguments.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must accept my ruling.

Maulvi Muhammad Abdul Ghani: Am I always to be guided by a wrong ruling?

Mr. President (The Honourable Sir Abdur Rahim): Order, order. The Honourable Member must withdraw those words.

Maulvi Muhammad Abdul Ghani: What portion?

Mr. President (The Honourable Sir Abdur Rahim): That I have always been giving wrong rulings. You must withdraw those words unconditionally.

Maulvi Muhammad Abdul Ghani: I withdraw.

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

"That in clause 16 of the Bill, after Statute 23 in the proposed Schedule the following new Statute be inserted and the subsequent Statutes be renumbered accordingly:

"29. The Executive Council may call for an explanation from every affiliated institution when its percentage of passes at the University examination falls below fifty per cent. of the students on roll and may disaffiliate it temporarily owing to three such successive results."

Mr. J. P. Sargent (Government of India: Nominated Official): Sir, I am afraid that if or when a regrettable event like that referred to in this amendment occurs, the remedy proposed in the amendment is not likely to remove it or remedy it. As the Honourable the Mover himself has pointed out, such an unfortunate examination result may be due to one or all of three causes: (a) the examination system may be at fault (b) the students may be at fault and (c) the teachers may be at fault.

With regard to the first issue, which we have already discussed in this House, I have informed the Honourable Member and the House generally that the question of examinations is at the moment under examination by an expert committee of the Central Advisory Board, and I can only hope that any recommendations which they may make and the universities of this country may adopt, will put examinations on a sounder foundation than they are at the moment.

With regard to the other two categories, disaffiliation in my opinion is a step which should only be taken after serious consideration, and obviously disaffiliation of a college by the University is extremely likely to be followed

by the loss of Government grant. Now is it likely that if your students are not of the right kind students of a better kind would join a disaffiliated college? I think they will not. Similarly, if the finances of the college are adversely affected by disaffiliation and its possible consequences, it also seems to me very unlikely that the college will be in a position to improve the quality of its teaching.

I would therefore suggest that if such an event as this should occur, it would be much better for the Academic Council, as it is empowered to do, to institute a Commission of Enquiry into the college and to discuss the results of the enquiry with the authorities of the college. It is hoped that such an enquiry would lead to suggestions which would remove the unfortunate consequences referred in this amendment. If, however, after full consideration and discussion the college refused to take such steps as in the opinion of the Commission of Enquiry and of the University authorities were necessary to remedy this state of affairs, then perhaps and then only should the question of disaffiliation arise.

I am afraid that I do not think the remedy proposed in this amendment will remove the difficulty referred to, and as such we are unable to accept it.

* **Mr. Muhammad Nauman** (Patna and Chota Nagpur, cum Orissa: Muhammadan): Sir, I have listened with care to the arguments advanced by Mr. Sargent on behalf of Government against this amendment. I suppose the Honourable Member does realise that what we have noticed is that the college authorities, the Professors and the Principals have become careless and are probably trying to count their services only in terms of money. It is for this reason that this amendment is moved. College staff should know that the primary object of their existence and the existence of the College is to educate students and bring out good numbers of capable men.

Sir, the Honourable Mr. Sargent has just said that failure may be due to the fault of the students. I agree. A certain number of students in a certain year may be bad. Even in the second year batch may not be very good. My friend Maulvi Abdul Ghani's amendment definitely says that if it has shown hopelessly miserable results for a continuous period of three years, then certainly the matter has to be viewed with alarm. Parents who send their children to the colleges believe that those Professors and authorities are giving a good account of themselves and are trying to impart to them the right education. There could be no reason to put the blame on the shoulders of students alone. If they find that a certain number of students are incorrigible, are not worth anything, or that they should not be maintained in the institution, well they may be perfectly justified in detaining them and not sending them up for the University examinations: besides, they can even compel them to go away and seek admission somewhere else.

The only idea of this amendment is to make the teachers and professors feel that they have a very great responsibility in educating their students. Recently we have noticed that the professors and teachers or readers and even the principals of the colleges have become absolutely careless and callous to the interests of the students at large. They only try to do their duty by giving a certain number of lectures in their classes without caring whether it has been clear or explicit to many of their students or not. Certainly no college can expect that the calibre of its students will be all one and the same. Certainly there may be students of lesser intellect or intelligence; but it is the duty of these professors and teachers to bring them up to proficiency, to give them proper education and justify the existence of college and these individuals. Unless there is something like that, unless the University makes them feel that if they are not able to give proper education to a good number of people, it is no use bringing out a result of 10 or 15 per cent. Probably, except in science subjects, 15 per cent. or 10 per cent. will pass any examination in arts without attending any lecture in any college whatever. What for does the college exist then? The only importance of this amendment is that it has to be engraved in the minds of the college authorities that the existence of the college and of their staff is for the benefit of the students and for no other purpose; and if

[Mr. Kailash Bihari Lall]

The last thing that I would like to say to the Government is this that they cannot say that there should be one set of laws for the gander and another set of laws for the goose. If they want to set their face against communalism in the Delhi University, they should be plain about it. If there is any legal difficulty at present, we can understand it and Government may allow it to go on as it is. But they should give an assurance to the people that they will find a legal way out of this difficulty. But to say that because there is a legal difficulty and therefore they cannot do it, will not help the Government and their position stands compromised at least so far as this question is concerned. With these words I support the amendment.

Maulvi Syed Murtuza Sahib Bahadur (South Madras: Muhammadan): Mr. President, Sir, I have been observing silence throughout the debate on the Delhi University Bill but I was closely following it. The debate has resolved itself into this—communalism *versus* nationalism. The Government supported nationalism and the Member in charge assisted by the Educational Commissioner to the Government of India wanted to prove to the House that so far at least as the Delhi University is concerned, they should not give room to communalism. In this connection, I have to congratulate my Honourable friend Mr. Kailash Bihari Lall on his very lucid speech in support of it, but I cannot understand why he had not the courage of voting in favour of it.

Mr. Kailash Bihari Lall: I have voted for it.

Maulvi Syed Murtuza Sahib Bahadur: But our friend Mr. Lalchand Navalrai remained neutral.

Sir, I come from Madras which is well-known for its educational advance. Even there, there is communalism to the highest degree possible. There are no non-Muslim friends from Madras like the Honourable Sir Ramaswami Mudaliar or Rao Bahadur Siva Raj except a few Madras officials otherwise they would have supported me in my statements. There is one renowned college there called Pachayappas College. It comes under the category of a very well conducted college throughout the Presidency. Its doors are shut against not only Muslims but also the Christians. They do have European professors who are Christians but they do not admit any Christian students in their college. (An Honourable Member: "They do not admit even non-Brahmins.") No, and Sir Ramaswami Mudaliar belongs to the same caste, and his absence is keenly felt by me today. We tried our level best to bring round the trustees of that College to admit Muslims and Christians, not to speak of the members of the depressed classes. They are not only depressed there but they are also oppressed there so far as the Madras Presidency is concerned. I am very sorry to say that in that respect the members of the depressed community are being looked down upon much more than in any other part of India. This is particularly the case in Malabar from where our friend Mr. Essak Sait comes. There the members of the depressed community cannot enter the room of a caste Brahmin. That is the kind of communalism and caste-riddenism, if I may so call it, that prevails in some parts of India at least. So, we may go on saying that we do not want this communalism and that we want to do away with it once for all, but how are you going to do that when that infection has taken deep root in their hearts. When such is the case, there is no justification in chalking out one and the same line for Mussalmans and non-Mussalmans. When I speak about Mussalmans I do include Christians and also the members of the depressed community. If that is the case, the Government should see things through and do justice to such minorities as are being treated so contemptuously. It is not only the question where our rights are not being properly safeguarded but it is also a question of rank communalism which we cannot put up with unless the Government comes forward and enacts certain laws to the effect that this thing should be totally eradicated from the whole of India. Only then can the present state of affairs be stopped. With these words, I resume my seat.

An Honourable Member: The question be now put.

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

"That the question be now put."

The motion was adopted.

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

"That in clause 16 of the Bill, sub-clauses (i) and (ii) of clause (2) of Statute 26 in the proposed Schedule be omitted and subsequent sub-clauses be re-lettered accordingly."

The motion was negatived.

Nawabzada Muhammad Liaquat Ali Khan (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, I just want to raise a point. I am sorry

5 P. M. I was not in my seat this morning when the Honourable the Leader of the House requested you to direct the Assembly to sit tomorrow, a Saturday. I must admit that he informed me yesterday that he was going to make such a request, but I was under the impression that that request would be made at the end of the meeting today. I am very sorry I was not here at that time. Sir, you know that the House does not like to sit on Saturdays and no meetings have been fixed for Saturday till now.

Mr. President (The Honourable Sir Abdur Rahim): As a matter of fact whenever there is a closed holiday in any particular week, then the House sits on Saturday. It is almost the invariable practice in this House to sit on Saturdays if there is such a holiday. Last Monday was a holiday, and so also next Monday. Except that for particular reasons you did not sit last Saturday. I have invariably been directing the House to sit on Saturdays in the circumstances mentioned.

Nawabzada Muhammad Liaquat Ali Khan: I am only submitting this, that it does not seem to me that we can finish this Bill tomorrow.

Mr. President (The Honourable Sir Abdur Rahim): Any particular reason?

Nawabzada Muhammad Liaquat Ali Khan: There are still a number of important amendments.

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

Nawabzada Muhammad Liaquat Ali Khan: Yes, Sir, but you must have noticed that we have not been taking, on any amendment, time longer than what is absolutely necessary. I am only saying there are a number of important amendments still left to be considered. I consulted Dr. Banerjee and he is also of the view that it would be inconvenient for us to sit tomorrow. But if you insist that we should sit tomorrow, then we will have to.

Mr. President (The Honourable Sir Abdur Rahim): That has been the practice.

Some Honourable Members: Tomorrow does not suit us.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Yesterday, Sir, when the Honourable the Leader of the House asked me about Saturday sitting, I told him that if we were going to finish our business on that day

Mr. President (The Honourable Sir Abdur Rahim): You cannot make a condition like that.

Dr. P. N. Banerjee: I am only narrating what passed between me and the Honourable the Leader of the House. It seems we shall not be able to finish tomorrow our business. I therefore think we should not sit tomorrow. It would not be convenient to us.

Mr. President (The Honourable Sir Abdur Rahim): I have fixed next Saturday in accordance with the usual practice. But for the exception I made last week, it has been the usual practice whenever there is a holiday in a particular week, for the House to sit on a Saturday.

The House is now adjourned till eleven o'clock tomorrow.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 21st August, 1943.

[Mr. President.]

Defence of India Rules in spite of his illness which has taken a serious turn for want of proper medical treatment.

Who is the authority to deal with this matter? Is it the Provincial Government or the Government of India?

Qazi Muhammad Ahmad Kazmi (Meerut Division: Muhammadan Rural): He was arrested under the Defence of India Rules at Delhi and I think it is the Government of India who are responsible. I have received a message from Moradabad that he is seriously ill.

The Honourable Sir Reginald Maxwell (Home Member): Sir, I have no information about this case but if he was arrested in Delhi it is obvious that the arrest was made on warrant issued by the U. P. Government. It is for the Honourable Member to show that the warrant was issued by or on behalf of the Central Government before it becomes a matter which this Assembly can discuss. And from the fact that he is said to be detained in Moradabad jail it is clear that the proceedings have been taken by the Provincial Government and not by the Central Government.

Mr. President (The Honourable Sir Abdur Rahim): Then it is for the Provincial Government to deal with this matter?

The Honourable Sir Reginald Maxwell: Yes, Sir.

Qazi Muhammad Ahmad Kazmi: Is it not a fact that some persons who were arrested under warrants issued by the Central Government have been transferred to the provinces?

Mr. President (The Honourable Sir Abdur Rahim): But is the Honourable Member in a position to say that he was arrested under a warrant issued by the Government of India?

Qazi Muhammad Ahmad Kazmi: No, Sir, I am not sure of that.

Mr. President (The Honourable Sir Abdur Rahim): In that case the motion is not in order.

MESSAGE FROM THE COUNCIL OF STATE.

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

"I am directed to inform you that the Council of State at its meeting held on the 20th August, 1943, agreed without any amendment to 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 which was passed by the Legislative Assembly at its meeting held on the 13th August, 1943."

THE DELHI UNIVERSITY (AMENDMENT) BILL—contd.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Sir, I move:

"That in clause 16 of the Bill, after Statute 28 in the proposed Schedule the following new Statute be inserted and the subsequent Statutes be renumbered accordingly:
29. The Executive Council may call for an explanation from every affiliated institution when its percentage of passes at the University examination falls below fifty per cent. of the students on roll and may disaffiliate it temporarily owing to three such successive results."

This is in connection with the lower percentage of passes. I have already spoken in connection with the compartmental system of examination and explained that there is much hardship caused to the students and the progress of education is hampered by unnecessary hardships of the examiners. The same question is going to be introduced here, namely, that the colleges teaching I.A., B.A. classes and upwards should be careful so that the percentage of passes may not fall below 50 per cent. of the total number of students.

There is much wastage in the educational institutions so far as education is concerned, and also there is wastage of money and energy. From the comparison of results of various examinations, I find that about 50 per cent. of the students get plucked at the university examinations and there should be some means to stop this. I do not think that the fault only lies with the students.

The causes of failure may be attributed to the teaching staff as well. If they take care to do their duty properly, I do not think the students who are attending colleges and devoting their energies should have any reason for failure. It is due to negligence on the part of the teaching staff that they get plucked. It may be said that the students are at fault also because they may be of inferior merit or their capacity for grasping the subject is not as much as it should be, but after all they go on passing in various tests held by class teachers and professors. If they pass once why do they get plucked at the university examination? This shows that there is no question of inferiority of merit on their part. Sir, I think it is a very alarming thing that our future generation should be put in such a difficult position that they do not get success to the extent to which it is desirable.

I find from the report written by the Commissioner of Education with the Government of India that at the Matriculation and High School stage 1,26,004 male and female students appeared at the university examination all over India out of which 49,914 got plucked. These figures are given in the report for the year 1937 which is latest report available to us and I have only to be content myself with that information. In the year 1937 at the I.A., I.Sc. stage 35,485 appeared for the examination of which 16,956 got plucked. At the B.A. (Hons.), B.Sc., and B.A. pass examinations 20,908 students appeared out of which 8,920 got plucked. At the M.A. and M.Sc. examination 2,669 students appeared of which the number of students who failed was 786. So, at all the four University examination stages taken together 1,85,066 students appeared of whom 76,576 got plucked in one year.

Mr. President (The Honourable Sir Abdur Rahim): Was it in Delhi University?

Maulvi Muhammad Abdul Ghani: These figures include other universities also. I want to show that there is hardship all over India.

Mr. President (The Honourable Sir Abdur Rahim): Some Universities may be more efficient than the others—I do not know. This Bill is with respect to the Delhi University and the Honourable Member should confine his remarks to that University.

Maulvi Muhammad Abdul Ghani: I was giving these figures by way of example to impress the House of the unnecessary hardships of the students. I have already said that in the Delhi University 506 students appeared for the B.A. examination and 270 passed. This shows that about 50 per cent students got plucked; a little over 50 per cent. passed. I want that at least this percentage should be maintained and there may not be any further deterioration in that. My amendment does not go beyond that. There is only one restriction, namely 50 per cent. of the boys on the roll should at least pass and not 50 per cent. of the boys who appear at the examination. If half the number of boys who are being taught do not get success, it would be a matter of great regret. I want to have a brake against the teaching staff so that they may not show any kind of negligence. If they fail to teach 50 per cent. of the students successfully, then I feel that their work needs scrutiny, and for this purpose I ask that the Statute should provide that; in case the percentage of passes at the University examination of any institution falls below fifty per cent. of the students on the roll, that institution shall have to explain the reasons for that low percentage. And if that low percentage continues for three successive years, the college may be disaffiliated for sometime—not for ever—as a precautionary measure. This will be a sufficient warning.

I think everybody in this House will agree with me that a wastage of 50 per cent. is more than enough, but we are prepared to tolerate it to that extent. In case, however, even 50 per cent. do not attain success, surely some examination of the teaching staff of the institutions concerned is necessary. Sir, I would have been the last man to press such a kind of thing but I am compelled by circumstances to move such an amendment. When I compare the result of the progress towards literacy I find that during the last twenty years it has risen up from 3.4 per cent. to 5.2 per cent., i.e., a percentage of 1.8 per cent.

[Mr. Muhammad Nauman.]

they do not serve that purpose they forfeit their right to existence as such, and that college should be disaffiliated." I quite agree that a certain commission of inquiry may be started; the university may take certain steps in the earlier stage; that can be done just as soon as for two consecutive years a certain college has shown a very bad result, unless the purpose of the university is to circumvent the number of passes and to create a situation where probably no college will be able to put up more than 50 per cent. result; I do not suppose Government has any business to refuse this amendment which probably has no tinge of that communal colour which they have been opposing tooth and nail from the day we have been putting amendments from these benches. I hope the Government will realise the importance and accept the amendment. With these few remarks I support the amendment.

Sir George Spence (Secretary, Legislative Department): The question may now be put.

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadan): Sir, I just wish to make a few observations in connection with this amendment; nobody should live in hopes after the statement made by the Honourable Member in charge of this Bill that this amendment is likely to get any support from the Government. But I certainly would like to congratulate the Mover of this amendment on the good motive with which he has brought up this amendment. There can be no two opinions about that, and whatever may be said about the nature of the penalty provided in this amendment, there certainly can be no two opinions regarding the motive and the intentions of the Mover of this amendment. If we wish to have progress in this educational institution or if we wish that a particular thing should be done in ordinary life, what we do is this—it is common sense—either you provide an incentive to a person if you want a thing to be done or to an institution if you wish a thing to be achieved; or else you provide a penalty. If the person does not do a particular thing he shall be punished, or if an institution does not attain or achieve a particular thing, it shall be punished. So, either of these two things have to be provided, if a person wishes to bring about a particular result in the case of individuals or in the case of institutions. It must be either an incentive or a reward, or a fear of punishment. Now, all that this particular amendment provides is punishment, and we have not heard that there is a strong incentive provided anywhere in the Bill which will make the colleges vigilant in achieving a particular result that has been contemplated in this amendment. The amendment expects a greater result than 50 per cent. I would be quite satisfied if I was pointed out that there are certain provisions which would act as a stimulus to the colleges to bring about this result—a nice efficient education, a nice standard in the college. Then I would certainly have been satisfied. Failing this incentive, the only thing is punishment. The punishment may be hard and harsh—I do not say it is not; but let me say this, that the Mover does not say that if there is this particular result for three years—that is, below 50 per cent.—that automatically the college should be disaffiliated. He says an explanation should be called for; and if, as what my friend, Mr. Sargent, said, there is this advisory board which will go into the matter, then this explanation that will be called for will help. It is not the intention of the Mover that when the result is below 50 per cent. for three years, you should disaffiliate; he says an explanation may be called for and that college may be disaffiliated; in other words if the explanation is satisfactory to you that the students are of an inferior type or that the system of examination is bad, then certainly it is not necessary that you should disaffiliate the college. But this does contemplate one thing, that the teaching staff shall be efficient, that the men engaged would be efficient men and that certainly means that the teaching staff should be well paid. You cannot have efficient staff on low pay; and if any college has got to provide a good efficient staff, then it has to exert every means; it has to collect funds, may be from individuals or may be from the public, or from the Government. In other words, I think the amendment seems a very modest thing; in my opinion the demand is very modest; all that you need do is to ask for an

explanation. Affiliation and disaffiliation rests with you; you may or may not do it. It is not compulsory on you to disaffiliate.

Maulvi Syed Murtuza Sahib Bahadur (South Madras: Muhammadan): Sir, I will not take up much of the time of the House. So far as I know, when we were undergoing college course and also under the present Act, selection examination was held before any candidate went up for the university examination. It is called test examination or selection examination. So far as the Madras Presidency is concerned, it is called selection examination. After passing the selection examination, students are selected or rather permitted to appear for the university examination. So, I do not see any justification as to why there should be so many failures in the university course. That is why this amendment has been moved by my Honourable friend Maulvi Abdul Ghani Sahib and supported by other speakers; who have made out, as the House is aware, a very good case in favour of this amendment. Government is not going to lose anything. On the other hand, it will add to the efficiency and capability of the students that come out successful in the examination. The professors and teachers will apply themselves whole-heartedly to their duties which they are now wanting in a majority of cases. That is why this amendment has been moved and I commend it to the acceptance of the House.

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

"That in clause 16 of the Bill, after Statute 28 in the proposed Schedule the following new Statute be inserted and the subsequent Statutes be renumbered accordingly:

'29. The Executive Council may call for an explanation from every affiliated institution when its percentage of passes at the University examination falls below fifty per cent. of the students on roll and may disaffiliate it temporarily owing to three such successive results'."

The motion was negatived.

Seth Yusuf Abdoola Haroon (Sind: Muhammadan Rural): Sir, I move:

"That in clause 16 of the Bill, in clause (5) of Statute 29 in the proposed Schedule for the figure '8' the figures '6½' be substituted."

I am sure the Government will realise that the figure of 8 per cent. is a bit too high, looking at it from the point of view of the present circumstances. When the war is going on and everything is very expensive, you cannot expect an employee to subscribe such a high amount to his provident fund. Government might say that this is an emergency, and after that everything will be normal, and therefore the rate must be maintained at 8 per cent. My point is that people who will contribute to this provident fund belong to a class of people who are supposed to be intelligent, and if they want to save, they can do so themselves. I do not know how the Honourable Member has arrived at this figure of 8 per cent., and I am sure that no other university has such a high rate. Again, if you are going to get from a subscriber 8 per cent. then naturally the university has also to pay, as in the next clause, 12 per cent. of their salary, which I think is too much. I have given notice of an amendment to the next clause also which I shall move after this is disposed of.

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

"That in clause 16 of the Bill, in clause (5) of Statute 29 in the proposed Schedule for the figure '8' the figures '6½' be substituted."

Mr. J. P. Sargent: I do not know whether I can perhaps partially remove the Honourable the Mover's difficulties if I tell him that this question of provident funds both for permanent and temporary employees of the university has been under close and careful consideration for some time past by a representative committee of the University, and the University has actually framed a statute to take the place of the statute which is now under discussion. Unfortunately, when that statute was submitted, it contained one or two features which we thought were not desirable and we have sent it back for reconsideration by the University in those respects. They do not affect the rates of contribution either by the employees of the University or by the University as employer. Actually the proposals in regard to those are to reduce the contribution on both sides to eight per cent. That—I have made some enquiry—is the general figure obtaining in all institutions in this country of higher education and of university rank. In Government service, as Members will be aware, the rate is 6½ per cent. on

[Mr. J. P. Sargent.]

both sides, but I think there is a perfectly sound and fair reason for making the contribution on both sides higher in the case of university institutions, and that is that commonly, and particularly in the case of the senior ranks of university teaching, the teacher joins at a later age than he joins Government service, and consequently, if he is to obtain a substantial benefit from his contributory provident fund when he retires, it is desirable that the rates of contribution should be rather high. I know several institutions which in fixing it at 8 per cent., have had that fact specifically in mind and I have no doubt that it is the common factor that has determined this contribution. I can, therefore, assure my Honourable friend, the Mover of this amendment, that, as soon as the two or three points to which we felt it necessary to call the attention of the University have been reconsidered, a new statute in regard to provident fund will be substituted in place of the one which now finds a place in the Bill. For that reason, I hope that the amendment will not be pressed.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): This is a very essential point in the life of any employee of the University as well as any other institution, because I have always preferred a provident fund to pension. Those people who are entitled to get pension are sometimes very hard hit and the people who get provident fund are much better off than those people who get the pension. If a person who is entitled to pension dies in service, his family does not get any benefit at all but if a man has been contributing to the provident fund, he gets the amount on retirement or if he dies earlier, his family gets the benefit. It is always in the interest of those employees of the Government, or whatever the nature of the employer, that the provident fund should be encouraged instead of pensions and the bigger the sum at the disposal of the man when he retires from the service the better it is for him. I think a man when he retires, if he would not get any pension, must live properly and he must have sufficient amount at his disposal which can give him at least the kind of life to which he has been accustomed and I would not like that the Government share, which the Government and the colleges propose should be fixed at 12 per cent., should be reduced in any shape whatever. That must continue to be 12 per cent. but here the question is what should be the contribution of the employee himself. I think the employee has to look to two different requirements. His requirements are two-fold. One is his requirement after he retires and another requirement will come if he is in necessity of money before he retires. Your rules of provident fund do not allow you to advance more than a certain amount to the employee when he is in service. No amount can be advanced to him which exceeds, I forget, two years' or one year's salary, which he has got to pay back in 24 instalments. That certainly hits him very hard, because the amount which is left at his disposal is very very short and he cannot live. I have come across such cases in many institutions and I found that the employees were very reluctant to contribute a larger sum from their own salary. If we have to safeguard the interest of the employees only, then I think the best method is to encourage them to get their lives insured or to make them invest some money in such Government securities which may be available to them when a necessity arises, like the savings bank deposit or the post office cash certificates or something like that which may bring in good interest as well as be handy when the requirement comes. You cannot allow a man to have some money out of the provident fund when he wants to build a house. You can only allow a man if he has to marry his daughter. There may be many instances when a man requires money and I think 6½ per cent. is a very reasonable amount which a man may be asked forcibly to contribute, which he cannot touch until he retires or dies. He gets the benefit of it when he retires or his family gets the benefit if he dies during service. I think 6½ per cent. is more than enough and the rest, if he wants to invest it, may be invested in such Government securities as may be easily converted into cash money when the requirement comes but as far as the contribution from the employer goes I think it will be hard if that is reduced below 12 per cent. The employees who enter the Educational Service are usually of an advanced age, as my friend

Mr. Sargent pointed out. The Education Department sometimes engage people who are more than 35 or 40. At that age, a man is a very useful teacher, while, in the Government service you cannot take a man who is more than 25 ordinarily. The teacher loses 15 years in that case. I think ordinarily this sum is reasonable and we must not force him to contribute more than one anna in the rupee. I am glad that Mr. Sargent has said that he will reconsider the matter when the statutes come back to him. My only reason for speaking now is that he may be in possession of my views on this subject, when the occasion comes.

Nawabzada Muhammad Liaquat Ali Khan (Rohilkund and Kumaon Divisions; Muhammadan Rural): I just want to put one question to the Educational Adviser. The provident fund in this statute refers to the teachers and other officers and staff of the University. It does not refer to teachers and others employed by the colleges.

Mr. J. P. Sargent: I understood that the Committee contained representatives of the colleges, as the colleges are also themselves required to maintain a provident fund. As this figure was agreed to by them, the same thing would, I imagine, apply to the colleges as to the University teachers. As the Honourable Member knows, it is our desire that the University and college teachers should be treated in future as far as possible on the same level and I should certainly hope that any fund which commended itself in the case of the University teachers will also be adopted by the colleges.

Maulvi Muhammad Abdul Ghani: There are two considerations with which this amendment has been moved. One is the difficulty in calculation. If you put the figure at 8 per cent., it is very difficult to calculate whereas if you put it at 6½ per cent., the deduction is at the rate of one anna per rupee. Here the calculation is easy. Then, there is another aspect. We have just shown that the Delhi University is not very well off so far as the growth of education is concerned. I have just pointed out that in the year 1937 out of 506 students who appeared at the various examinations under the Delhi University only 270 came out successful. So, it is not a very good result and so long as this state of affairs continues, I do not think the Professors deserve any consideration at the hands of the University. Therefore, this amendment has been moved with the object that if the subscription will be less the contribution on behalf of the University will also be less. Besides, this is not a permanent thing. The statutes are always subject to alteration at the hands of the Court. So, they can be changed at any moment if the University or the Court so decide.

Sir, it has been pointed out by the Educational Commissioner that the matter is under the consideration of the University. So, for the time the matter is under consideration, this amendment can very well be accepted without any difficulty. I support the amendment.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Sir, my Honourable friend Mr. Sargent says that this matter is under consideration. That is quite all right. But my personal opinion is that the rate of contribution of the teacher should not be reduced. My Honourable friend Mr. Nauman said a few minutes ago that teachers are all intelligent persons. That may be so. But they are not always wise with regard to the handling of their financial resources. This I know to my own cost. I, therefore, suggest that this amount of contribution should not be reduced, because it is a form of insurance. Indeed, very few of us are able to forecast the future. Of course, if there are other difficulties, they should be removed, but the rate of contribution which is payable by a contributor should not be reduced. That is my definite opinion.

An Honourable Member: The question be now put.

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

"That the question be now put."

The motion was adopted.

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

"That in clause 16 of the Bill, in clause (2) of Statute 29 in the proposed Schedule for the figure '8' the figures '6½' be substituted."

The motion was negatived.

Maulvi Muhammad Abdul Ghani: Sir, I move:

"That in clause 16 of the Bill, in clause (6) of Statute 29 in the proposed Schedule for the figures '12' the figures '6½' be substituted."

This concerns the contribution to be made by the University to the fund which has already been subscribed. Now, the same difficulty here also arises, namely, the difficulty of calculation. It should have been either raised to 12½ per cent. or reduced to 6½ per cent. In the former case, it would have meant that the contribution made on behalf of the University would amount to 2 annas per rupee. But that is not the case here. So, I want that a similar contribution should be made on behalf of the University also. Besides, if the employee has done good service, there is ample opportunity for him to be compensated. If a person has done good work up to the time of his retirement, he can be benefited by the payment of a gratuity. This system may be introduced here. That will be an encouragement for doing good work and the student community will also be benefited by that kind of thing. I, therefore, move that the figure '12' be reduced to '6½' so that there may be an easy method of calculation and there may not be any further burden on the University funds.

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

"That in clause 16 of the Bill, in clause (6) of Statute 29 in the proposed Schedule for the figures '12' the figures '6½' be substituted."

Mr. J. D. Tyson (Secretary, Department of Education, Health and Lands): Sir, my Honourable friend Mr. Sargent has already explained that this whole statute is under consideration by the University and that one of the changes which they themselves have in view is the reduction of the University's contribution to the same level as the contribution of the contributor. The contribution of the contributor is 8 per cent. and that is the level to which the University themselves propose to reduce their own contribution. I do not think that my friend who moved this amendment, had he been able to change his amendment at the last moment, would have wished the University to contribute less than the contributor himself. (An Honourable Member: "He said 12½.") He mentioned 12½ for some arithmetical reason, but his amendment is 6½. So far as the arithmetical difficulty goes, I suppose with the aid of slide-rules and such things the calculation can be made at 8 per cent. or even 12 per cent!

I would only say finally that we are glad from this side to have had in advance the support of my Honourable friend Sir Muhammad Yamin Khan, who on the last amendment, the House will recall, was very emphatic that while the contribution of the subscriber should appropriately be cut down from 8 to 6½, he would very strongly oppose any suggestion that the University should pay less than 12. We propose to let 12 stand until the University makes its own statute which, we understand, is going to reduce it to 8.

Dr. P. N. Banerjee: Sir, I strongly oppose this amendment. Whatever may be the contribution of the teacher, the contribution of the University should not be reduced. It will be impossible for the University to secure the services of properly qualified persons if the rate of contribution is reduced, and what is needed most at the present moment is to get the services of the best qualified men. Therefore, Sir, I think this amendment is somewhat ill conceived and it should not be accepted by the Government. My Honourable friend Mr. Tyson says that the University is already considering the question of reducing the rate of its contribution. I think that would be a most reactionary step. The rate of contribution by the teacher may be raised to some extent, if necessary, but in no case should the rate of contribution of the University be reduced.

Mr. M. Ghasuddin (Punjab: Landholders): Sir, those of us who had the privilege of serving on the Select Committee on this Bill know that we received a lot of applications and representations from the members of the staff that they were being ill paid, and certain colleges were specially pointed out who could be considered to be getting sweated labour out of the staff.

Nawabzada Muhammad Liaquat Ali Khan: I hope my Honourable friend will give the names of those Colleges. He should not cast a general reflection like that.

Mr. M. Ghasuddin: It is a very delicate thing. If the House insists, I will mention the name.

Mr. President (The Honourable Sir Abdur Rahim): The House is not interested in the name.

Mr. M. Ghasuddin: I say some of the colleges. I do not say all the colleges. In fact, there is only one particular college which I have in mind. Their staff are very much dissatisfied owing to the meagre pay they are getting. Therefore I am surprised at Mr. Tyson, who was a very important member of the Select Committee and who must have seen these pamphlets and representations, being so ready to accept the amendment—rather not to accept the amendment but to give his sympathetic consideration to it. Sir, the past experience of the last eight days has shown that Mr. Tyson has not been very sympathetic towards the amendments moved by this side of the House. When one amendment is brought, which I do not think has the general support of the members of the Party to which my Honourable friend belongs, suddenly my Honourable friend Mr. Tyson jumps at it and says that the University is already sympathetically considering this amendment. I wish he had shown the same generosity towards some other amendments that have been moved from this side of the House. Therefore, Sir, on behalf of my Party and myself I strongly oppose this amendment. I am sure on second thought my Honourable friend will be prevailed upon to withdraw his amendment. Therefore, Sir, I hope the House will not accept the amendment but will come to the aid of the already meagrely paid staff of the University.

Maulvi Muhammad Abdul Ghani: Sir, I beg leave to withdraw the amendment.

The amendment was, by leave of the Assembly, withdrawn.

Maulvi Muhammad Abdul Ghani: Sir, I move:

"That in clause 16 of the Bill, in sub-clause (ii) of clause (3) of Statute 32 in the proposed Schedule all the words occurring after the words 'Provident Fund' be omitted."

The clause says that a person who is appointed on probation is eligible to subscribe to the provident fund, but in case his services terminate before his confirmation, he is not entitled to receive any portion of the contribution made by the University. I am moving this amendment in the interest of the persons who subscribe to the provident fund before their confirmation. The University also makes contribution towards the provident fund before the man's confirmation. Now, here the Statute says that if his services are terminated before confirmation, the poor fellow will not be able to get the benefit of the contribution from the University which it has already made. This is a very harsh order. When the employee commenced to subscribe to the provident fund he used to do it at some inconvenience to him, no doubt. He however did so contribute with some hope of benefit later on. If in these days of economic distress a man contributes to the provident fund, he should not be deprived of the benefits which the University offered. It is unfair that after a certain period it is laid down that he shall not get the benefit of the contribution made by the University. This is very harsh indeed. It sometimes happens that some of the teachers or professors give a written undertaking that they will serve for a certain period. They cannot go anywhere else. They sacrifice all better chances. In case they get better offers in the meanwhile, they have to lose those offers. Here they stick on to the job in the hope that the University will give them some contribution to the provident fund. It will be very hard upon the poor teachers if such restrictions are placed upon the teachers. I hope my Honourable friend Mr. Tyson would be generous towards these poor employees and I hope the House will accept the amendment and remove this glaring injustice done to the poor teachers.

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

"That in clause 16 of the Bill, in sub-clause (ii) of clause (3) of Statute 32 in the proposed Schedule all the words occurring after the words 'Provident Fund' be omitted."

Mr. J. D. Tyson: Sir, the words objected to by my Honourable friend contain a provision which follows the usual practice in these matters. This is not a new provision in the Bill now before the House. It occurred in the first statutes, at any rate in the statutes as they were before this Bill was brought before the House. I think it is the usual thing in provident fund rules. There is no question of a man serving for years and years on probation in the University. At all events in the University, under the conditions of Grant, probation can only be for at most two years. There is no reason whatsoever why, if a man is not confirmed, the University should give him contribution for the period that he is serving on probation before and without confirmation. He takes his own money out of the fund and therefore he does not lose. I am afraid we cannot accept this amendment which would be quite a new thing under the provident fund rules.

Sir Muhammad Yamin Khan: Sir, I am not well convinced by the speech of my Honourable friend Mr. Tyson. I think it is a great hardship on the people whom you employ that they should be deprived of the benefit which they expect at the time of their appointment. Take the instance of a man being employed on research work. Supposing the university thinks that research work will go on for many years and this will be a permanent post but afterwards they find that they have not got enough funds to make the post permanent and they terminate his services. What happens in such a case? Under the Statute which is now proposed to be enacted no benefit will be given in such a case because the people who administer the law cannot go against the law, specially in matters of finance. Sir, provident fund rules are the same everywhere, and in municipal boards I have seen that when a man has served for a number of years and he is not made permanent, he receives the contributions made by him to the provident fund as well as the contributions made by the municipality. But if a university teacher or professor is appointed for a specific purpose and is not confirmed on account of certain circumstances, I do not see why he should not get the benefit of the rule. Of course it may be provided that he will lose the benefit of the provident fund in special cases, e.g., for misbehaviour, inefficiency, indiscipline and so on; but if you go on contributing to his provident fund for a number of years of which he hopes to get the benefit, and then terminate his services for no fault of his own and on account of circumstances over which he has no control, he should not be deprived of the benefit of this contribution. I therefore do not think the statute is happily worded or conveys the idea which my Honourable friend originally had in mind, and I think it is a great hardship. As you are making a statute which can be later modified, I think these words should be deleted at present; but if you want to amend it later you can do so in the light of similar provisions which operate in the municipalities, district boards and railways, etc., which have got provident fund rules. You should delete these words now and later on you can have a provision that the benefit of these contributions will be lost in special cases like punishment for misbehaviour, etc. Sir, I support the amendment.

Mr. M. Ghiasuddin: Sir, may I put one question to my Honourable friend Mr. Tyson? Supposing the university people do not terminate the services of a man after his period of probation is over and do not confirm him either but keep him hanging, and they carry on like that for some years after which they terminate his services; what will happen?

Mr. J. D. Tyson: I understand that that is not possible in the university; the period of probation cannot be more than two years.

Sir Muhammad Yamin Khan: In research work there may be probation for five years.

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

"That in clause 16 of the Bill, in sub-clause (ii) of clause (3) of Statute 32 in the proposed Schedule all the words occurring after the words 'Provident Fund' be omitted."

The Assembly divided:

AYES—20.

Abdul Ghani, Maulvi Muhammad.
Abdullah, Mr. H. M.
Banerjee, Dr. P. N.
Choudhury, Mr. Muhammad Hussain.
Dam, Mr. Ananga Mohan.
Deshmukh, Mr. Govind V.
Essak Sait, Mr. H. A. Sathar H.
Ghiasuddin, Mr. M.
Kailash Bihari Lall, Mr.
Liaquat Ali Khan, Nawabzada Muhammad.

Maitra, Pandit Lakshmi Kanta.
Murtuza Sahib Bahadur, Maulvi Syed.
Nairang, Syed Ghulam Bhik.
Nauman, Mr. Muhammad.
Parma Nand, Bhai.
Siddique Ali Khan, Nawab.
Umar Aly Shah, Mr.
Yamin Khan, Sir Muhammad.
Yusuf Abdoola Haroon, Seth.
Zafar Ali Khan, Maulana.

NOES—29.

Aiyar, Mr. T. S. Sankara.
Ambedkar, The Honourable Dr. B. R.
Benthall, The Honourable Sir Edward.
Bewoor, Sir Gurunath.
Chapman-Mortimer, Mr. T.
Chatterji, Mr. S. C.
Dalal, Dr. Sir Ratanji Dinshaw.
Dalpat Singh, Sardar Bahadur Captain.
Hannur-Rahman, Khan Bahadur Sheikh.
Haidar, Khan Bahadur Shamsuddin.
Imam, Mr. Saiyid Haidar.
Ismail Alikhan, Kunwer Hajee.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Kamaluddin Ahmad, Shamsul-Ulema.
Mackeown, Mr. J. A.

Maxwell, The Honourable Sir Reginald.
Muazzam Sahib Bahadur, Mr. Muhammad.
Pai, Mr. A. V.
Piare Lall Kureel, Mr.
Raisman, The Honourable Sir Jeremy.
Roy, The Honourable Sir Asoka.
Sargent, Mr. J. P.
Spear, Dr. T. G. P.
Spence, Sir George.
Sultan Ahmed, The Honourable Sir.
Thakur Singh, Major.
Trivedi, Mr. C. M.
Tyson, Mr. J. D.
Zaman, Mr. S. R.

The motion was negatived.

Seth Yusuf Abdoola Haroon: Sir, I move:

"That in clause 16 of the Bill, in clause (5) of Statute 32 in the proposed Schedule for the figure '8' the figures '64' be substituted."

Mr. President (The Honourable Sir Abdur Rahim): The arguments are the same.

Seth Yusuf Abdoola Haroon: No, Sir. These appointments are temporary and those in service do not know whether they will be confirmed, or not. Besides no Government contribution is to be made if they are not confirmed. There is a note given in the Bill after clause (5) which runs thus:

"No subscription or contribution shall be made to the Provident Fund of an employee who is on leave without pay."

Therefore I feel that the rate of subscription as provided in the Bill should be reduced. The appointments being temporary, an employee may be thrown out at any time and he may have to remain unemployed for sometime before he is able to get a fresh appointment. And, as I have already pointed out, no contribution is to be made by the Government. There is no attraction in paying high percentage. So why should such a high rate of contribution be fixed? Sir, I move.

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

"That in clause 16 of the Bill, in clause (5) of Statute 32 in the proposed Schedule for the figure '8' the figures '64' be substituted."

Dr. P. N. Banerjee: I oppose this amendment on grounds similar to those advanced by me in regard to a similar amendment moved before. There is nothing more which I can add to what I said then.

Mr. J. P. Sargent: I oppose this for the same reason that I stated in connection with the permanent Provident Fund. I would only call the attention of the House that this is not a short appointment. These posts are for not less than 2 years, and there are cases in which University and College teachers may be engaged on contract. This rate is for their benefit and there is no reason for the difference proposed.

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

"That in clause 16 of the Bill, in clause (5) of Statute 32 in the proposed Schedule for the figure '8' the figures '64' be substituted."

The motion was negatived.

Maulvi Muhammad Abdul Ghani: Sir, I move:

"That in clause 16 of the Bill, in clause (6) of Statute 32 in the proposed Schedule for the figures '12' the figures '64' be substituted."

Mr. J. D. Tyson: This is the complement to the one that my Honourable friend withdrew.

Maulvi Muhammad Abdul Ghani: I withdrew my amendment for the permanent appointments. This is for temporary appointments.

Dr. P. N. Banerjee: The arguments were the same.

Mr. President (The Honourable Sir Abdur Rahim): What class are these?

Maulvi Muhammad Abdul Ghani: These are in connection with temporary appointments.

Sir Muhammad Yamin Khan: That referred to the contribution by employees. This refers to the contribution by the University for temporary employees.

Maulvi Muhammad Abdul Ghani: Here there is the same difficulty of calculation. If the authorities are ready for 12½ per cent., I have not the least objection.

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

"That in clause 16 of the Bill, in clause (6) of Statute 32 in the proposed Schedule for the figures '12' the figures '64' be substituted."

Mr. J. D. Tyson: I understand the objection to the existing figure is an arithmetical one. It is quite true that the University of Delhi does not enjoy the benefit of having on its staff the Honourable Dr. Sir Zia Uddin Ahmad. I do not think it ought to be beyond their powers, however, to make the necessary calculation. I oppose the amendment.

Mr. Kailash Bihari Lall (Bhagalpur, Purnea and the Sonthal Parganas: Non-Muhammadan): Sir, I have really to press one new argument for opposing this amendment. My friend has said that it is for temporary appointments that he has put this amendment so as to reduce the quota of contribution. But as it is for temporary appointments, there should be some attraction for a good scholar in the education line, and this may be one of the attractions. We have already seen that in the Education Department people are low paid. We see that even a Sub-Inspector of Police, who is a Matric pass, gets Rs. 125 after the period of his probation, whereas in the Education Department, a Master of Arts does not even get Rs. 125 at the start. Perhaps he has to commence from Rs. 100. Most of the flowers of Universities apply for the police line and for other executive departments. Even when there is such a temporary appointment, if there is no attraction for good scholars you will only get a third-rate scholar. Then the cause of education will suffer. It is for that reason that I oppose this amendment and I suggest that the contribution recommended should remain. I was going to speak on the previous amendment where the Government had shown such sympathy and I was going to press that instead of sympathy there should be an assurance that there should be no reduction in the contributions by Government.

Maulvi Muhammad Abdul Ghani: Having regard to the force of the arguments advanced by opposition I would like, with the leave of the House, to withdraw my amendment.

The amendment was, by leave of the Assembly, withdrawn.

Syed Ghulam Bhik Nairang (East Punjab: Muhammadan): Sir, I move:

"That in clause 16 of the Bill, clause (1) of Statute 33 in the proposed Schedule be omitted."

Now, Statute 33 is headed: "General provisions relating to Colleges" and clause (1) which I seek to delete reads:—

"Save as otherwise provided in the Act, all Degree Colleges shall be in close proximity to one another and to the University and shall ordinarily be located on the University estate."

"Provided that the Executive Council shall have the power to exempt from the provisions of the foregoing clause, temporarily, or, if necessary, permanently, a College which is unable to comply therewith for want of a suitable site or an adequate grant-in-aid for building or maintenance."

I would submit, Sir, that in the first place clause (1) has been conceived and worded in such a way as to defeat its own object and to render itself nugatory. In the second place, there are other considerations why such a clause should not be enacted as part of the Statute.

The clause says that all the colleges shall be in close proximity to each other and to the University and then in the same breath, or possibly in the

next breath says that they can be allowed to be located elsewhere for certain reasons, either temporarily or permanently. That is why I say that this Statute really renders itself inoperative in the second part. The necessity for the colleges being in proximity to each other and to the university may look very plausible; but when at the same time we consider the difficulties which some colleges may have in obtaining either a suitable site or an adequate grant-in-aid for building or for maintenance, I think it becomes evident that such a provision should not be laid down in the statutes as a matter of law, because the moment you contemplate that some colleges may be unable to comply, for certain reasons, with the law you lay down and relax the law in their favour, several undesirable consequences follow. The college which fails to comply with that law will be marked with a permanent stamp of inferiority. Colleges, as they have so far been situated in Delhi, have according to their convenience found sites or readymade buildings or buildings which were partly readymade and were extended and altered to suit the requirements of the college, and they have been conducting their work in those buildings. Now, you suddenly call upon them and say "You must come closer to the university and closer to each other." I do not know—eminent educationists like my Honourable friend, Mr. Sargent, may be able to tell us—what advantages will accrue to education when the colleges are in proximity to each other and in proximity to the university. There may be advantages, but they are not quite so obvious, unless of course we are told what those advantages will be, as to make us believe that this law is necessary. When you actually find that some colleges are unable for this or that reason to comply with that law, why make that law at all? In fact it is only now that this matter is coming before us in the shape of law. Actually, as a matter of practice, the thing has been in force already, and such colleges as were able to shift to other buildings or construct other buildings for themselves, have shifted to other places. I can say for the St. Stephens College—I know the building in which that college was located formerly and the building in which it is now located. Other colleges may be in a position possibly to do the same or may have done the same—I am not aware of it; but I know that all the colleges in Delhi which at present constitute the sum total of the jurisdiction of the Delhi University are not in a position to comply with that order; and as I have already remarked, to make it law and then to make an exemption, is stamping certain institutions with the hall mark of inferiority. It is absolutely unnecessary. No advantages will accrue from this sort of mixture contemplated by this statute, and the best thing would be to expunge this clause from the statute. I move.

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

"That in clause 16 of the Bill, clause (1) of Statute 33 in the proposed Schedule be omitted."

(Mr. J. P. Sargent and Sir Muhammad Yamin Khan rose in their seats.)

Mr. President (The Honourable Sir Abdur Rahim): Mr. Sargent.

Nawabzada Muhammad Liaquat Ali Khan: May I suggest that Mr. Sargent might speak later on so that he might be able to reply to all the points?

Mr. J. P. Sargent: Sir, I am grateful to the House for its indulgence. My Honourable friend the Mover of the amendment suggested that there may be good reasons why this is a desirable statute and I thought that perhaps the earlier I intervened and gave such explanations as I am able to with regard to this particular point the better and so I rose. This is not in itself a new proposal. This was in the statutes which existed before this particular Bill was introduced. It was specially passed in 1936, and, I imagine, for a particular reason. I think it was put then on the statute book because it marked a development and a change in the outlook of the university. As Members will probably remember, the original conception of the Delhi University was that of a unitary university where all the teaching would be undertaken by the university and the colleges would in fact become hostels. In the course of time, ideas changed with regard to that subject and a great impetus was given to that change by the fact that the Government of India were able to place at the

Mr. Kailash Bihari Lal: Is it some defined area?

Mr. J. P. Sargent: Oh, yes. It is a definite area. There is a definite layout of the whole thing. It is a very large area.

Sir Muhammad Yamin Khan: Sir, I have listened to my Honourable friend, Mr. Sargent. All his arguments are based on one conception alone, and that would have been all right if the Delhi University were a residential university. It is not residential because we have got boys from the Delhi city who attend daily and go back to their homes. Play grounds for football, hockey, cricket and others are very good, but if you have all the colleges located in the old Viceregal Lodge, it is nearly about $7\frac{1}{2}$ miles from New Delhi. And do you expect that your boys will come early in the morning when the teaching starts at about 9 or 10 o'clock, stay there the whole day and take part in the games there? This is too hard to expect from the boys there. If you say, no, the boy will go for his lunch, for his tea, or for his refreshment, to his house and come back, you are expecting too much from him. If he travels $7\frac{1}{2}$ miles on each occasion going and coming, what work will he do in the evening? Do you think after a hard game of hockey for about one hour or one and a half hours of football and cycling, 30 miles, the boy will be able to do any kind of work at night?

There is another side. What about the conveyance? How will all these boys come from different quarters of the city to the Delhi University site? I know the difficulty, even in the case of small children when they go to school,—there are some buses which take them from one place to another. And they are so expensive that they become almost prohibitive to the ordinary people that they cannot incur such expense. Take a man employed in the Secretariat here on Rs. 250 or 300 a month and his two sons reading in the Delhi University. Do you think that he should pay Rs. 15 a month for each boy for conveyance to go to the University from here? This University is not only for those residing in the Civil Lines, but it is one for the City of Delhi, for New Delhi, and probably some boys will come from the Kutab also because it is within the Delhi area. (An Honourable Member: "Karol Bagh also.") Karol Bagh becomes nearer. From this side, it is further off. Your colleges are located in different localities in Delhi and the boys who join the colleges find it more convenient to join the colleges which are near their homes. Boys living near Kashmiri Gate may like to go to St. Stephen's College or the Hindu College. Boys living in the neighbourhood of Ajmere Gate or in the part of New Delhi near to it will like to join the Arabic College. Apart from the question of financial difficulties, which will crop up, you ignore this question of the students' convenience. I should like that the boys should take their education in the colleges nearest to their homes and those boys may go in the afternoon to the University who take part in the games. At the time I was educated in the Meerut College, apart from what I did in Aligarh, I used to go to the college which was situated about a mile and a half from my house. We used to have all our games there. Here it is a case of $7\frac{1}{2}$ miles and if we wanted to take part in any exciting game of hockey or cricket, the one thing we did was that we did not attend the classes in the day. That is what the boys do. You cannot play hockey after doing 5 hours in a college and not feeding yourself well at the same time.

What arrangement for refreshments will you make in the University. If you want that the boys should pay for their lunch and tea in the University, you ignore the pockets of the boys who will be going there. It is all right for my friends who get big salaries but you cannot ignore the men who have got no money in their pockets to spare for this purpose. They cannot afford to spare their motor cars for their children. How much expense will it involve to the man in the street, as they call him. There are some boys who take the trouble to go elsewhere. If I am fond of hockey and I do not care for my studies, I can go on a bicycle to the Delhi University at my convenient time. I can ignore my studies. I may like to get the reputation of a able hockey player or football player, at the expense of my studies but you cannot put all the boys who are keen on studies to this inconvenience.

Then about the location of the colleges. We do not want a sort of pegging legislation. Delhi is improving and you may want to shift the colleges from their present position. After 25 years, Delhi may still further improve. Then you may want them to shift again. Your proposal would be all right if the Delhi University was a residential university. If the boy goes to the University and returns home, after sunset, I would not mind if he can afford to pay for his food there but this idea of yours is impracticable. I think this amendment is very sound. Let the colleges take action of their own free will but don't make a law which you are not prepared to enforce in every case. Either you enforce the provisions or you don't. Don't have so many exemptions and loopholes. Suppose you give a grant-in-aid and they cannot raise their part of the subscription. What will happen then? You are prepared to give two lakhs and suppose the other side cannot raise a similar sum. Then the provision will be a mere pious wish. To make a law and deliberately ignore it is undesirable. Let it remain over for the future. With these words, I support the amendment.

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, statute 33 contemplates not only that the degree colleges shall be in close proximity but also that they shall be in close proximity to the University. Having heard the advantages that we are to derive from co-operative education, one would not very much object to having a group of colleges in close proximity. In other words, supposing one particular college possesses professors in some special subject and in another college that course is not available, then certainly it is an advantage to the students to have the colleges together. But instead of contemplating a group of colleges in close proximity to one another, what the statute contemplates is this that they shall be in close proximity to the University. In other words, all these colleges must form a sort of a ring round the University. So, it comes to this that if the University is in a far off place inaccessible to most of the students, then they must forego education that would otherwise be available to them. I personally appreciate the idea of co-operative education and therefore would not object to have a group of colleges in proximity to each other, but the difficulty arises when you say that they should also be in proximity to the University. As has been pointed out, this University is far away from the Delhi city. It is about $7\frac{1}{2}$ miles. As my friend who moved the amendment and those who supported him pointed out, the difficulty is the approach to the places where these colleges and the University are situated. If it had been said that the colleges should be in proximity to one another, I could have no objection and I do not think this side of the House could have had any objection. But the main objection is that you make this University inaccessible to very many students. Generally, most of the students come from the middle classes and they can hardly afford to spend money on conveyances. You have, therefore, to take into consideration the financial condition of the parents who send their sons or guardians who send their wards to the colleges. We must not for a moment think that we can take to the conditions prevailing in England or in other foreign countries. Nobody appreciates more than I do that a college should have healthy surroundings and nice playgrounds. Decidedly, it is better for any student to breathe in a purer atmosphere and to live in a healthy locality and to have playgrounds which will refresh his mind and build up his body. You appreciate all these things and yet you deny him the facilities which would give him all these opportunities. In some places what the Government has done is this. Wherever the Government has thought of giving healthy localities and of providing co-operative educational facilities, they have acquired land round about the colleges. After the acquisition of the land, a nice sanitary condition is really created around the colleges. In cities you will always find that there are colleges here, there and everywhere and they are not far away from each other. Therefore, if the Government were

[Mr. J. P. Sargent:] disposal of the university the old Viceregal Lodge in Delhi with its extensive grounds. Now, I have visited most of the universities in this country, and I do not think that any of them are more fortunate in the possession of a site than the Delhi University; and with that site it was possible to allocate sites not merely for the university's own requirements in buildings, but also for the colleges of the university, as soon as it was practicable for them to occupy them. These sites have actually been allocated and I have not heard that any college is dissatisfied with the adequacy of the provision which has been made for them in that particular respect. Now, if there is room and a site is given, I will do my best to explain why for promoting the new conception of the university, there is a great deal of advantage in having the colleges in close contact with the university.

In the first place—and it is a very important consideration both from the point of educational efficiency and also of economy—it facilitates the provision of co-operative teaching among the colleges. That I think is very much in the interests of the colleges themselves, because it will allow colleges to participate in the higher stages of teaching in the university; and I know that some colleges have expressed the apprehension that the university gradually aimed at appropriating all the highest teaching and confining them to Pass work. Now, that, as far as I know, is a totally erroneous idea; and if the colleges can get in proximity to one another so that without undue difficulty students in one college desiring to study a subject for which there is not an economic number of students in their own college will be able to attend classes provided in another college. That will mean reciprocity and each college will have to have men on its staff, men of distinction, capable of teaching up to honours and M. A. standard; but that will only be possible if the colleges are reasonably close to one another and not scattered as they are at the moment. From this point of view, as an extremely desirable arrangement though in a very tentative and inadequate form, co-operative teaching has been in operation between some colleges; but the distances in Delhi are considerable and for that and other reasons it has not been altogether successful; but I am glad to say that from some minutes which I received the other day, it appears that with the unanimous agreement of the colleges, a scheme for co-operative teaching has already been worked out and that will be put into operation as soon as questions of time and space have been satisfactorily solved. That is one aspect of the matter.

Another is the question, not of work, but of games. The existing site contains magnificent playing fields, not merely for the university itself but for the colleges; and it seems to me that if there are more colleges on the site, they will be able to take much greater advantage of the really admirable facilities for games than they would be if they are scattered throughout the town.

Then, if any members have recently visited the university buildings themselves, they would I think have been very favourably impressed by the improvements which have taken place in the library and by the amenities which have been provided for all students of the university in the way of common rooms both for the staff and for the teachers.

There is also the fact that a lodging house and other things have already been provided which will very much add to the amenities of the university and will I am sure be very much appreciated by the students of the college. That does not seem to me an ignoble conception of a university, and when I.P.M. we are able to carry it out, I feel sure, provided, as I have said before, we have the co-operation of the constituent elements of the university, that the prospect before the Delhi University will be very bright.

I am perfectly aware of the difficulties to which the Deputy Leader of the Muslim League has already called attention, and those are the questions of finance which the proviso to this section has been specifically included to cover. It is quite clear that it would be unreasonable to expect a college to vacate its present buildings unless the university, which really in the case of finance

means the Government, were able to satisfy them that a reasonable amount of help would be forthcoming to enable them to move. In that connection I may also say that—again I am very careful to say in the case of some colleges and not all colleges—recent reports from the committee which inspects the accommodation, both teaching and hostel, in the colleges call attention to very grave overcrowding and other unsatisfactory features in the present accommodation. Therefore we are naturally anxious,—those who like myself are anxious to see this scheme carried through to success,—that a move should be made as soon as it is feasible to place the necessary help, financial and otherwise, to which I will refer in a minute, at the disposal of the colleges.

With regard to financial help we are living in difficult times and Members will appreciate as much as I do that it is not easy for Government to find the money which they might otherwise have found for implementing the scheme. But they have not done too badly. They have during the last 3 or 4 years put Rs. 8 lakhs at the disposal of the University and colleges to enable a start to be made and two colleges have already moved up to the site or are in the process of doing so. The balance of that money is available for the assistance of any other colleges which are in a position to move. But unfortunately, it is not merely a question of finance. Even if we were able to satisfy colleges that we would give them liberal assistance which, supplemented by such contribution as they themselves might be able to provide, would enable a start any rate to be made,—we are face to face at the moment with a practical difficulty of obtaining building materials. Therefore we have not been bringing any pressure for the last year or eighteen months on the colleges to move. But I hope that when the position eases, we shall proceed with this and we hope to persuade colleges that our help in this matter will not be based on an ungenerous scale.

There is also not merely the question of capital expenditure, there is the question of maintenance expenditure. The Deputy Leader of the Muslim League, the other day, was not quite fair to us with regard to our assistance to colleges in connection with their maintenance. It is true that we have, after consulting them, required that certain minimum scales of salaries for teachers should be introduced in all colleges, and I do not think that any Members of this House, knowing the conditions under which some teachers in some of the colleges have worked in the past will regard that as a reactionary step. The grant is based on a proportion of the salaries that are now being paid. I agree that we are in a transition stage and it is difficult to say whether our increased subvention will adequately compensate colleges for the increased expenditure that they themselves may be put to. But I have spent a good deal of time personally going into the financial aspect of this matter with the treasurers and other representatives of the governing bodies, and I do not think there is any very great difference between us as to the probable effect. We have however agreed that the only thing to do in the case of a scheme, which is now only in its first year, is to see how it works. I have given my personal assurance that if they can satisfy us at the end of a reasonable period that it is working to their financial detriment, it shall receive our most sympathetic consideration. But I hope we shall not be charged with having taken a mean attitude with regard to the financial aspect.

I have spoken at greater length than is perhaps necessary but this is a very important matter. Whether it required a statute or not may be a matter of opinion but I think myself that the statute was deliberately introduced into the statute book to mark what I should regard from the educational point of view as a most desirable development in the conception of the Delhi University. It was specially put on the book in 1936 and I think therefore it is desirable that it should remain among the statutes. For these reasons I regret we cannot accept the amendment.

Mr. Kailash Bihari Lall: What is the meaning of "shall ordinarily be located on the University estate"?

Mr. J. P. Sargent: The old Viceregal Lodge which the Government of India handed over to the Delhi University in 1934 or 1935.

[Mr. Govind V. Deshmukh.]

to help the colleges by acquiring houses and land round about the places where the colleges are situated, then certainly your idea of having colleges grouped together within an area of, say, a mile or a mile and a half will be all right because the students will not find it very difficult to cover that distance on their cycles and it would not involve much labour to them. If the Government were to act like this, I think it would be much better. Therefore, the clause which acts as an eye-sore is that all these colleges should be in proximity to the site of the University. Instead of having this statute, if the Government were to say: Here is the land and those who have got the means to purchase it can do so, or if the Government is so generous, it may give the land free. But as things are at present, it is really putting obstacles in the way of education of those students who are poor and who find it difficult to pay their fees and other expenses. The difficulty which has been pointed out is really a difficulty which is not easy to get over. It is not an easy thing to cover a distance of $7\frac{1}{2}$ miles and then apply the mind to the studies. The man gets fatigued. Unless there are some arrangements for refreshments, the student will not be in a position to take much interest in the sports which we are contemplating he should take advantage of. I think, therefore, it would be wise to come to some arrangement. Either accept the amendment as a whole or let the Government acquire land and houses which are necessary for opening up the locality and for creating sanitary surroundings and playground. Unless the Government comes to such an understanding, I would be inclined to support this amendment.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): Sir, a well-equipped University on modern lines, to my mind, pre-supposes the idea of a Central University surrounded by a number of colleges. But it also pre-supposes the elementary necessity of the colleges and the University being a residential institution. You have one university with a group of colleges, according to you possibly in close contiguity to each other. Let there be an Agricultural College, a Medical College, an Engineering College and a number of Arts Colleges. These you want to be in close proximity to each other. Well and good. In close proximity to the University also. Well and good. But is it possible under the present conditions? A modern University, befitting the position of a University in the capital of India, should certainly have a number of colleges in close proximity to each other and to the University. But the question of funds crops up. You have built New Delhi at a cost of more than 30 crores. Still there is a demand to invest more and more money in building a greater capital of India, a capital approaching the greatness of London. You must also provide for education on the same magnificent lines. In the first part of Statute 33, you provide:

"Save as otherwise provided in the Act, all Degree Colleges shall be in close proximity to one another and to the University and shall ordinarily be located on the University Estate."

So that the University ought to have one single Estate. You will have to set apart a large area for this University with a number of Colleges. Is it possible at the moment?

Mr. J. D. Tyson: It has been done.

Maulana Zafar Ali Khan: But the proviso contradicts you. It says:

"Provided that the Executive Council shall have the power to exempt from the provisions of the foregoing clause temporarily or if necessary permanently . . ."

So, you take the power of exemption. You contemplate some Colleges not being in close proximity to each other. Then why have this provision at all. The position is absurd. So, this provision must be expunged. You cannot adopt any course other than expunging this contradictory provision. I support the amendment.

Maulvi Muhammad Abdul Ghani: I am glad to believe that Government are aspiring to do things which produce curious results. Such is the case here. They want that all the Colleges should be located close to one another as well as close to the University. I think perhaps they are thinking of the convenience of the Vice Chancellor personally, so that he will have an easy walk over while

inspecting all the colleges. The authority, at the same time, should take into consideration the difficulties of the people who go to receive education. Here they are not going to have a residential University. They want to have a mixture of all things. Here the University area is in civil lines. The University is fed by people from different parts of New Delhi and Old Delhi. The distance from New Delhi to the University area is nearly eight miles. The University is not going to make arrangements for hostels for all students. Without considering the difficulties of people and without caring to arrange for hostels, the authorities want all the colleges to be located in close proximity to each other. The students shall have to walk a long distance from their place of residence to the colleges. They have again to come back home in the evenings. Thus the students will have to travel more than 15 miles every day. The parents of the students will have to make arrangements for their conveyance or the students will have to walk all the distance. It is not easy for every college student to walk the distance. The parents will have to spend money on conveyance. Instead of making education cheap in this country, efforts are being made to make it more and more expensive, so expensive that very few in the country will be benefited by the course of education. If this is the idea with which the provisions are being made, I do not think we should be a party to such a kind of arrangements. Every effort should be made to make education cheap so that it may be within the easy reach of all people here. We know that people are very poor in this country. Their paying capacity also is very low as compared with other countries. The only purpose with which this Bill has been brought forward seems to me to be this that the Government want a paid Vice Chancellor. Let them have such a provision. But the Government should think twice before making any provision which involves the country in making a greater contribution. In these days of war and scarcity, when people are in great trouble already they should not be troubled with any measures of this character. In the same breath the Government say that the University can also exempt certain colleges from complying with this provision. Then what is the use of this clause here? The effort should be to provide funds first. Let better times come, so that the Government and the people will be able to contribute equally towards the arrangements. But to hurry up such things is not desirable. Sir, I support the amendment.

Mr. J. D. Tyson: Sir, my Honourable friend Mr. Sargent has indicated, I think conclusively, the great advantages that would accrue from having the colleges gathered together round the university at the university site, the site which has already been provided; and I do not think that any of the subsequent speakers, so far as I have been able to follow them, have questioned the validity of those advantages. Rather they have concentrated on pointing out that there are certain difficulties to be overcome, and of course one appreciates that there are difficulties. Mr. Deshmukh, for example, has blessed the idea of having the colleges collected together as near each other as possible, but he seemed doubtful about having them in contiguity with the university because the university is on the north side of Delhi and the colleges are mainly in Delhi itself. But, Sir, if we are going to collect the colleges together where are we going to do it? We cannot collect them in Delhi itself, nor would there be any advantage in attempting to do so. The general trend now in India and in other countries is to try to get educational institutions out of crowded cities into the country or at least into the suburbs; and if we are therefore going to move out into the suburbs, instead of acquiring some new site, as I think Mr. Deshmukh suggested, quite near to the city, what is the harm in going to the admirable site already provided, which may be $7\frac{1}{2}$ miles from New Delhi but is not very far from Delhi itself? It is only I think a mile and a half or so from the Kashmere Gate. Now, Sir, already this is in process of being done. There is one college actually on the site; the ladies' college is between the Kashmere Gate and the site of the university. It is already in that quarter and no question of hardship arises there. A third college is, I believe, in the process of moving and has started putting up a hostel already on the university site. A fourth college is in hired buildings already and will have to build

[Mr. J. D. Tyson.]

somewhere, and it may just as well build there. Another college is away in another quarter standing up on the top of a hill,—we can all see it but it must be almost inaccessible; and in any case I think it has got to move from there because I believe the military are in occupation of its buildings.

Now, Sir, the question of conveyance has been raised, and I must say that I found it difficult to believe when I was listening to my Honourable friend Sir Yamin Khan, that we were discussing a university and not an infant school. Not everybody is going to go to the university site from the Qutab, as he was kind enough to suggest. But even if they have to go from New Delhi what is the difficulty about bicycles? Every Indian student rides a bicycle,—at least that is the impression I get from the part of India that I come from. And what is the difficulty about taking their tiffin at the university site? I believe there are facilities there already! there certainly will be facilities when the colleges are there. I do not really see that any difficulty has been advanced which would in any way counterbalance the very obvious advantages to which my Honourable friend has referred this morning in his speech.

An Honourable Member: The question may now be put.

Nawabzada Muhammad Liaquat Ali Khan: Sir, let me say at the very outset that as far as the ideal that is embodied in the Statute which is proposed to be deleted is concerned, I have full sympathy with it. Not only that but as far as we are concerned, we have shown by concrete action our support to this ideal. I mean that last year we were told by the Vice Chancellor of the University,—by “we” I mean the Anglo-Arabic College,—that if we could raise a sum of Rs. 50,000 the University would be glad to give an equivalent amount for the purpose of building a new college at the University site. And I am glad to say that the appeal which the governing body made to the Muslims of Delhi was most successful. Although we were given only about three months in which to raise this amount, we were able to raise this amount of Rs. 50,000 from the Muslims of Delhi alone. So, as far as the ideal is concerned, every one would agree that this would indeed be very good for higher education in Delhi.

But there are certain practical difficulties which I want Government to bear in mind and the House also to consider when they are launching on this scheme. My Honourable friend Mr. Sargent has said that Government will give assistance to various colleges to shift to the new site. I want to make it quite clear to Government that before they commit this House and themselves to this proposition they must be prepared to give at least grants in the form of contributions towards the building of colleges, and loans to the extent of about 25 lakhs; and I will tell you, Sir, how I have arrived at this figure. One college, St. Stephens, has already shifted to the new site and they have already put up a very fine building. That college was the most fortunate in the sense that nearly all the money that was spent on the building was got from Government. Their building, I understand, has cost them about 6 lakhs of rupees; and on that basis it will mean that for the five colleges the cost will be somewhere in the neighbourhood of 30 lakhs of rupees. From this you take out 6 or 7 lakhs that will be spent on the Hindu College. That college was fortunate. Whereas in our case the condition was laid down that we must raise Rs. 50,000 before we could claim the generosity of Government and the University, the Hindu College was fortunate in getting a grant of one lakh of rupees without any condition whatever. However, I do not grudge them this good fortune: I am glad that they were able to get this amount from Government. They have started building their new college and a portion of it, I understand, is already completed. After that, Sir, there are three more colleges that will have to construct new buildings on the university site. This is one aspect of the question that Government must make up their mind now whether they will be able to find that money, because I wish to make it quite plain that it will not be possible for smaller colleges to raise such big amounts for having a new building on the new site.

Then the second question, which is a very important one from the point of view of the student community is this. As far as I understand, the number of students in the university is in the neighbourhood of two thousand. The Government scheme for the building of these new colleges is based on

the calculation that each college will have a hostel for about one hundred students. My Honourable friend, Mr. Sargent, shakes his head. I have got his own letter here sent to us by the Government and here it is stated that this is what they visualize at present, namely, that each college will have hostel accommodation for about one hundred students. I do not know whether my Honourable friend challenges this statement. . . .

Mr. J. P. Sargent: If my Honourable friend will accept my explanation, I may tell him that I was shaking my head for quite a different reason.

Nawabzada Muhammad Liaquat Ali Khan: I am sorry. Well, in future I shall not take any notice when my Honourable friend shakes his head.

I was saying that five boys colleges will be on the new University site. The idea is that residential accommodation will be provided for about 500 students. There will still be about 1,500 students that will have to go for their studies to these colleges as day scholars. I have not got the figures here, but I understand that all the colleges put together today have not got anything near 500 students as boarders. I know in our own college, our number on the rolls used to be about 300 and we never had more than 30 or 35 students as boarders. It all goes to show that a vast majority of the students that are studying in the University of Delhi in the various colleges belong to Delhi and, therefore, the suggestion that was made by my Honourable friend, the Educational Adviser, that the students will be able to take part in games and all that sort of thing will really be limited to a very few students if you take the proportion of those who will actually be living in these colleges. I must say I entirely agree with my Honourable friend the Educational Adviser that the University of Delhi is very fortunate in having the site that it has got—a very beautiful site with extensive grounds—and it would be made into a very fine University, but the point is this: The Delhi University will never be a residential university. It will never be a university on the lines on which you find universities in England, like Oxford or Cambridge, or in India like Aligarh and Benares. Most of the students in Delhi will always come from Delhi itself and the economic condition of the people being what it is their parents—most of them—will never be able to keep their sons as boarders in these colleges. I have my doubts and very serious doubts if ever the Delhi University will assume the importance of an All-India University because we have two universities—one at Aligarh and the other at Benares—which are All-India Universities. The Muslims, those who want to send their sons for higher education to a university away from their homes, will always send their boys to Aligarh, because the whole atmosphere, the whole outlook on life of the students there is different from what it exists in other universities. And, in the same way, the Hindus from all over India will send their boys to Benares. The idea is excellent, but, I am afraid, that the University of Delhi will never become an All-India University in the sense in which the Government wants it to be. A very large number of students will always belong to Delhi.

Then, Sir, even if we take the number of students that has been fixed for each college under the new scheme, each college has been given a maximum of 500. No college is to have more than 500 students. That means even on that calculation the number of students in Delhi will be 2,500 and, as I have said just now, a fraction of this will be boarders.

Mr. J. P. Sargent: If my Honourable friend will pardon me for interrupting him, may I remind him of the conference, at which he was present, where we altered the maximum to 600?

Nawabzada Muhammad Liaquat Ali Khan: I am sorry. That makes my argument stronger. Thank you very much. I remember first it was 500 and then it was made 600. That means really 3,000 students and the hostel accommodation that is intended to be provided under the new scheme, that has

[Nawabzada Muhammad Liaquat Ali Khan.]
been applied to all these colleges, will be about 500. So there is this difficulty which I think the Government and the University will have to consider very seriously. It is unfortunate indeed that the old Viceregal Lodge is situated so far away from Delhi. Had it been nearer, it certainly would have been an ideal place.

Then my Honourable friend, Mr. Tyson, has said that the tendency in all the foreign countries is to shift the colleges from inside the city to the suburbs. I do not know if London college has been shifted outside. I am not aware if the colleges in Edinburgh or Glasgow have been shifted to suburbs and new buildings have been constructed. They are still where they were.

Mr. J. D. Tyson: It is so partially in the case of London University.

Nawabzada Muhammad Liaquat Ali Khan: Do you mean that some colleges which were existing before have been shifted outside to a new site and fresh buildings have been erected?

Mr. J. D. Tyson: Yes.

Mr. J. P. Sargent: I know one case. The University College has gone out to Ealing.

Nawabzada Muhammad Liaquat Ali Khan: I wish we had the same facilities of transport here as they have in London. But anyhow that was only by the way.

Sir, there are two or three difficulties in the way of this proposition which is embodied in the Statute. One is the question of funds. The Government must be ready to give that amount which I have stated just now to the various colleges to shift to the new site. Let me tell you one thing: It will not be very nice for the University education if some of the colleges are shifted to the new site and some remain for want of funds in the localities where they are at present. It will, as my Honourable friend the Mover of the amendment had stated, put a kind of inferior mark on those colleges which will not be able to shift outside.

Second, Sir is the question of considering the problem of students. My Honourable friend says that it will be quite easy for every student to go on a cycle. That is quite true. But when four-fifths of the students will be living in the city, then for the sake of one-fifth so that they can take advantage of the new site, the playing fields and the beautiful scenery, is it justifiable to spend all that amount of money? Unless a large majority of the students who will be studying in these colleges are provided with facilities so that they can take the fullest advantage of the opportunities that will be offered to them, I do not think that it will be a very wise step to take.

I raised this question of funds here because I want the Government to be quite clear in their mind that for some colleges at least it will not be possible to abide by this Statute unless the Government were prepared to give them grants and loans for putting up these new buildings. I do not later on want the University to come upon us with a heavy hand and say that either you shift to the new site whether the Government give you any money or not or we shall disaffiliate you. I want this to be made quite clear here; that the Government when they insist on the retention of this Statute do undertake that they will give whatever amount is required by these colleges for putting up buildings on new sites. Vague assurances are not sufficient. My Honourable friend, Mr. Sargent stated that I was not quite fair to the Government when I had referred to the grant for maintenance to these colleges. I shall not mix up the issue now because I notice that there are certain other amendments which refer to this particular matter and I shall deal with this question when we are considering those amendments. I must say however that the Government have given more than what they did before, but my contention is, as I will show later on, that they have not given us as much as we were made to expect, and that is why I said that the Education Department and the University were not able to give as much because they were unable to get that amount from the Government which they expected. So when the

Government are undertaking the responsibility of introducing this scheme, then they must take the financial responsibility also. Do not let the future of the Delhi University hang on the sweet will of any individual Finance Member. The Government as such must be clear in their mind that when they insist on the introduction of this scheme, they have undertaken the financial responsibility to the fullest extent of making this scheme a success. Otherwise, if we spend some lakhs of rupees now and later on the Government withdraw from this position, then we shall have wasted so much money of the taxpayer. This is a scheme which will take some time before its real benefits can be discovered and it will mean expenditure of a very large amount of money, and I hope the Government realise and understand that they are making this commitment as far as the financial liability is concerned.

My Honourable friend, Mr. Nairang, when he moved this amendment, intended that this question should be thoroughly discussed on the floor of this House. The Members of the Legislature, who are responsible ultimately for voting grants for the various institutions like universities and so on, should know what they are voting for and if it is decided that we must go on with the scheme and that this Statute must be retained, then it is not that we want to oppose this just for the sake of opposition, but before we vote for anything we must be quite clear in our mind as to what its implications are, and that was the object with which this amendment was moved.

Mr. Kailash Bihari Lal: Sir, this amendment has been discussed from all points of view and the Government has narrated the advantages of their amendment proposed in the Bill. The various financial aspects and the convenience of students and guardians have also been placed before the House and I beg to add one or two points to these arguments.

Of course, the present position has not been made clear from the speeches we have heard so far. What will be the implications of the adoption of this amendment as proposed by the Government? How are the colleges at present situated to be removed to the University estate? I asked the Honourable the Government Member and he said that it is a defined area. But if those colleges are to be left and their buildings demolished or sold and new colleges established, then the difficulties narrated by the last speaker are to be taken into consideration.

Apart from these financial difficulties, and the problem of setting up so many colleges within the University area, the disadvantage that I see from this proposal is that it may lead to cutting off the students from the general mass of the people. Of course there are advantages in a residential university. But we have heard that this University is not a residential university *in toto*. It will be an examining university as well as an affiliating university. Leaving aside the advantages of a residential university, there remains the question as to what will be the fate of the students—those who will be reading in that circumscribed area? Of course they will be going from the whole area of Delhi, but they will be confined to the University area so far as their education is concerned. We may visualise that it may correspond to something like the idea of parents who sometimes think that they should bring up their children at home. We have heard of men taking it into their heads not to get their sons admitted into a school or college, but giving them a home education and then hoping to get them through the Matric and straight away in the college. Then we can see from the idea of the people who think of getting their sons educated at home, what sort of education will they all get? It goes without saying that the outlook of the boy, his intelligence and his general knowledge will be surely circumscribed by being kept within the area of his home and it looks something like this when we propose that we will have all the colleges in one area and the students should be cut off from any contact with the other part of the place. So this disadvantage appears to me more vital. When the advantages of a residential university are left off, because in the residential university there are advantages—the students are treated in quite a different way and are taken for general knowledge and education

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

"That the question be now put."

The motion was adopted.

Dr. P. N. Banerjee: We want a reply from the Government side. Mr. Tyson has spoken on certain points. I hope Mr. Sargent will further amplify them.

Sir Muhammad Yamin Khan: He has also spoken.

Nawabzada Muhammad Liaquat Ali Khan: Mr. Tyson can speak again.

Mr. Deputy President (Mr. Akhil Chandra Datta): If he wants, he can with the permission of the Chair and the House.

Nawabzada Muhammad Liaquat Ali Khan: Certain views have been expressed by Members on this side, stating what this scheme means and what it implies. If Mr. Tyson says that the Government fully realise the implications of this and are prepared to go on with the scheme—that is all that we want to know so that we may be able to decide which way we should vote.

Mr. Deputy President (Mr. Akhil Chandra Datta): He can speak in the shape of an answer to this question.

Mr. J. D. Tyson: We have considered these questions that have been raised; in fact, plans have been very largely worked out, and we prefer to stand by the statute as it stands. It has the proviso.

Nawabzada Muhammad Liaquat Ali Khan: You take the full responsibility for getting this thing through. Do not tell us later on not to come to you because you cannot give us the money. That is what I want to make sure.

Mr. J. D. Tyson: We do not promise to foot the whole bill.

The Honourable Sir Jeremy Raisman (Finance Member): We help those who help themselves.

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

"That in clause 16 of the Bill, clause (1) of Statute 33 in the proposed Schedule be omitted."

(There were shouts of 'Ayes' and 'Noes'.)

I think the 'Ayes' have it.

The Honourable Sir Jeremy Raisman: No, Sir, the 'Noes' have it.

Mr. Deputy President (Mr. Akhil Chandra Datta): I did not hear the shouts of 'Noes'.

The Honourable Sir Jeremy Raisman: We have said 'No' on every occasion on which anybody has said 'Aye'.

Mr. Deputy President (Mr. Akhil Chandra Datta): There need not be a controversy over it. If you say you have said 'No', which I did not hear, I will call for a division.

(After the Bell stopped ringing.)

The question is:

"That in clause 16 of the Bill, clause (1) of Statute 33 in the proposed Schedule be omitted."

The Assembly divided:

AYES—20.

Abdul Ghani, Maulvi Muhammad.

Abdullah, Mr. H. M.

Banerjee, Dr. P. N.

Choudhury, Mr. Muhammad Hussain.

Deshmukh, Mr. Govind V.

Essak Sait, Mr. H. A. Sathar H.

Kailash Bihari Lal, Mr.

Leichand Navalrai, Mr.

Liaquat Ali Khan, Nawabzada Muhammad.

Maitra, Pandit Lakshmi Kanta.

Murtuza Sahib Bahadur, Maulvi. Syed.

Nairang, Syed Ghulam Bhik.

Nauman, Mr. Muhammad.

Parma Nand, Bhai.

Raza Ali, Sir Syed.

Siddique Ali Khan, Nawab.

Umar Aly Shah, Mr.

Yamin Khan, Sir Muhammad.

Yusuf Abdoola, Haroon, Seth.

Zafar Ali Khan, Maulana.

NOES—28.

Aiyar, Mr. T. S. Sankara.

Ambedkar, The Honourable Dr. B. R.

Bentham, The Honourable Sir Edward.

Bewoor, Sir Gurunath.

Chapman-Mortimer, Mr. T.

Chatterji, Mr. S. C.

Dalal, Dr. Sir Ratanji Dinshaw.

Dalpat Singh, Sardar Bahadur Captain.

Habibur-Rahman, Khan Bahadur Sheikh.

Haidar, Khan Bahadur Shamsuddin.

Ismail Alikhan, Kunwar Hajee.

Jawahar Singh, Sardar Bahadur Sardar Sir.

Kamaluddin Ahmad, Shamsul-Ulema.

Mackeown, Mr. J. A.

Maxwell, The Honourable Sir Reginald.

Muazzam Sahib Bahadur, Mr. Muhammad

Pai, Mr. A. V.

Piars Lal Kureel, Mr.

Raisman, The Honourable Sir Jeremy.

Roy, The Honourable Sir Asoka.

Sargent, Mr. J. P.

Spear, Dr. T. G. P.

Spence, Sir George.

Sultan Ahmed, The Honourable Sir.

Thakur Singh, Major.

Trivedi, Mr. C. M.

Tyson, Mr. J. D.

Zaman, Mr. S. R.

The motion was negatived.

Mr. Deputy President (Mr. Akhil Chandra Datta): Before I ask the next amendment to be moved, I see there are a number of amendments on Supplementary List No. 6.

Mr. H. A. Sathar H. Essaak Sait (West Coast and Nilgiris: Muham-madan): We are not moving them.

Syed Ghulam Bhik Nairang: Sir, I move:

"That in clause 16 of the Bill, in clause (1) of Statute 33 in the proposed Schedule all the words beginning with the words 'on the working of the College' and ending with the words 'management' be omitted and before the words 'the number' the words 'as to' be inserted."

Sir, clause 10 reads:

"Every college shall submit each year by a date to be fixed by the Executive Council a report to the Executive Council on the working of the College during the previous year, giving the particulars and circumstances of any change in the staff or the management, the number of students and a statement of income and expenditure and such other information as may be required."

With my proposed amendment, the clause will read:

"Every College shall submit each year by a date to be fixed by the Executive Council a report to the Executive Council as to the number of students and a statement of income and expenditure and such other information as may be required."

Now, Sir, the change which I want to make by my amendment in that clause of Statute 33 would obviate the necessity of submitting a report on the working of the college during the previous year and giving particulars and circumstances of any change in the staff or the management. Sir, the idea underlying my amendment is this, that too much prying into the affairs of the colleges is not calculated to produce good results. The Executive Council not only fixes a date for the submission of the report, not only wants ordinary particulars which the Executive Council would be interested to get about the number of students, a statement of income and expenditure and some other information, but also would like to have a report made on the working of the College during the previous year, and if there are any changes in the staff or the management, these things also have to be stated, not only particulars but the circumstances also and the reason why a certain Professor or Lecturer or Reader who was on the staff of the college has now ceased to be there, what led to it, and if there is any change in the management, what led to it. I say all this is too much prying into the affairs of the college. Where is the need for it? The more returns and reports are prescribed, the more difficulties and complications arise. I say, let there be an ordinary report. You will know the number of pupils, you will know the number of my staff, you will know the income and expenditure, and you may want some other ordinary information. I will give all these. But why say, if there has been any change of management, why has it been made, if there is any change of staff, why has it been made. I say, Sir, that sort of Rule is certainly calculated to lead to complications. I should like to have this clause changed in the way contemplated in my amendment. Sir, I move:

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

"That in clause 16 of the Bill, in clause (1) of Statute 33 in the proposed Schedule all the words beginning with the words 'on the working of the College' and ending with the word 'management' be omitted and before the words 'the number' the words 'as to' be inserted."

[Mr. Kailash Bihari Lall.]

on trips outside their college, and outside their districts; in that way they gain some general knowledge and their outlook is widened. But so far as an examining and affiliating university is concerned, if there is no provision for widening the outlook of the students and increasing their knowledge and bringing them into contact with large numbers of people, then his education will be surely cabined, cribbed and confined. From that point of view I suggest that this will be another harm done to the cause of the education of children. I was suggesting that by allowing the colleges outside the so-called university estate area to be affiliated to the university and to be examined by the university, the university will be doing good not only to the students reading in those colleges but the colleges lying in the outskirts of the university will be also shedding light and lustre in their localities. When you get together all educational institutions in one area, of course the people will be deprived in many ways from receiving the light of such educational institutions. So it is just the other way. As you are arguing about the advantages of a residential university, it may be argued also that the advantages of those colleges which are spread over a widespread area and affiliated to the university are also there. Perhaps from this point of view, the matter should be weighed; and apart from the financial consideration which has been urged so strongly by the Leader of the Muslim League Party, this point should also be considered and this provision should be deleted, so that there may not be any difficulty in the education of the children.

Dr. P. N. Banerjee: Sir, I have noticed with some amount of anxiety the differences of opinion that have been expressed on this question,—differences mainly with regard to the advantages and disadvantages of the system of all the colleges being situated in proximity to one another. It appears to me that these differences have arisen from the different angles of vision from which the question has been looked at. The main advantage to my mind is that there will be possible the pooling of resources in respect of teaching, laboratory work and library facilities. The students will have the advantage of being taught by the best teachers; they will all have the advantage of library facilities which cannot be secured separately for each college to an adequate extent, and further they will be able to utilise the fully equipped centralised laboratories of the university, as it will not be possible for each college to have at its disposal a large laboratory for doing research work or even making ordinary scientific experiments.

These are undoubted advantages; but as against these advantages, there are certain disadvantages which have been fully dealt with by the previous speakers. Of these, two disadvantages seem to be the most important. The first is the disadvantage arising from difficulties in regard to the means of communication. My Honourable friend Mr. Tyson sought to get over this difficulty by saying that the students can ride on bicycles and go from one place to another. Bicycles provide a comparatively easy mode of locomotion; but riding on bicycles tires a person so much that after riding for a distance of $7\frac{1}{2}$ miles in the morning and another $7\frac{1}{2}$ miles in the evening, the student will feel disinclined to do any further work. (Interruption.) My Honourable friend points out that the students will have to go again for engaging in games. I shall give you a specific instance. There is a very earnest research student at present residing in New Delhi. He is a first class first of the Calcutta University in History and is doing research work in the Records Department of the Government of India. I know him intimately. He was residing at Daryaganj for some time; he came to me and asked me if I could find out for him some accommodation in New Delhi. He told me that his research work was suffering because he had to come on a bicycle from such a long distance and go back again. I was able to find out some accommodation for him in New Delhi, though with the greatest difficulty. It will not, therefore, do to brush aside this conveyance difficulty in the manner in which it has been sought to be brushed aside by my Honourable friend Mr. Tyson. Then there is the

question of tiffin arrangements or refreshments. The boys cannot be expected to do their intellectual work from 10 o'clock in the morning till 5 o'clock in the evening without getting some substantial food during the interval. My Honourable friend suggests that they may take their food with them. That is not very convenient. In order to overcome the conveyance difficulties, you will have to run frequent buses and cars from the different parts of old Delhi and New Delhi to the university area. That is the first step which will have to be taken by the Government.

The second difficulty, as has been pointed out by my Honourable friend, the Nawabzada Sahib, and other speakers, relates to finance. Finance is a very important matter, and my Honourable friend's calculation is that a sum of Rs. 25 lakhs will be required in order that all the colleges may be shifted to the university area. That is a very large sum. Would it be possible for the Government to provide the whole sum? If the Government agrees to provide only one half of that sum, it will be extremely difficult for the authorities of the different colleges to find the other half. Therefore, we will have to consider seriously the question from these two points of view.

The difference merely centres round the question of desirability *versus* feasibility. I do not think that it is impossible to get over the difficulties, but so long as the difficulties are not fully got over, you should not insist that all the colleges should shift to the university area.

My Honourable friend, the Nawabzada Sahib, raised another question, namely, whether it is likely or not that the Delhi University will develop in course of time into a residential university. The Government view evidently is that it is likely it will develop, but I have a great deal of apprehension in this regard. I do not think that the Delhi University, unless it is provided with abundant funds and facilities for research which are not available in any of the other universities in India, will be able to develop itself into a residential university. And, then, what are the real advantages of a residential university? The main advantage of a residential university is the formation of an academic atmosphere,—an atmosphere in which the students grow up as friends and become sons and daughters of the same *alma mater*. That is an advantage, but weighed against this advantage is the poverty of the people of India. How many persons can afford to bear the expenses which are essential for living in a residential university? All these questions will have to be taken into consideration very carefully before you decide this matter finally.

Balancing the advantages and the disadvantages, it seems to me that a compromise is possible, and that compromise has been made possible in Calcutta. The Calcutta University is an affiliating university in the main, but during the last quarter of a century it has developed also into a teaching university. So far as the affiliating portion of the university is concerned, the teaching is done in the separate colleges which exist all over Bengal and Assam. As regards the under-graduate teaching, it is done in the colleges; but so far as M.A. teaching, the post-graduate teaching—is concerned, it is done in the university premises. Thus students get the best facilities for teaching,—they have the advantage of being taught by the best teachers, they have the advantage of getting the best kind of library facilities, and they also get the best of laboratory equipment. For the present I should therefore advise the Government to adopt this compromise. Here in Delhi you may have a centralised portion of the work for M.A. and M.Sc. teaching in post-graduate departments,—both arts and science,—and so far as the ordinary teaching up to the B.A. standard is concerned, you may leave it to be done in the separate colleges until you are able to find the necessary funds and until you have been able to remove all the difficulties that stand in the way of the students availing themselves of the benefits offered by the university.

Sir, I shall be glad to be acquainted with the intentions of the Government in this regard, and then I shall decide as to the side on which I ought to vote.

An Honourable Member: Let the question be now put.

Dr. P. N. Banerjee: Sir, I am sorry I cannot agree with my Honourable friend the Mover of the amendment. He says that too much prying into the affairs of a College is not desirable. He further suggests that consideration of matters like changes in management will lead to complications. My Honourable friend has not dealt with the question in any detail. Therefore I am at a loss to understand what is the real intention of this amendment. It seems to me that it is very necessary to know all the affairs of every College. Unless all the affairs of a College are known to the University authorities,—the Executive Council, the Academic Council and the Court;—it will not be possible to keep these Colleges in a condition of proper management. Sir, we all know that a great deal of mismanagement has been in existence in some of the Colleges. If we are not to know the details and the causes which have given rise to this mismanagement, how shall we be able to remove them ever? In order that we may deal properly with the affairs of a College, we must first have knowledge, and this provision in the Statute gives the University power to obtain information,—full and adequate information—as regards the affairs of the College.

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

Sir, in one of the Colleges a Professor has been employed for over eight years. He is a Ph.D. of the London University. In the course of these eight years, his salary has been increased by Rs. 7, that is, at the rate of fourteen annas a year. He joined on Rs. 150 which in itself was a small salary—much smaller than what was due to him,—and in the course of eight years he got an increment of Rs. 7 only.

Nawabzada Muhammad Liaquat Ali Khan: What was the University doing all the time?

Dr. P. N. Banerjee: I do not know whether the University authorities were sleeping over the matter or took any steps to remove this state of things. This is one of the reasons for which the University should have full knowledge. Therefore, I want the retention of this statute in its present form. I oppose the amendment which has been moved by my Honourable friend.

Maulvi Muhammad Abdul Ghani: Sir, I think it is an unnecessary burden on the part of the Educational authorities of a college to insist on such large number of reports. We are already complaining that the colleges have to tackle the heavy work that involves in arranging for the teaching of the pupils entrusted to their care. In addition to this work, if they are called upon to make arrangements for submission of reports after reports, then all the time of the Professors and the teachers will be spent in drafting these reports. I see that the Government are fond of reports and returns, but not fond of education, I mean the growth of education. I have seen the Government are fond of brick and mortar, sometimes, they waste money on brick and lime, sometimes they waste money on paper, reports and returns. All these are showy things. These are not going to serve the purpose for which educational institutions have been started. There are many provisions here which are not going to help the real growth of education. Enough information is now being given to the Universities about the colleges and it is no good to ask them to submit more reports. I think such things should be discouraged and the time of the professors so saved should be utilised for teaching purposes. What is the meaning of "such other information as may be required"? They should have made clear what kind of information is required. This is nothing but groping in the dark. This may of course refer to the political views of students or professors but this should be made clear. The statement of income and expenditure only means the budget and its copy is submitted. What more do the Government want? These paragraphs deal with reports and returns and I think this is superfluous. Therefore Government should not oppose this amendment.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I support the Leader of my Party in opposing this amendment. The House must note that it is necessary for affiliation of colleges or even for disaffiliation that facts and circumstances should be known to the university, as the power of superintendence should rest with the university. I should have liked the report to go not only to the Executive Council but also to the Court, though I find that the Court is given a step-motherly treatment and everything goes to the Executive Council. That, however, is a question which is not pertinent to the present amendment. But I surely recognise that this clause (10) should have been more specific. The words "report on the working of the college during the previous year" are ambiguous. After giving the other details about the income and expenditure and the number of students, etc., it is not clear what further report on the working of the college is wanted. Then the word "management" also is very wide but we can understand what management means. A statement of income and expenditure is also clear, but we do not know what other information is required, that should have been specified.

An Honourable Member: What about "management"?

Mr. Lalchand Navalrai: That we can understand, and if any college wants to know what exactly is required under "management" they will write to the university and get that information. Therefore it is salutary and necessary that the university should have information and the report will be considered and any mistakes in the working of the college will be pointed out and remedied. The universities have power of superintendence and to correct colleges if they go wrong. Sir, I oppose the amendment.

Mr. J. D. Tyson: Sir, I am happy to be able to agree for once at all events with my Honourable friend the Member from Sind. I was a little surprised to hear what fell from my Honourable friend Maulvi Abdul Ghani. He seemed to object to the words "such other information as may be required", and he seemed to think that those were the really objectionable words. I can only say that the amendment which has been moved leaves those words in and the amendment stands in the name, among others, of Maulvi Abdul Ghani. Either he has not read his own amendment or he failed to draft it in the way he wished. I think there is obviously much to be said for the view that the more the colleges and the university know about each other the better. As this clause goes, there are general indications of what this report is to contain. It is only submitted once a year; that should not be an undue burden on the time of the teaching staff. I know that Maulvi Abdul Ghani holds rather drastic views, as we shall see on another amendment, if we ever reach it, as to how the time of the teaching staff should be occupied. But even at 56 hours a week they may be able to put in one annual report, and it is generally the Principal who puts it in. Sir, we cannot accept this amendment.

Nawabzada Muhammad Liaquat Ali Khan: Sir, may I ask a question? I want to know if this provision exists in the present Statutes or is it a new Statute?

Mr. J. D. Tyson: It exists in the Calendar of 1941-42.

Sir George Spence: I move that the question be now put.

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

"That the question be now put."

The motion was adopted.

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

"That in clause 16 of the Bill, in clause (10) of Statute 33 in the proposed Schedule all the words beginning with the words 'on the working of the College' and ending with the word 'management' be omitted and before the words 'the number' the words 'as to' be inserted."

The motion was negatived.

Syed Ghulam Bhik Nairang: Sir, I move:

"That in clause 16 of the Bill, clause (16) of Statute 33 in the proposed Schedule be omitted."

Clause (16) of Statute 33 reads as follows:

"Where a College desires to raise the standard or alter the subjects in respect of which it is recognised, the procedure hereinbefore prescribed shall, so far as applicable, be followed."

That procedure is given in clauses (11), (12) and (13) of the same Statute. Clause (11) says:

"A College applying for recognition by the University shall make a written application to the Registrar so as to reach him not later than 15th October, preceding the academic year from which the recognition sought is to take effect."

Clause 12 reads thus:

"(12) A College applying for recognition shall satisfy the University on the following points:—

- (a) that it guarantees a satisfactory standard of educational efficiency for the purpose for which recognition is sought, and that it is established on a permanent basis;
- (b) that its financial resources are such as to make due provision for its continued maintenance;
- (c) that it is under proper management and is suitably organised;
- (d) that its buildings are suitable and sufficient;
- (e) that the furniture and library and laboratory equipment are adequate;
- (f) that the provision for the residence, discipline and supervision of students is satisfactory;
- (g) that due provision is made for the health and recreation of students;
- (h) that the qualifications and number of its teaching staff are adequate, and the conditions of their service such as may be approved by the University;
- (i) such other matters as are necessary for the maintenance of the tone and standards of University education."

Mr. President (The Honourable Sir Abdur Rahim): Is it necessary to read all that?

Syed Ghulam Bhik Nairang: Yes, Sir. That is very essential. My point is that all this has been already laid down and Statute (16) is superfluous. Clause 13 says:

"(13) A College applying for recognition shall give full information in the application on the following matters:—

- (a) constitution and personnel of its Governing body;
- (b) standards and subjects in respect of which recognition is sought;
- (c) accommodation, library and laboratory equipment and strength of the College;
- (d) number, qualifications, work, emoluments and conditions of service of teachers;
- (e) provision for hostels, playgrounds and the residence of the Principal and other members of the staff;
- (f) fees proposed to be levied;
- (g) the financial provision made for the continued maintenance of the College;
- (h) such other matters as may be prescribed by the Ordinances."

Clause 14 says:

"Every College shall comply with the relevant Statutes, Ordinances and Regulations of the University."

Now, Sir, clause 16 in the Statutes says:

"Where a College desires to raise the standard or alter the subjects in respect of which it is recognised, the procedure prescribed shall, so far as applicable, be followed."

It means at every stage I am to stand before the portals of the University as a supplicant waiting for their royal favour to allow me now to teach this subject, now to teach that subject, now to teach up to the B.A. standard and all that. Why don't they finish the whole thing in one course and get all these particulars, guarantees, and assurances under these clauses? And when that has been done, it should be unnecessary for me to go to them again and say: now I want to teach up to the M.A. standard in Science and now in Geography and now in History and all that. This sort of thing has led actually to injustice being done to at least one institution within my knowledge whose application to teach up to the M.A. standard has been pending in the University for the last two years and no order has been passed thereon. To take such powers for the University and then to abuse those powers is the idea that is abhorrent to us. And, therefore, I say that it should be deleted. Sir, I move.

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

"That in clause 16 of the Bill, clause (16) of Statute 33 in the proposed Schedule be omitted."

Mr. J. D. Tyson: Sir, I propose to reply very briefly to this. What my Honourable friend has read out is the information that is to be given when a college applies for recognition. Certain standards have to be satisfied and certain additional information has to be given.

The clause that we are dealing with shows that "when a college desires to raise the standard or alter the subjects in respect of which it is recognised, the procedure hereinbefore prescribed shall, so far as applicable, be followed." The clause reads "so far as applicable"; so that it will not be necessary, if a college is recognised up to a certain standard in a certain subject, to give details again about the "provision of library, playgrounds, residence for principal", etc., but it will be necessary to satisfy the University that the teaching staff to teach up to B.Sc., for example, and the laboratories are there,—things that may have been added since the college was first recognised.

That difficulties may have arisen is a different matter, but that some such clause, as this is necessary I should have thought was obvious.

Maulvi Muhammad Abdul Ghani: Sir, we know that there is a provision for inspection of the colleges. What work will be taken from these inspectors and the University Professors if periodical reports are not made in regard to any changes that may be taking place? They will have no work, then if even this is left to Professors. If this work is not to be entrusted to the inspecting body then I think that body should be abolished. We should not go on burdening the college authorities who are thus compelled to do less teaching work.

Sir, whenever any college has to make any alteration in the subjects or to raise its standard they are not to do anything against the scope of powers given to them. Besides the inspecting bodies, such as inspectors and others, are always out and make reports about all such things. And moreover clause 10 has been just adopted. This will be only repetition and there is really no necessity of this. I think it has been rightly moved that this clause should be deleted. Sir, I support the amendment.

Nawabzada Muhammad Liaquat Ali Khan: Sir, I think I am right in understanding that this provision exists in the present Statutes. Is that correct?

Mr. J. D. Tyson: Yes, it is.

Nawabzada Muhammad Liaquat Ali Khan: It was necessary in the old arrangements to have a Statute of this kind, when there was neither any grade fixed for teachers nor any definite qualifications prescribed for them, nor was the number of junior and senior staff fixed for the various colleges. Now under the new scheme the Government have fixed definite grades and qualifications for junior lecturers, and in the same way they have fixed grades for senior lecturers who will be employed by the colleges, and their qualifications have also been fixed. Not only that, but the Government have fixed the proportion of senior to junior lecturers also. In other words, the object of these changes is to bring up the teaching of all the colleges to the same level, and these conditions did not exist before.

Now when all the colleges are bound to employ teachers who fulfil the qualifications that have been laid down by the University, and no teacher can teach in a college unless he is recognised as a teacher by the University, I do not see any reason why a college should go to the University if it wants to raise the standard of education in a particular subject. What the University can do is that they can lay down that for opening post-graduate classes or teaching honours classes, such and such will be the minimum requirements that a college will have to fulfil. But, Sir, what happens and what has been our experience in the past is that a college makes an application that it wants to teach such and such a subject for M.A. or Honours classes. The application is made. First, I suppose, it lies in the Registrar's office for months; then, goodness knows where it goes and what happens next; anyway, I know that one college had to wait for years, before it could get an answer. It applied two years ago and even today it has not got recognition to teach certain subjects to higher classes although it has on its staff qualified persons to teach those subjects. So having a power like that may have been necessary in the past when there was no uniform standard of teaching fixed for all the colleges, but surely it is not the intention of the Government that teachers with less qualifications should

[Nawabzada Muhammad Liaquat Ali Khan.]

be paid the same salaries as teachers with better qualifications! When you have fixed the salaries at a definite scale, then I take it that all the colleges will employ teachers with equally good qualifications, and Sir, in view of that, it seems to me that this is unnecessary and the power that has been given to the Executive Council and to the various committees that may be entrusted with this task (I think it will be the task of the Recognition Committee) may be abused. Any power which is liable to be abused should not be embodied in any Statute. If the Government say that they think that still in spite of fixing all these various grades and prescribing qualifications, some colleges will have inefficient staff, then I submit that all this money will be wasted. But when qualifications are the same, efficiency is the same in all the colleges, salaries are the same, then there is no reason why each college should not be recognised to teach any subjects. What the University can do is that they can lay down that any college which fulfils such and such conditions can teach M.A. and Honours classes in those particular subjects: and every college which fulfils those conditions should be allowed to do so and it should not be left to the sweet will of any committee to decide whether such and such a college should be allowed to raise the standard of education, or whether such and such a college should be allowed to start education in certain subjects. Therefore, Sir, I support the amendment which has been moved by my Honourable friend, unless the Educational Adviser can satisfy us on this point that the object of retaining it under the new Statutes is something different to what it used to be in the past.

Mr. J. P. Sargent: Sir, I do not know whether I can satisfy my Honourable friend. I hope the use of this clause will be different in future from what it may have been in the past. I agree with him that the whole object of fixing grades of salaries is to try and ensure that the standard of college teaching is uniform and that the teachers from all colleges will be available for general purposes. I do not want the House to get tired of my talking about co-operative teaching. But I was glad to find in connection with another amendment we discussed that a number of Members who have not seen eye to eye with us in all the propositions in this Bill did see the great advantage of co-operative teaching. It does seem to me that this Statute is both necessary and desirable in connection with co-operative teaching, if it is going to be made a success. The original recognition of colleges has laid down a lot of requirements which may or may not be necessary with regard to recognition for co-operative teaching. This particular clause deals with changes which a college may wish to make in the teaching responsibilities which it has undertaken. I think Members will agree that if a college, shall we say, in the interest of economy or educational efficiency has undertaken to provide a teacher up to the B.A. in Arabic or Sanskrit, and it wants (this being a co-operative subject) to alter the subject, I gather the University must be kept informed. That is why I think it is necessary to have such a prescription in the Statute. If a college said "We have an excellent man, but we are afraid he has gone and Mr. X in another college will be better qualified to do the work so we propose to give up teaching in this subject and let somebody else do it; or alternatively, we have another man who can do it", it seems to me to be quite essential, if co-operative teaching is to be a success, that the University must be kept informed. This use of this clause will be for that purpose only.

Mr. Lalchand Navairai: I take it that when the colleges are recognised, information as required in the other clauses is being given. After that if there is any change, what I expect by this clause is that fresh information and fresh news of management should be given. If the college wants recognition and it has got recognition, then in that case they are bound to go by the information given. But if they want to increase the standard of the subjects, then I think the University ought to be informed, otherwise it will not know whether the colleges are going on properly according to what is required: not what they have already said they will follow; but what is actually required. That should be made known to the University. For instance, while the University recognises the colleges, they may say that they will give education up to the B.A.

and they give certain information; they inform the University about the subjects and their staff and also the standard by which they will go on. Subsequently they say: we are going to teach up to the M.A. class and the teachers will be the same. Supposing they carry on like that: teaching the B.A. saying, let our class go on: we will make economy; instead of giving higher pay and securing higher ability, we are going to have the same staff to teach M.A. Well, in that case it will not be right. Recognition might be even withdrawn on those grounds. So the University must be kept informed of what the colleges are going to do further on, not that they are going to be asked to restate what they have done because there is a change and that a report is being asked for on that account. The information will be fresh and the standard and the subjects will be different. Therefore information is quite necessary and thus I do not see eye to eye with this amendment and I oppose it.

Dr. P. N. Banerjee: Sir, the objection of my Honourable friend the Mover of the amendment is not so much to the retention of the statute itself as to the manner in which it has been given effect to. He points out that an application was made two years ago for raising a particular college to the M.A. standard and that no decision has been reached on that application as yet. If that is really correct, then it shows a great deal of neglect of duty on the part of the University authorities. Therefore, what we should urge now is not that this clause of the statute should be removed but that the Government and public opinion should impress upon the authorities of the university their duty in this matter. They should not make a wrong use of the power they possess.

So far as co-operative teaching is concerned, that was referred to by my Honourable friend Mr. Sargent. I am a firm believer in it. It is very desirable that there should be pooling of resources in the field of teaching. It is very desirable that the best teachers of the university should give of their best to the students of the university. But co-operative teaching should not be so arranged as to place one particular college or some colleges in a position of disadvantage. Great care should be taken to see to it that the interests of the students of all the colleges are properly safeguarded.

Syed Ghulam Bhik Nairang: Sir, in view of the light thrown on the subject-matter of this amendment by the Honourable Mr. Sargent, I would ask for permission to withdraw this amendment.

The amendment was, by leave of the Assembly, withdrawn.

Syed Ghulam Bhik Nairang: Sir, I move:

"That in clause 16 of the Bill, in clause (17) of Statute 33 in the proposed Schedule all the words occurring after the word 'teachers' where it occurs for the first time be omitted."

The sub-clause reads:

"Every College shall have on its staff a minimum number of teachers maintained for co-operative teaching. The number of teachers and the scope of teaching shall be specified in each case by the University."

I propose to stop short after saying this much:

"Every College shall have on its staff a minimum number of teachers."

The rest I want to delete. There are two difficulties which appear to lie in the way of carrying out a rule like the one embodied in this statute. The first is that the minimum number of teachers contemplated by this clause appears to be only such teachers as may be useful for purposes of co-operative teaching; and the second difficulty that appears to exist is that their number and the scope of teaching are left unspecified, and yet it has been made the duty of every college to have on the staff a minimum number. The minimum number is, by itself, vague. What is the minimum? Who will prescribe it? Where is it? Could not this statute itself lay down the minimum number or lay down the proportion and why should it be left to be specified in each case by the university? This is the sort of vagueness which appears to be a source of difficulties in that clause. Therefore we say that every college shall have on its staff a minimum number of teachers. Nothing beyond that. Delete the rest. I may add that really some of the statutes are to us very vague in their present condition. We do not necessarily want to insist that the amendments which we propose should be adopted; if, as happened in the last amendment, we get any information from the Government side which satisfies us

[Mr. J. P. Sargent.]

engaged. But on the other hand, if they were so few that it would be extravagant for two colleges each to maintain a teacher in those subjects, then it would be the object of the co-operative teaching board to try and make them agree that one of them should undertake the responsibility and not both. But if there is a reasonable number I see no objection to both the colleges doing it.

Nawabzada Muhammad Liaquat Ali Khan: That is exactly where the difficulty comes in. The point is this. Each college will have—I will stick to my example of economics although it is not a question of economics altogether to teach B.A. classes and so on in economics. Would it be allowed to continue teaching higher classes in that subject or not? That is what I want to know because that college will have to keep the staff. It will still have students of B.A. and B.A. (Honours). I do not want to hide the fact. I have no faith in the University. I do not want that our college should be permitted to teach only Arabic or Persian and thus be reduced to the position of a glorified Arabic *Madrassa*, while all the other colleges should be allowed to arrange for co-operative teaching in other subjects for higher classes. That is what I fear. Will I be allowed to continue teaching in all subjects if I make arrangements to teach those subjects in spite of the fact whether there is co-operative teaching in a particular subject or not, unless I myself agree to join that co-operative teaching?

Mr. J. P. Sargent: The Honourable Member cannot expect me to answer for the co-operative teaching authorities of the University, but the position he has put seems to me quite a reasonable one.

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

"That in clause 16 of the Bill, in clause (17) of Statute 33 in the proposed Schedule all the words occurring after the word 'teachers' where it occurs for the first time be omitted."

The motion was negatived.

Syed Ghulam Bhik Nairang: Sir, I move:

"That in clause 16 of the Bill, clause (20) of Statute 33 in the proposed Schedule be omitted."

Clause (20) of Statute 33 is worded as follows:

"Every College shall maintain a reasonable proportion of recognised teachers to students on its rolls. Such proportion and the maximum number of students on the rolls shall be determined by an Ordinance."

There are several difficulties which confront one in trying to understand this clause and to decide what its implications really are. We are told by this clause that there shall be a reasonable proportion between the number of students on the rolls of and the number of recognised teachers employed by a college. That is one thing. Then such proportion and the maximum number of students on the rolls shall be determined by an Ordinance. Here, I think, we can infer that there will be an Ordinance which will lay down the maximum number of students which a college is authorised to have on its rolls.

Dr. P. N. Banerjee: Not a Government Ordinance I hope.

Syed Ghulam Bhik Nairang: No, one of the Ordinances of the University.

Nawabzada Muhammad Liaquat Ali Khan: Government Ordinance one can challenge, but this is an Ordinance which you cannot challenge anywhere.

Syed Ghulam Bhik Nairang: Even now something is going on in the Federal Court about the Government Ordinances.

So, this appears to us to be very perplexing. The maximum number of students which a college is authorised to teach may change from time to time and it may become necessary to engage a different proportion of recognised teachers at one time and quite a different proportion of teachers at another time because the maximum number of students to be prescribed by an Ordinance will not be a constant quantity, as they say in Mathematics, but a variable quantity. I have 300 students to-day and I may have 600 students tomorrow, and the maximum will be 600. I do not think a minimum is going to be prescribed. The difficulty will be that no college will know where it stands, while all the time it will feel that it is its duty under this clause of the Statute

to maintain a reasonable proportion of staff. The word 'reasonable' again is most unreasonable because it does not specify what that proportion is. I think in matters of this kind one had better be precise and exact and say five teachers per 100 students or 10 teachers per 100 students or something of that sort. If we know exactly what the proportion is going to be, we can understand and try to attain that proportion. But we are told here that it will be our duty to maintain a proportion between the students and the number of recognised teachers. And when I ask what that proportion will be, I am told a reasonable proportion. Now, my standard of reasonableness may be very different from the standard of reasonableness of my friend Mr. Tyson or Mr. Sargent and we may differ and quarrel and that may, of course, lead to all kinds of complications in the management of colleges. Therefore, I submit that a clause in the Statute which is so vaguely worded and yet so imperative should not stand there and I move that it be deleted.

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

"That in clause 16 of the Bill, clause (20) of Statute 33 in the proposed Schedule be omitted."

Sir Muhammad Yamin Khan: Sir, this clause is very unhappily worded as has been pointed out by my friend Syed Ghulam Bhik Nairang. One thing which I cannot understand and which probably my learned friend will later on explain is how the ratio will be changing from time to time as the number of students increases or decreases. If you want that a reasonable proportion may remain, then does it mean that if in a particular year the number of students decrease, you will have to dismiss some of the staff which had been employed in the previous year when there were more students? Is this the idea? Supposing I have got 300 students on the rolls in one year and I have employed, say, 6 teachers for them and supposing next year the number of students goes down to 200, shall I have to dismiss two teachers of mine? Is this the idea? What is in the mind of the Government should be explained properly. How will the Statute work? Will the number of the teachers go on changing from year to year? Is this the idea of the Government that we should employ our teaching staff without giving them any security of tenure? The teaching staff that we may employ may never know whether next year they will be dismissed for want of the proper number of students. Please tell us how will you work this out? When I was talking about the provident fund, I mentioned the same difficulty there. You may dismiss a teacher because he is not required on account of certain circumstances and therefore you will not give him the provident fund. At that time I foresaw that these things will occur. It will be proper if my Honourable friend is able to give some kind of clue to the House before the House can come to any judgment.

5 P.M. whether to accept the Statute or not, and in reasonableness to the teaching staff whether they will be secure in their places. Does my Honourable friend mean that if 20 students have shifted from one college to another, then one teacher will have to shift from that college to the other? We want to know the real intention of the Government. If you have got co-operative education, then certainly some number will fall, sometime the number will increase. Therefore you will have to make it clear as to how you are going to work this statute. When this is properly explained, we can give our vote. We find that many difficulties will come in the future working of this statute. That is not reasonable and I expect my Honourable friend to elucidate these points very clearly.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 24th August, 1943.

[Syed Ghulam Bhik Nairang.]

as to what this clause is intended to mean and to carry out, I may not insist on the amendment at all. For the present, I move.

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

"That in clause 16 of the Bill, in clause (17) of Statute 33 in the proposed Schedule all the words occurring after the word 'teachers' where it occurs for the first time be omitted."

Mr. J. P. Sargent: Sir, this really is the numerical side of the same question that was raised in the last clause. Personally if I had been responsible for drafting these clauses, which are old ones and not new ones, I should have put these two together, at any rate, with regard to the future. This merely requires that colleges should maintain a certain number of people on their staff for co-operative teaching. Just as under the last clause, it is necessary that the university and other colleges should know what any college is doing; so it is necessary in this case that the number of teachers whom a college is prepared to maintain on its staff for co-operative teaching and the scope which they are prepared to cover should be known in case changes are necessary. A college may say "We are prepared to maintain two teachers to teach up to the B.A. honours standard in certain subjects". If they wish to change that, quite clearly they could not do so without consultation with the university or the other colleges; otherwise the arrangements for co-operative teaching will be liable to be upset.

Syed Ghulam Bhik Nairang: There the Honourable Member is talking of the last amendment; I am talking of clause (17).

Mr. J. P. Sargent: I am fully aware of that. I say this is the numerical aspect of the same question as in (16); it is that in connection with co-operative teaching colleges must agree to maintain a certain number of teachers on their staff who are equipped to undertake co-operative teaching in certain subjects and they must inform the university and the other colleges as to how many they are prepared to maintain, what subjects and up to what standards they are prepared to teach, and if they wish to make any change either in the number of teachers or the scope of the teaching, they must be prepared to abide by the decision of whatever standing committee there may be to organise co-operative teaching—I imagine there will be a Standing Committee of the Academic Council to organise co-operative teaching in the first instance. It seems to me this is quite a desirable clause and the proposed amendment would really introduce quite another consideration from that which the clause is proposed to cover.

Nawabzada Muhammad Liaquat Ali Khan: I am afraid the doubts that we have regarding the subject-matter of this clause have not been removed yet. The wording of this clause is such that it is not that each college will decide whether it wants co-operative teaching in any subject and as to what staff it would like to engage. But according to the wording of this clause it will be the university that will decide. The number of teachers and the scope of teaching shall be specified in each case by the university. What I fear is this. Supposing the university tells the Anglo-Arabic College, you will do teaching in Arabic, and then it goes and tells the other colleges, you will teach in English, you will teach Economics, and so on, with the result that the Anglo-Arabic College will be left only to teach Arabic—that is what I fear. If you say that every college will have the liberty and if it wants to have co-operative teaching, it can go to the university and say, that it wants to have a system of co-operative teaching, and is prepared to engage the minimum staff for teaching a particular subject, and then the university accepts—that will be all right. But what I fear the interpretation of this clause would be is that the university will tell the colleges, you will do teaching in such and such a subject, without the college concerned having any option whatsoever. That is really our fear. As has been explained by Mr. Sargent, if that was the meaning of this sub-clause, I would agree with him that it should be retained but if the university is going to decide and the colleges, although they may be wanting to teach higher

classes in certain subjects, will be forced to give up teaching in those certain subjects, then I am afraid it will reduce the position of certain colleges very considerably and enhance the position of other colleges.

Then there is another point. As regards co-operative teaching, I think my Honourable friend will agree with me that it can only come into force when all the colleges are situated in one locality. But if the intention is to introduce this now, I am afraid it will be very difficult for the student community. You cannot expect a boy who is studying at the Anglo-Arabic College at the Ajmer Gate to go to the St. Stephen's College in Old Delhi for studying certain subjects. Therefore, I do not see that there is any chance of this co-operative teaching being introduced in the near future, until at least such time as all the colleges are located in the same vicinity. As regards the other point that I have raised we have those doubts. But if that is not so, well then personally I will have no objection to the retention of this clause. But I certainly do not want the university to decide that such and such college will only teach in such and such subjects, and then leave certain colleges to waste their time, money and energy on teaching subjects which are now-a-days of secondary importance.

Dr. P. N. Banerjee: I have only a few words to say on this question. Co-operative teaching implies that there should be a real spirit of co-operation among the colleges, and it does not imply that the university will thrust upon one college one particular view and on the other colleges other views. Besides, I think it is essential to make it clear that co-operative teaching depends not only on the number of teachers but on their qualifications; the quality of teaching is very important. As regards the difficulty pointed out by my Honourable friend, the Nawabzada Sahib, I suggested in the course of my speech on one of the previous amendments that for the present co-operative teaching may be confined only to the M.A. classes, and when further facilities are available then such teaching should be extended to the B.A. classes.

Mr. J. D. Tyson: This is rather a technical educational matter, but, as I understand it, where you have co-operative teaching the last word must be with the university as to how it is to be arranged. But even where the university allocates only certain subjects to a single college that college will go on teaching its own students in all the subjects in which it is recognised. It is only in the co-operative field that it will be restricted to the subjects that have been arranged by the university in concert with it and other colleges.

As regards the second point, there cannot be complete co-operative teaching throughout the university so long as colleges are scattered about in distant parts of Delhi. The arrangement that subsists in more compact universities like Oxford and Cambridge whereby the lecture in one college ends five minutes before the hour and the next lecture in another college begins five minutes past the hour and ten minutes are available for the undergraduates to go by bicycle from one to the other—that would not apply in the Delhi University as it constituted at present. But it is not necessary for the bringing into force of co-operative teaching that all the colleges should come in all at once. You can have co-operative teaching between two colleges on or near the university site or even between two different groups of colleges in different parts of Delhi. It is not therefore necessary to hold up co-operative teaching until all the colleges are collected at one site.

Nawabzada Muhammad Liaquat Ali Khan: May I just ask one question to clarify the position. I will put a concrete case. Supposing one college is asked to arrange for co-operative teaching, let us say, for the higher classes, the post-graduate classes, in economics, and there is another college which is qualified to teach economics for M.A. and Honours classes,—will this college still continue to teach its own students? Or does it mean that the students of this college will have to go to the other college where co-operative teaching has been arranged?

Mr. J. P. Sargent: I am glad the Honourable Member chose the word "economics", and my answer would be that the issue is an economic one. If there were enough students to justify two teachers, obviously they would be

LEGISLATIVE ASSEMBLY.

Tuesday, 24th August, 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. Mansen Damodar Bhansali, M.L.A. (Secretary, Posts and Air Department).

MOTION FOR ADJOURNMENT.

SERIOUS FOOD SITUATION IN BIHAR DUE TO PURCHASE OF FOODGRAINS BY GOVERNMENT FOR EXPORT.

Mr. President (The Honourable Sir Abdur Rahim): I have received notice of a motion of adjournment from Maulvi Abdul Ghani who wants to discuss a definite matter of urgent public importance of recent occurrence, namely, the serious food situation in Bihar arising from an order of the Central Government permitting their Trade Adviser in Bihar to purchase unlimited quantities of wheat, rice and other food-grains for export from the province whilst the embargo imposed by the Provincial Government is still in force there.

Is the Trade Adviser making these purchases for supplying Bengal and other deficit provinces?

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): There is no mention of that, Sir. He is buying for outside use.

Mr. President (The Honourable Sir Abdur Rahim): Have Government any information about this?

The Honourable Sir Edward Benthall (Member for Railways and War Transport): Sir, I suggest that this is not a matter of very recent occurrence or of urgent public importance since the whole question of the food problem has been recently discussed at very great length in this House.

Mr. President (The Honourable Sir Abdur Rahim): Are the facts as stated correct?

The Honourable Sir Edward Benthall: No, Sir; so far as I am aware, the Central Government have no Trade Adviser, and therefore he cannot be making these purchases.

Mr. President (The Honourable Sir Abdur Rahim): Is there any one on behalf of the Central Government who is making these purchases?

The Honourable Sir Edward Benthall: Not that I am aware of. The purchases, I believe, are done by the Provincial Government.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member for Government says that whatever purchases are made are done by the Provincial Government.

Maulvi Muhammad Abdul Ghani: Sir, it is definitely said in the editorial of the *Indian Nation* of Patna in its Friday issue

Mr. President (The Honourable Sir Abdur Rahim): What is the name of the Trade Adviser?

Maulvi Muhammad Abdul Ghani: His name is not given, only his official designation is given. He is mentioned as the Trade Adviser of the Central Government.

Mr. President (The Honourable Sir Abdur Rahim): There is no such person.

The Honourable Sir Edward Benthall: Sir, the Trade Adviser is an official of the Provincial Government.

The Honourable Sir Sultan Ahmed (Leader of the House): Sir, the Trade Adviser of the Provincial Government is named Mr. Gursaran Lal and there is no representative of the Central Government at all. This provincial Trade Adviser has been making purchases on behalf of the Provincial Government.

Mr. President (The Honourable Sir Abdur Rahim): On the facts as stated by the Honourable Members on behalf of Government that there is no Trade Adviser on behalf of the Central Government or anybody making purchases on their behalf, the motion is out of order.

Maulvi Muhammad Abdul Ghani: May I take it that purchases are on behalf of the Central Government and that the Provincial Government have every right to stop the purchases made?

(No answer was given.)

THE DELHI UNIVERSITY (AMENDMENT) BILL—contd.

Mr. J. P. Sargent (Government of India: Nominated Official): Sir, the House was discussing amendment No. 79 on the last day when we met. This is not a new statute except in regard to the question of fixing the maximum number of students in any college. That is a matter which was discussed, as my Honourable friend the Deputy Leader of the Muslim League party is aware, between the representatives of the University, the colleges and Government, and we came to an agreement which I think was generally acceptable. The other point which has been raised in connection with this was raised by Sir Yamin Khan the other day when he expressed some apprehension that having a definite ratio of students to teachers might lead to some injustice to teachers in the event of the total number of students falling suddenly in a college. That difficulty we fully appreciate, but the actual intention in fixing this ratio was really exactly the opposite of that suggested. It was to ensure that the number of teachers in a college should be adequate to the number of students, in other words, should not be more than twenty students per teacher. It was also intended that teachers of colleges in future should be recognised as teachers of the University on that basis; and to ensure that, we have laid it down in the conditions of grant. That is all in the interest of the college teachers. At the same time I appreciate the fact that if there was a fall in college numbers,—which, I agree, in a period of transition may take place and has, I believe, indeed taken place in connection at any rate with one college,—hardship might be involved by a too literal insistence on this proportion. At the same time in discussing matters with the representatives of the colleges I have given them an assurance that so long as the transitional stage obtains, we will certainly have fair and reasonable regard to any difficulties which might occur in that way. We are as anxious as no doubt college authorities are that teachers should not be displaced when there is a reasonable prospect that their services may be required as the new scheme establishes itself and, as we hope, the numbers in the colleges grow. I hope that my colleagues in the colleges have accepted that assurance and I only hope that it will be honestly implemented. At the same time one has to bear in mind that in all institutions if there is a permanent fall over a considerable period, naturally some adjustments of staff will have to be made. But I am hoping that that will not take place and that anything that does happen will mean an increase in the numbers up to the maximum specified. After that there should not be any serious fluctuation. But during a period of transition when fluctuation may take place I have given an assurance that it will be sympathetically considered.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): May I make a suggestion? From what I have gathered from my Honourable friend, Mr. Sargent, his idea is that it is only the minimum proportion that is to be fixed.

Mr. J. P. Sargent: Yes.

Dr. P. N. Banerjee: Then why not add the word 'minimum' after the word 'reasonable'. It should not be a fixed proportion but only the minimum. That will obviate all difficulties.

Nawabzada Muhammad Liaquat Ali Khan (Rohilkund and Kumaon Divisions: Muhammadan Rural): We are considering at present the question of

maintaining a reasonable proportion of recognized teachers to students on the rolls. My Honourable friend the Educational Adviser has referred to a conference which took place last year. I happened to be present at that conference. He is right to this extent that the maximum number of students was agreed upon, namely, that the number of students to each teacher shall not exceed 20. There was no minimum agreed to, or even talked about. The Government in April last sent a letter to the various colleges wherein they stated as to what would be the conditions for grants to the various colleges under the new scheme which was proposed to be introduced in the University. In this letter, which is sent by Mr. Sargent as the Joint Secretary to the Government, it is stated that the number of students to teachers may vary from 12 to 20 and it was on this basis that all the colleges, or at least those colleges that are regarded as smaller colleges, based all their calculations regarding the number of their staff and so on. It may be all right in the case of those colleges that have a very large number of students on their rolls to accept the figure 20 as maximum as well as minimum. The Government have, I should like to point out, resiled from this position which they had taken up in April last when they had got the consent of all the colleges to agree to this scheme.

Now, Sir, the Government have fixed the number of students at 20; that is the maximum and that is the minimum also. I submit that the colleges should be allowed to vary this proportion between 12 and 20. I have a shrewd suspicion that the Government have fixed this 20 as the minimum as well as the maximum because they find that they are not able to give that much money to the colleges which they hoped to give in April last. That I submit is not very fair to those colleges who have accepted this new scheme and are making every effort to give effect to it that now when the things have advanced so far they should be told that the number of students will be 20 in any case.

Sir, in this connection, let me tell you a concrete case: I know of one college which has now on its rolls about 200 students under the new scheme. According to the proposal of the Government, that college can only employ ten teachers. When I say "can only employ" I mean that the Government will give grant on the salaries of only ten teachers. But, Sir, that college has at present and always had between 14 and 15 teachers apart from the Principal. Now, it is impossible for a college like that to run the institution efficiently with a reduced staff. Of course the Government say that they have no objection if any college employs more teachers, but they will give grant only on the basis which they have laid down. It is all very well to say that the college may engage any number of teachers, but surely the resources of these colleges are not so vast that they can satisfactorily manage without Government help, which was actually promised to these colleges—in fact, it was an undertaking, a written undertaking, given to these colleges—when the Government had proposed this scheme.

Sir, we have tried to calculate on this new basis and I find that it is really impossible for the smaller colleges to work out the scheme satisfactorily on the basis which the Government have laid down now. And, therefore, I would suggest for the consideration of the Government, that they should stick to the position which they had taken up in April last and under which the various colleges had given their consent to accept this new scheme that a college should be allowed to vary the proportion between 12 and 20. No college is going to be so foolish as to engage an unnecessary staff because at least half of the salary of every member of the staff will have to be paid by a college. Therefore, Sir, I submit that it will not be in the interest of efficiency or betterment of education if this minimum or maximum—whatever you like to call it—was strictly adhered to. This, indeed, is a very important matter as far as smaller colleges are concerned, and I do appeal to the Government that they have, in fact, committed themselves to this position that the number may vary between 12 and 20 and now it is not fair that they should resile from that position. I hope that if my Honourable friend, the Education Secretary,

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chooses to take part in the debate and gets up to speak, he will say something on this point. It is of very vital interest to us and without some satisfaction being given on this point I assure the Government that it will be impossible for the smaller colleges to carry out the programme of education as satisfactorily as they have been doing in the past. The idea of this new scheme is to improve education all round and if the necessary help is not forthcoming from the Government then, I am afraid, instead of advancing the progress of education it will retard the progress of education in the province of Delhi.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That in clause 16 of the Bill, clause (20) of Statute 33 in the proposed Schedule, be omitted."

The motion was negatived.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Sir, instead of No. 80, I want to move No. 1 on the supplementary List No. 7.

Sir, I move:

"That in clause 16 of the Bill, to clause (21) of Statute 33, in the proposed Schedule, the following be added at the end: 'for at least men not below fifty years of age'."

Sir, in clause (21) it is provided that:

"in the case of a College for women the staff shall, as far as possible, be composed of women only."

But, Sir, if it is not possible to get suitable women teachers, then there is no restriction laid down as to what kind of men—I mean men of what age—should be appointed for teaching in colleges for women. I think it is necessary that some kind of restriction should be put in with regard to age and I suggest that teachers above the age of 50 should be employed in case women teachers are not available. With these few words, Sir, I move.

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

"That in clause 16 of the Bill, to clause (21) of Statute 33, in the proposed Schedule, the following be added at the end: 'for at least men not below fifty years of age'."

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadan): I oppose this amendment. I do not think there is any safety in the age limit. I do not know what is the personal experience of the Mover. Anyhow, it is a slur on young men who would like to serve as teachers. Let me inform my friend that persons interested in students, including women, are sure, before engaging a Professor or Teacher, to look into the character of the person to be engaged. It is character more than age that ought to count with the authorities concerned. I would advise my friend to withdraw this amendment, and he had better stick to the certificate of character and not of age.

Mr. J. P. Sargent: Being myself over 50, I appreciate the compliment and the confidence which is implied by the moving of this amendment. At the same time I think it presents a practical difficulty. The University are anxious, and I believe the Women's College is anxious, to comply with this clause by gradually making all their staff women. At the moment for three special subjects—Sanskrit, Urdu and Mathematics—men teachers are being employed. I certainly know that at least one, if not all, of them is very near the age limit which my Honourable friend, the Mover of the amendment has advocated, and I am certain that if ladies with the requisite qualifications are available they will replace these men when they retire. I think the amendment, which limits appointments to men, admittedly at the most highly intellectual period of life, i.e., between 50 and 55 which is the normal retiring age—would unduly restrict the freedom of the college and the authorities to make satisfactory arrangements. I would therefore, with much personal regret, have to say that we are unable to accept this amendment.

Nawabzada Muhammad Liaquat Ali Khan: Mr. Lalchand Navalrai wants to defend himself!

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

"That in clause 16 of the Bill, to clause (21) of Statute 33, in the proposed Schedule, the following be added at the end:

'for at least men not below fifty years of age'."

The motion was negatived.

Syed Ghulam Bhik Nairang (East Punjab: Muhammadan): Sir, I move:

"That in clause 16 of the Bill, clause (22) of Statute 33 in the proposed Schedule, be omitted."

Turning to clause 22 of Statute 33, we find that it runs as follows:

"The rules framed by the Governing Body of each College regarding the qualifications, emoluments and the conditions of service of every teacher in that College shall be such as may be approved by the University."

We seek to delete this provision owing to the apprehension which we entertain of interference by the University in the affairs of colleges in season and out of season. When a college is recognised and it is at the same time sanctioned that it shall be competent to teach in such and such subjects, all that is necessary for the University to know about the college becomes known to it. Now as to the Governing Body, that is a body of persons charged with the administration of the college and all matters which fall within the cognizance of such a body are matters relating to none but to the college. The college and those for whom it caters are the only people interested in the administration of the college and the rules and regulations which are framed for the administration of the college, the qualifications, emoluments and conditions of service of teachers and all that, those are matters within the exclusive cognizance of the Governing Body and concern none but that part of the public for which the college caters. Therefore, the approval of the University contemplated by this clause is only calculated to invite interference by the University in season and out of season. Therefore, Sir, this clause should be deleted. Sir, I move.

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

"That in clause 16 of the Bill, clause (22) of Statute 33 in the proposed Schedule, be omitted."

Dr. P. N. Banerjee: I fail to understand why my Honourable friend, Mr. Ghulam Bhik Nairang, seeks to omit this important sub-Statute. He suggests that once a college has been recognised, there should not be any further interference with the affairs of the college. But it may often happen that after the college has been recognised, the authorities of the college may frame rules in such a manner as to defeat the object of the University. It is very necessary for the University to know what rules are made by the authorities of the college regarding such matters as qualifications of the teacher. It is very desirable that duly qualified teachers should be in the service of a college. Therefore, Sir it is in the interests of the University and the general public to know what qualifications have been laid down in the rules of the college. Then, also, there is another matter regarding which rules may be framed—the emoluments of the teachers and the conditions of their service. Now if the emoluments are fixed on too low a scale, it would be impossible for the college to obtain the services of good teachers. Therefore, it is in the interest of the University and the general public to know in what way the rules are framed. Another important matter relates to the conditions of service of every teacher. These also should be made known—whether there is any provident fund, whether the term is fixed for three or five years or whether there is fixity of tenure. These things are very important because unless there is fixity of tenure, unless matters like provident fund contribution, etc., are fixed in the rules, it will be impossible to command the services of good teachers.

These are things which ought to be known to the University and therefore it is desirable that before the rules are given effect to, these rules should have the approval of the University authorities.

Mr. J. D. Tyson (Secretary, Department of Education, Health and Lands): Sir, I do not think I have really anything to add to what has fallen from my Honourable friend Dr. Banerjee. It is common knowledge that teachers have not been receiving proper treatment in some colleges, and we do regard it as

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most important, if there is to be proper co-operation between the colleges and the University, that the University should be in a position to know that the colleges are offering salaries and conditions of service which will attract suitable teachers—properly qualified teachers. No college which intends to treat its staff properly seems to me to have anything to fear from this statute. We must oppose the amendment.

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

"That in clause 16 of the Bill, clause (22) of Statute 33 in the proposed Schedule, be omitted."

The motion was negatived.

Syed Ghulam Bhik Nairang: Sir, I move:

"That in clause 16 of the Bill, in clause (33) of Statute 33 in the proposed Schedule, after the word 'majority' the words 'of at least two-thirds' be inserted."

Clause (33) of Statute 33 runs as follows:

"(33) *Withdrawal of recognition*.—The Executive Council may, after due enquiry and after consultation with the Academic Council, by a majority of all the then members of the Executive Council withdraw the recognition granted to a College which has failed to comply with the conditions prescribed by the Statutes and Ordinances or imposed by the Executive Council at the date of recognition or at any later date. The Executive Council shall give the College an opportunity of appearing at any such enquiry as aforesaid and of making representations on its own behalf. The Executive Council shall inform the College of its decision and the College shall be entitled to appeal to the Central Government within thirty days of the receipt of any decision of the Executive Council to withdraw recognition, and the decision of the Central Government on the appeal shall be final."

I want to insert the words "of at least two-thirds" after the word "majority" in this clause. This is meant only as a safeguard. The withdrawal of recognition from a college is a matter of very great seriousness and importance, and when this clause lays down the necessity of holding an inquiry and all that, and that college is to be represented at the inquiry and every formality intended to satisfy the college concerned and all concerned as to the correctness and propriety of the decision of the Executive Council is being laid down. I would like to add this further condition that the majority should not be a bare majority but should be a majority of at least two-thirds of the members of the Executive Council. That is only a further safeguard and I do not think the Government should grudge the inclusion of that safeguard in this clause. I move.

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

"That in clause 16 of the Bill, in clause (33) of Statute 33 in the proposed Schedule, after the word 'majority' the words 'of at least two-thirds' be inserted."

Mr. J. D. Tyson: Sir, I rise to oppose this amendment. This provision for a majority of all the then members of the Executive Council represents a decision arrived at in Select Committee, I think, unanimously, after a good deal of anxious consideration. The Executive Council will consist now of 25 members, or 26 if the post of Rector is filled. A 2/3rds majority therefore would require 17 or 18, according as to whether there is a Rector or not, to vote for withdrawal of recognition. In the total number, it must be remembered, there will certainly be the Principal of the college concerned, and in most cases—I should think in all cases—there will be someone else at least from the college concerned on the Executive Council. It has to be remembered that matters of this kind are unpleasant, and one has noticed in all countries—and this country is certainly no exception—a tendency, when matters of this kind arise, for members of the body who have to decide it, to find business in another place or to be stricken with illness and not to attend; and if we lay down that there must be a two-thirds majority, it may be quite impossible even in the clearest of cases to muster a full house and to get the requisite majority. We have to look at this sort of thing from a realistic point of view; and, as I have said, we are not dealing as one is in a jury trial,—in which incidentally a bare majority suffices in this country—we are not dealing with 7 unconnected persons, or 5 unconnected persons or 9 unconnected persons. In this case one at least and possibly more of the persons who may attend the Executive Council will be judges in their own cause. In amendment No. 68 which we negatived, the

party opposite themselves had suggested that temporary removal of recognition should be effected, obviously by a straight vote—no two-thirds majority necessary.

Nawabzada Muhammad Liaquat Ali Khan: Subject to confirmation by the Court.

Mr. J. D. Tyson: As the law stands at present, a bare majority in the Court can disaffiliate a college, take away its recognition. I would submit, without any disrespect to the Court, that a body composed in that way, with its large numbers and with a certain number of non-resident members, is a body more likely to arrive at an unrepresentative decision than the Executive Council. It is a very serious matter—taking away recognition—but what I think is required is that there should be full inquiry, full opportunity for the college to represent its case, and, when those things have been provided, then, as in most matters in democratic countries, there should be a decision by the majority of the body entrusted with taking that decision. I may say that there is also provided an opportunity for appeal, which I do not think exists under the existing law. We have taken the precaution of ensuring that this matter cannot be disposed of by a majority vote in a thin House, so to say, for we have put in the words, "by a majority of all the then members of the Executive Council"; in other words, there must be a clear majority of the total personnel of the Executive Council. We hope very much that this provision will never have to be used, but it is necessary to have power to take away recognition and we think that that power should be backed up by a machinery which can be effective, and we very much doubt whether the insertion of the words "by a two-thirds majority" would give us a machinery that would be effective.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): It is admitted that this power of disqualification of a college is a serious matter, Government admits it. Still, if a safeguard is being provided they reject it. I think this is not reasonable at all. They should in matters of this kind take a sensible view of what is being asked in the shape of a safeguard. The present statute provides that recognition can be taken away by the Court and not by the Executive Council. The proposal is to transfer that power to the Executive Council. I cannot understand why this is being done and why they are inimical to the Court, and why they are reducing the powers of the Court and transferring them to the Executive Council. What we say is, when you are giving these powers to the Executive Council, all right, then a safeguard should be provided, namely, that the decision should be by a two-thirds majority of the persons present. Two-thirds is for the purpose of securing that the right decision is arrived at. Therefore, in refusing that, the Government are doing a wrong to those colleges whose recognition may be withdrawn. The presence of the Principal or any other person would not meet the point that we are making. It is said that a full House cannot be mustered. I do not understand it. Why should it be so in a matter so serious as this? If you have not got the proper number of persons to make up a full House, adjourn the meeting and consider the subject at the next meeting when the full House is present. These are not matters to be trifled with. If it were a small matter we would not have minded it. It is not a small matter; it is a very grave one, and I think the Government will be well advised to accept the amendment.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): It has been recognised that it is the valuable right of a college, once it has been recognised, to continue to do so. My Honourable friend, Mr. Tyson, has accepted this view. He also accepts the position that the college will be hard hit. He also says that people can be influenced in this matter. If they can be influenced in one way, it stands to reason that they can be influenced in the other way also. So far as Government officials are concerned, they do not exert their brains at all. What has been revealed by the debate on this Bill is that they do not care what is right and what is wrong. Once they have made up their mind they must continue to stick to it; whatever arguments you may place before them, they are no good because decision has been taken. Here my

[Sir Muhammad Yamin Khan.]

Honourable friend takes up the position that because the decision has been taken in the Select Committee, therefore nothing can be done. He thinks that the Select Committee was all wise and no such thing is possible as to go behind the decision of the Select Committee. If we accept this argument, then we need not be fighting all these days in this House. We say that the decisions that have been taken by the Select Committee are not quite all right, and that they are defective. The House has got every right to be enlightened and the Select Committee members will be glad to change their opinion. If this cannot be done, then I think the whole debate is a farce. If the Select Committee members are not even willing to listen to the other side, but think that whatever decision was arrived at by a majority or unanimously in the Select Committee is the right decision, then I submit all this is a waste of public money. I think the Rules of Business of the House should then be, whatever decision is taken in the Select Committee, that must be endorsed by the House. Why this waste of time, why this waste of energy, why all this . . .

Mr. President (The Honourable Sir Abdur Rahim): I do not think that that is what the Honourable Member meant.

Mr. J. D. Tyson: The Honourable Member has not followed my argument. The argument was that the Select Committee, after due consideration, had introduced a change in the Bill.

Sir Muhammad Yamin Khan: Yes. A change has been made and the Honourable Member wants to stick to it. I am saying that though the change has improved the Bill, it falls far short of what we require. No doubt the principle is all right, but principle and procedure are two different things. They accept the principle that it will be hard on the college to be disaffiliated or its recognition to be taken away. If it is left only to the majority of the Executive Council if present in the meeting, we say that it is not sufficient; you should go a little further. Though it is a very urgent matter, it is also a very serious matter to take away recognition. If out of 25 members 17 are not present, he says, let us leave it to the Executive Council; if there are 13 members present, let them decide it. Is this the correct position? Does not the Honourable Member mean to say that some interested college may see to it that many members may not attend and it can get the matter postponed from day to day. Does he mean to say that it will never be possible to get 17 members present? Is the taking away of recognition so urgent that it cannot be postponed from one month to the other month? It is the usual practice that, if sometimes members are not present a further notice is sent. Cannot he visualise that those persons who may be interested in taking away the recognition may also manipulate the dates in such a way that a date may be fixed on which he knows that a lot of members can be absent? Does he ignore that fact? I quite agree that there is a possibility such as this in this country as well as in other countries. He says that the members can absent themselves but can it not be said equally well that a date may be fixed purposely in such a way that some members may not be able to attend on that day. I have known it many times myself. Some date is fixed on which it is known that the other side cannot be present. My Honourable friend ignores this fact altogether. I quite agree that the Select Committee did their best but we have also something to suggest and I am sure that the members of the Select Committee themselves may be willing to change their opinion after hearing the other side. They know that there is this weakness in the minds of the people. The Executive Council consists of human beings and they can be influenced to act in one way or the other. If the character of 12 persons out of 24 is such that these 12 persons can be made to absent themselves, then the position of the others will be no better. I had expected that the people who will be on the Executive Council will be men beyond all reproach, that they will rise to the occasion and give their decision impartially. Unfortunately we must take the world as it is. I believe weakness is everywhere and we must take into account all weaknesses. We must not take into account only one weakness.

Then my Honourable friend says that if the Executive Council came to the wrong decision there is a right of appeal to the Government. May I know who these people will be who will give the decision? Does he not visualise that these 13 persons, who will be present, will be Government people mostly. Will the Government like to go against the decision which has been given there by the members who were left to be present there. My experience in these matters is that if one Government member says 'No', then everybody else must say 'No', without applying his brain. Then there is the question of prestige. They will say 'We have decided this in this way and the Government prestige must not be lowered. If we give a decision against such and such a highly placed person, then he will be reduced in the public eye'. This is our day to day experience. It will be useless in such cases to appeal to the wooden horses. They will never go against the decision which has already been given. Does my Honourable friend think that if the decision has been taken by the Educational Adviser who is there, that decision can be reversed? Who will advise the Government that the decision is wrong? Who will advise the Chancellor? We have had the experience that every department advises the Head of the Government.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not repeat that.

Sir Muhammad Yamin Khan: I say that the Chancellor will have no time to go into the whole file from A to Z. He will depend upon the advice of his advisers and here the Chancellor will be advised by my friend the Educational Adviser. Against whose decision do you want to appeal? The appeal will be listened to by people against whom will be the grievance. Of course, it is supposed to be so insignificant that it cannot be balanced with the question of prestige. In many matters we have known that these provisions have been misused. We have had experience of these in the municipalities in the United Provinces many times.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not go into all that.

Sir Muhammad Yamin Khan: The Chairman was removed by a bare majority. The executive officer was removed or dismissed by a bare majority because some people got offended with him. There the provision has been introduced that no such person will be removed unless two-thirds of the total number of members vote against and since then we found that this provision has not been misused. There is continuity and also independence of the people. Here, we want to accept the weaknesses of the people. I must say that the weakness is on every side. There is a momentary excitement which often works in this country. There might be momentary excitement one way or the other which might influence the decision of the Executive Council and when we find that everybody is not properly represented in the Executive Council then it is safe and proper that this thing should be properly safeguarded and I think a majority of two-thirds of the total number of members is essential to take away this valuable right. My Honourable friend says this will not happen very often. If that is so, then what is his objection to accepting this amendment, unless he wants this provision to remain a dead letter. I fear the operation of this rule will come very often. Then I think in that case that it is right and proper that we should accept this amendment and not leave it to the whims of the members. I support the amendment.

Mr. M. Ghiasuddin (Punjab: Landholders): Sir, I think at this stage the Honourable Members have to make up their mind whether it should at all be possible for the Executive Council to withdraw recognition from a college or not. There will be plenty of safeguards for a college. It will not be the decision of the members present, as my Honourable friend Mr. Navairai seems to understand, but it will be the decision of the total number of the members of the Court who will ultimately have to decide in favour of the withdrawal of recognition. Now, Sir, we know the weaknesses of human

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nature. There may be good many people who would shun the odium of unpopularity if they vote for the withdrawal of the recognition. So, the easiest thing to do for people of that type will be to absent themselves from the meeting. Even by doing that they will be helping the college and will be neglecting their duty in a way that nobody will be able to blame them. If any university is to be run on healthy lines, it is essential that the colleges which are not working properly should be eliminated from that university. It is a very regrettable necessity but it is so in every walk of life. Sometimes even Doctors are struck off the rolls and Clergymen are defrocked. It is a very unpleasant duty, but sometimes it has got to be done. Therefore, I think it will make the thing far more difficult if two-thirds majority is accepted. Then, there is a valuable right of appeal to the Central Government. Notwithstanding all that my Honourable friend Sir Muhammad Yamin Khan has said the Central Government are not a body of people without conscience. Some of them may have conscience. I am putting it clearly because Sir Muhammad Yamin Khan seems to think they are all wooden people without any conscience. But I say that even some of them may be people with some ideas of justice and fairplay. Therefore, I think the safeguards should be enough. If the majority of the members of the Executive Council think that a college should be disaffiliated and if the Central Government also thinks that the college deserves disaffiliation, then I think it should be disaffiliated.

Dr. P. N. Banerjee: What do you understand by the term 'Central Government'? Are you referring to the Members of the Executive Council?

Mr. M. Ghiasuddin: I have not much experience of the working of the Central Government but I think the process really starts from the bottom. Somebody writes a note and then it goes up until the head of the Department passes his final order.

Mr. President (The Honourable Sir Abdur Rahim): Honourable Member need not take any notice of the conversations that go on.

Mr. M. Ghiasuddin: Therefore, I oppose the amendment.

Dr. Sir Zia Uddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, my friend the Honourable the Education Secretary did not appreciate the basic idea which my Honourable friend Syed Ghulam Bhik Nairang had at the back of his mind in moving this amendment. It is not a question of the personal equation of the members of the Executive Council, nor is it a question so much of the numerical calculations, say, 50 per cent. or 60 per cent., but the fundamental idea is that we should not lightly consider the question of the withdrawal of the recognition. Now, this has always been considered to be a serious matter in every university. Look into the Act of 1904 which the Government of India passed. I know it was passed during the regime of Lord Curzon and it was by no means a popular Government. We know very well the point of view of Lord Curzon. It was not a democratic Government. Let us see what legislation that autocratic Government passed in the year 1904 on this particular subject? They provided that this thing should be thoroughly considered before the question of the withdrawal of recognition can be decided. They said that in the first instance this question should be considered by the Syndicate. The Syndicate should then give an opportunity to the college to present its case and give its reasons why the recognition should not be withdrawn. Then, it was to be considered by the Syndicate, who will then send its report to the Senate. The Senate will again ask for any explanation they liked from the college and then they will consider the question. Then, the Senate will send its proposal to the Chancellor, who will further consider the pros and cons of the case. Afterwards, the Chancellor will pass the final order of the withdrawal of recognition. This was the legislation of an autocratic Government in the year 1904. They made it so difficult to withdraw the recognition. The number

of people who legislated at that time was very small and they clearly understood what the withdrawal of recognition means.

Suppose you have 300 boys in the college and you withdrew the recognition during the middle of the session, where will these boys go? This is an idea which you must prominently keep in your mind. You must also keep the interests of the boys in mind who are prosecuting their studies in that college. Some kind of notice is absolutely necessary in the interests of the boys so that they may be able to make some arrangement for their admission elsewhere. My friend may argue that as soon as the recognition is withdrawn, say, about the middle of April or in October or in November, the boys will probably go to some other college. But most of the universities and colleges have got a definite rule that they cannot admit any students after a certain number of days from the beginning of the new session. So, if the students were to go to any other college in the months of December or January, they will not be admitted. This fact may perhaps be neglected in the heat of the discussion by the members of the Executive Council. Therefore, we should not allow the withdrawal of the recognition by one authority only. This question was also considered by several other bodies and I do not think in any university this power is finally vested in the Executive Council only with a right of appeal.

Now, we know what is the meaning of the appeal to the Government of India and the Chancellor. The appeal will be of the same type which we have been condemning on the floor of the House, namely, the appeal of the railway people. The right of appeal there has got no force whatsoever and the right of appeal here also will have no force because the decision on this appeal will be passed on the advice of the Educational Commissioner, whose opinion is already included in the order passed by the Executive Council. The Educational Commissioner is part of the Executive Council and his opinion is already there, which he is not likely to change. I said on the floor of the House why the right of appeal is illusory in the case of the Railways and I am afraid the same thing is going to happen here. In the Railways, they have got the rule that the order given by any Superintendent of a particular branch will go only to the Divisional Superintendent for appeal. But generally what happens is, that the Superintendent of the branch privately consults the Divisional Superintendent before he passes his order. So, there is no chance whatsoever of the Divisional Superintendent changing his mind when the case goes to him in appeal. The Educational Adviser has already expressed his opinion when passing orders and therefore he ceases to be a fit person to discharge the functions of an appellate court. Here we find that the orders of the Chancellor will be passed on the advice of the Education Member. (Interruption.) My Honourable friend corrects me by saying that the position is still worse. It is not really the Chancellor, it is individual judgment, and in that case he may fall back upon some other advice also. Really the Central Government will say as the Member in charge says. Who will advise the Member in charge? It is really the Educational Adviser. But the Educational Adviser has already given his opinion about the recognition of the particular college in the Executive Council. . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has already repeated this argument several times.

Dr. Sir Zia Uddin Ahmad: The case is so obvious, but I want to press it from every point of view. I have already referred to the example of what is happening in Railways. I am appealing to the Honourable the Leader of the House who is familiar with this kind of work, whether an appeal of this kind has got any value at all. We ought to consider the interest of the boys also who receive education. We can consider it fairly only if we have more than one body to examine it. If it goes to one body, there must be a substantial majority. With these words, I support the amendment.

Some Honourable Members: The question be now put.

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

Nawabzada Muhammad Liaquat Ali Khan: Sir, there are more speakers who want to take part in the debate. I have not yet spoken.

Mr. President (The Honourable Sir Abdur Rahim): If the leaders have not chosen to speak, I cannot help it.

Nawabzada Muhammad Liaquat Ali Khan: But, Sir, I was waiting for the Honourable Member in charge of the Bill to speak first. Then two Honourable Members of my Party spoke. The other day you said, Sir, that it was not desirable for any member of the Party to speak after the Leader has spoken. Therefore, I was giving time to members of my Party to speak.

Mr. President (The Honourable Sir Abdur Rahim): In that case, there has been enough debate. But now, if the Honourable Member wishes to take part in the debate on this amendment, he can do so now.

Nawabzada Muhammad Liaquat Ali Khan: Sir, I am really surprised at the opposition offered by the Government to this amendment. It shows and confirms us in our belief that the whole idea of this legislation is to place all the powers in the hands of a caucus and an individual. The Executive Council, composed as it is, is nothing more than a caucus of Government officials and their henchmen. I submit, Sir, that the question of disaffiliating a college is indeed a very serious matter. The whole idea of the Government seems to be to rule over this University as an autocratic authority. My Honourable friend talks about democracy and he said that in every democratic institution it is the majority vote that counts. But where is democracy in the composition of this Executive Council? Has my Honourable friend studied the composition of this Executive Council? Does he realise that at least 13 Members out of 26 are completely under the thumb of the Government? There is the Vice Chancellor who will depend for his salary on the sweet will of the Government. There is the Rector who will depend for his appointment on the sweet will of the Chancellor. Then, there is the Treasurer, the Superintendent of Education, Delhi and Ajmer-Merwara, the Deans of Faculties who will all depend for their jobs in the University on the sweet will of the Chancellor and the Government.

Mr. J. D. Tyson: May I ask the Honourable Member if they are not elected by the Faculties?

Nawabzada Muhammad Liaquat Ali Khan: Yes, but they are all employees of the University. They are servants of the University. My Honourable friend forgets that. Then, there is the Educational Adviser to the Government of India. Then, we come to the representative of Professors. Another person who will depend entirely for his bread and butter on the whims and caprices of the Vice Chancellor, whoever that person may be.

Mr. J. D. Tyson: Three out of five are honorary at present.

Nawabzada Muhammad Liaquat Ali Khan: May be. But that does not mean that you are legislating for the present. Are you? Are you legislating this only to apply for the next six months or so? I thought it was a permanent legislation.

Mr. J. D. Tyson: It is.

Nawabzada Muhammad Liaquat Ali Khan: If it is, then my Honourable friend is not quite right in defending with his argument that three out of five are honorary. After that, there are four persons to be nominated by the Chancellor. We have seen, Sir,—I do not mean any disrespect to our colleagues in this House nominated Members of the Assembly—we know how their votes are cast and what influence is exercised by the Government, the nominating authority. Therefore, in other words, my Honourable friend really wants that this power should rest entirely with the Government and its henchmen, as I said a moment ago. What does he fear? He fears that some of the members may not attend. Therefore, it will not be possible to get 17 or 18 members to vote for disaffiliation of a college. Now, Sir, this is

really rather surprising. Well, Sir, my Honourable friend has immense confidence and trust in certain kinds of persons who are to be on the Executive Council, but has no trust in those others either in their sense of duty or in their sense of honesty who will be on this Executive Council. Does he think that these other members, that is, the members of six colleges, five persons to be elected by the Court, and two persons to be elected by the Academic Council, that these are irresponsible people, untrustworthy? Why does he say that they might prevent a decision being taken by the Executive Council by opposing this? I am really surprised at this argument.

Then, my Honourable friend tried to make out a point by saying, well at least the Principal of the college will be there and perhaps somebody else belonging to that Governing body. I do not know where the provision is in the Executive Council that there will be representatives of Governing Bodies, but the only person who is certain to be there is the Principal of a college. My Honourable friend would like to deprive even a Principal of the right of being on the Executive Council.

Then, Sir, great stress has been laid on the appeal to the Central Government. From what we have seen in this debate, I am afraid, as far as the Honourable Member in charge of the Department is concerned, it seems to be a farce, it seems to be the case of the tail wagging the dog. We know that it is the decision, and it is the proposal not of the Honourable Member in charge, but of those who are there to advise him. I am making this statement because although we have been honoured by the Honourable Member in charge of the Department occupying one of the back benches throughout these days when matters of vital importance of policy were under discussion, he never took the trouble of coming forward and defending the Government. What is the use of your saying that the appeal is to the Central Government? It is a farce. Who is the Secretary who will deal with this appeal? My Honourable friend the Educational Adviser, because he is the Joint Secretary in the Education Department. So I think it is really fictitious and it is really a fraud that is being enacted here by telling the people that they are providing for an appeal to the Central Government. As far as we are concerned Government have deliberately kept us,—by “us” I mean the Mussalmans,—out of the Executive Council. How do they expect that we will place our neck in the hands of a body like that where even our presence is not tolerated?

It is indeed a very serious matter and I appeal to Government not to be so obstinate. If the case against a college is really very strong I do not see any reason why there should be any difficulty in getting the requisite number of members to support the proposal for disaffiliation. Our proposal only provides a kind of safeguard; it still leaves the power to the Executive Council. My Honourable friend said,—I do not think he was quite fair to us,—that we had proposed that disaffiliation should take place by simple majority of the Executive Council, but he did not go on to our second proposal which was there. It wants a simple majority of the Executive Council for withdrawal of recognition but this withdrawal was not to take effect until such time as the Court had approved of it. Therefore it is not quite right to say that we had put forward a proposal which would have meant really a simple majority of the Executive Council for this purpose.

Sir, the only question seems to me to be this. There is a dispute whether when a college is disaffiliated the number of members of the Executive Council voting for such action should be 14 or whether it should be 18. Surely out of 25 if you cannot get even 18 persons to agree to the Executive Council taking such a drastic action then I think there is no case for the disaffiliation of a college. As my Honourable friend Sir Zia Uddin pointed out, it is not a question of showing your anger against the Governing Body of a college; it is a question of the life of hundreds of students. In each college, even in the smallest college there are about two or three hundred students. What are they going to do? Where are they going to after you have disaffiliated the college? Under your new scheme you have fixed the maximum that a college can take.

[Nawabzada Muhammad Liaquat Ali Khan.]

Now supposing one college which has on its rolls later on about 500 students is disaffiliated, what is going to happen to these students? What is going to happen to members of the staff and to the whole education? And as far as we are concerned, it is really a very serious matter, because as far as the other colleges are concerned they have sufficient representation on the Executive Council to defend their case but we, as I have said just now, have been deliberately kept out of exercising any power or influence in the deliberations of the University, and we cannot agree to a proposal which would place us at the mercy of a man who would not be under the influence of anybody.

Sir, when we were dealing with the question of the Vice-Chancellor I stated that you were really under this new scheme of yours, by giving all the powers to the Executive Council, making the Vice-Chancellor an autocrat, and it is a farce to say that the withdrawal of recognition will be by the Executive Council. I tell you that in actual practice it would mean action by the Vice-Chancellor. If the Vice-Chancellor is not satisfied with a certain college he can get the majority which you have laid down here under this clause, because they are all officials or employees of the University, all nominated as members by Government. Therefore as a safeguard against the interests of the student community and the colleges concerned it is absolutely essential that the proposal which we have put forward should be accepted by Government. We are making a very fundamental and very revolutionary change in this respect in our constitution. Before this it was the Court which used to have this power and now you are giving this power to the Executive Council, and therefore it is more necessary than ever to provide such safeguards as would prevent any abuse of power by this body, namely, the Executive Council which is to exercise this power. Sir, I support the amendment.

Dr. P. N. Banerjee: Sir, I had no desire to take part in the debate on this amendment but the observations which fell from my Honourable friend Mr. Tyson as to the decision of the Select Committee compel me to say a few words in order that I may make my position clear. Sir, I was a member of the Select Committee and I was a party to the compromise which was ultimately arrived at; but I should like to emphasise that it was a compromise, and we accepted it because it was considered by me as an evil lesser than the other evils. Sir, it would not be correct to say,—my Honourable friend has not said this,—that there were no other proposals before the Select Committee. There were many other proposals and we took a long time to consider all of them. In this connection, I should say something about the composition of the Select Committee. In a word, the composition of the Select Committee was not such as it ought to have been and in view of that fact we accepted as a compromise a thing which was acceptable to the rest of us. Otherwise I would have been placed in a much more difficult position; I would have been faced with a greater evil.

Now as to the merits of this question, the reason why we accepted this compromise was this. It provided some little safeguard against the powers of the majority. But if it is desired here in this House that further safeguards should be provided, is it desirable on the part of any of us to stand against such a proposal? I say, no.

Let us consider very carefully and calmly all the aspects of this question. Disaffiliation means the pronouncement of a death sentence on a college. The result is not merely that the college goes out of existence but the students stand to suffer a great deal. What will become of the students when a college is disaffiliated? They may not find accommodation in any of the other colleges because their roll strength is limited. Therefore, we should not brush aside this question in the summary fashion in which it has been sought to be brushed aside. I agree with my Honourable friend Mr. Tyson that there should be some provision in the statute by which the college authorities may be brought to book; but I suggest some other remedies for that purpose. If you had agreed to take over the management of a college for a certain period of time,—for a

period of three or five years,—that would have been a much better remedy than disaffiliating an institution. But that proposal was not acceptable to my Honourable friend. All that we can do now is to provide the necessary safeguards—all the safeguards that are considered desirable from the point of view of educational interests of the community. It is in that view of the thing that I support this amendment.

Mr. J. P. Sargent: Sir, I had no intention of intervening in the discussion of this particular amendment, but in view of a few things which have been said by recent speakers, it is desirable to get up just to make one point. If my Honourable friend, the Deputy Leader of the Muslim League, has no confidence in the proposed re-constituted Executive Council or if he has still less confidence in my own sense of fairness nothing that I can say will, I know, affect his attitude in the very slightest.

Nawabzada Muhammad Liaquat Ali Khan: But it is not a question of individuals.

Mr. J. P. Sargent: No?

Sir Muhammad Yamin Khan: Your successors.

Mr. J. P. Sargent: I am not suggesting any personal reflection, perhaps I should have said "my office". But I am rather concerned at the suggestion that I, or my successors, should necessarily be interested to get colleges disaffiliated. I cannot imagine anything we should be more reluctant to do. After all, some of us have an interest in education and we have, from time to time, an interest in the welfare of students. How anyone who has given a considerable portion of his life to the service of education, for some whim or to please some faction, would vote, without due and grave consideration, for the disaffiliation of a college without any regard to the fate of the students or teachers in that college, really passes my comprehension. That is, I think, a reflection which one has hardly deserved.

I agree, Sir, that the disaffiliation of a college is a very grave matter, but I would remind the House that matters as grave, or even graver, are decided in Assemblies in all parts of the world on a bare majority after, I hope, very serious consideration, which is provided for I think adequately in this sub-clause. But, Sir, while we all appreciate,—or I hope those of us with any sense of responsibility appreciate,—that it is a grave matter, that it cannot be settled merely as an issue calling for an isolated decision, and that its consequences to the fate of students and teachers must be fully viewed and provided for, at the same time I do venture to suggest that occasions may arise—and I will go so far as to say that occasions have arisen in the case of this University—when the question, whether a college was acting in the best interests of the University or whether it was maintaining the minimum standard consistent with the dignity and welfare of the University, ought to be considered and considered seriously and it may well be a matter of public interest that a college should be disaffiliated—unpleasant and repugnant as such an act must be to very many of us. When that important issue arises, we have provided, as I have already stated, that it should receive the fullest consideration. Then there is also an appeal. Here again, I am sorry that it should be supposed that the thing should be regarded as a prejudged matter because the Educational Adviser might have happened to have been engaged in the preliminary discussions. When however these considerations have been fully examined, then it seems to me that, if the majority of the Executive Council such as it is, or such as it may be, have decided that it is in the interest of the University and that it is in the interest of the public that a college should be disaffiliated—and I hope regard will be had to what will have to be done to prevent the failure of the college authorities having a harmful effect on the students and teachers—when all that has been considered, then it seems to me that the body concerned has got to take its courage in its hands and if the majority of the body decides in favour of disaffiliation, I think that is a judgment which will have to stand. For that reason, Sir, I am bound to oppose the amendment.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That in clause 16 of the Bill, in clause (33) of Statute 33 in the proposed Schedule, after the word 'majority' the words 'of at least two-thirds' be inserted."

The Assembly divided:

AYES—17.

Abdul Ghani, Maulvi Muhammad.
Abdullah, Mr. H. M.
Banerjee, Dr. P. N.
Deshmukh, Mr. Govind V.
Essak Sait, Mr. H. A. Sathar H.
Kailash Bihari Lal, Mr.
Lalchand Navalrai, Mr.
Liquat Ali Khan, Nawazada Muhammad.
Maitra, Pandit Lakshmi Kanta.

Murtuza Sahib Bahadur, Maulvi Syed.
Nairang, Syed Ghulam Bhik.
Nauman, Mr. Muhammad.
Raza Ali, Sir Syed.
Saddique Ali Khan, Nawab.
Umar Aly Shah, Mr.
Yamin Khan, Sir Muhammad.
Zafar Ali Khan, Maulana.

NOES—30.

Ahnad Nawaz Khan, Major Nawab Sir.
Aiyar, Mr. T. S. Sankara.
Bentham, The Honourable Sir Edward.
Bhansali, Mr. M. D.
Chapman-Mortimer, Mr. T.
Chatterji, Mr. S. C.
Dalal, Dr. Sir Ratanji Dinshaw.
Dalpat Singh, Sardar Bahadur Captain.
Ghiasuddin, Mr. M.
Habibur-Rahman, Khan Bahadur Sheikh.
Haider, Khan Bahadur Shamsuddin.
Imam, Mr. Saiyid Haider.
Ismail Alikhan Kunwer Hajee.
James, Sir F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.

Kamaluddin Ahmad, Shamsul-Ulema.
Mackeown, Mr. J. A.
Maxwell, The Honourable Sir Reginald.
Pai, Mr. A. V.
Piare Lal Kureel, Mr.
Raisman, The Honourable Sir Jeremy.
Roy, The Honourable Sir Asoka.
Sargent, Mr. J. P.
Spear, Dr. T. G. P.
Spence, Sir George.
Sultan Ahmed, The Honourable Sir.
Thakur Singh, Major.
Trivedi, Mr. C. M.
Tyson, Mr. J. D.
Zaman, Mr. S. R.

The motion was negatived.

Mr. Lalchand Navalrai: Sir, I move:

"That in clause 16 of the Bill, in clause (33) of Statute 33 in the proposed Schedule, for the words 'all the then' the words 'not less than two-thirds of the' be substituted and after the words 'Executive Council' occurring in the third line the words 'present at the meeting specially called for the purpose' be inserted."

We had an amendment akin to this, but unfortunately we lost it.

Mr. President (The Honourable Sir Abdur Rahim): Then the first portion is barred?

Mr. Lalchand Navalrai: I am only mentioning what is the difference between the two.

Mr. President (The Honourable Sir Abdur Rahim): Then you are only moving the second part?

Mr. Lalchand Navalrai: Yes.

Mr. President (The Honourable Sir Abdur Rahim): Then you need not go into the other question. What you are moving is:

"That after the words 'Executive Council' occurring in the third line the words 'present at the meeting specially called for the purpose' be inserted."

Mr. Lalchand Navalrai: That is quite right.

Mr. President (The Honourable Sir Abdur Rahim): Will the Honourable Member then confine himself to that?

Mr. Lalchand Navalrai: What I was submitting was that the last amendment was in regard to the disqualification of a college being pronounced against not by the majority of the members of the entire strength of the Executive Council, but by two-thirds of the members of that Council. My amendment is a lesser amendment and I am asking for a little less safeguard and I want to try the Government how far they can go in accepting that much. Now my amendment calls for two-thirds of the members present at the meeting called for the purpose. I have put in these words for this purpose, that when it is announced that a meeting is going to be called for such a fundamental and very important proposition, it is expected that the members will attend and decide this matter by two-thirds of those that are present. Against this I was very sorry to hear from my friend, Mr. Ghiasuddin that the members would not attend a meeting like this. If that is so, then they will be shirking their duty.

Therefore, I would submit that this amendment which I have put in has got the support of the University and I would draw the attention of the Honourable Mr. Sargent as to how this matter was considered by the University authorities before the opinion of the University was called for. I am told that a meeting was convened of the Executive Council and the members of the Academic Council were present. This matter was also recommended by the Court itself. I mean to say that at a meeting it was decided that the decision of the Executive Council to withdraw recognition should be made by not less than two-thirds of the majority of the members present at a meeting especially called for the purpose.

I am only supporting the executive authorities, in which I hope my Honourable friend Mr. Sargent himself must have been present. Not only the Executive Council and the Academic Council are of that opinion but even the Court; and now it is said that because the Select Committee agreed to this under the circumstances which have been explained by the Leader of our Party, it cannot be said that because the Select Committee said that it should be done, therefore the opinion of the Executive Council and of the Academic Council and of the Court should be flouted, and persistence is made that we are not going to move an inch, and they have determined to get it through in this thin House. I would also draw his attention to this fact that in the present statutes, when there is a question of removing the degrees and diplomas, which is certainly a small matter in comparison, that can be done by the Court by a resolution passed with the concurrence of not less than a two-thirds majority of the members voting. I cannot understand why it should not be in a matter in which they themselves have given away their case by saying that this is very important and very fundamental and one which concerns not only the colleges but the students who are there.

Again, with regard to dispensing with the services of a teacher in the service of the University, that can only be done by a decision of two-thirds of the members of the Executive Council present at a meeting. That is a smaller thing, and yet there is so much persistence here. It is said that in the case of teachers there is actually an agreement of service; it would be therefore extraordinary that colleges can be disaffiliated with only a bare majority. I do not think I need repeat anything more. I would only say that the Government is lending their hand to those that have determined to see that all they have said should not be lessened even by a comma. I would therefore move this amendment.

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

"That in clause 16 of the Bill, in clause (33) of Statute 33 in the proposed Schedule after the words 'Executive Council' occurring in the third line the words 'present at the meeting specially called for the purpose' be inserted."

Mr. J. D. Tyson: Sir, at the risk of seeming obstinate, which seems to mean being unable to agree with my friends opposite, I must oppose this amendment. The speech of the Honourable Member seemed very largely to be devoted to the first part of the amendment, although that part has not been moved. I understand that after amendment the clause would read: "... by a majority of the then members of the Executive Council present at the meeting specially called for the purpose." If it means anything,—I think myself there is a contradiction in terms,—it would seem to mean, as the Honourable Member himself has suggested, something less by way of safeguard than Government put forward in the amended Bill. Strange as it may seem, I prefer to stand by the Bill as recommended by the Select Committee, not because it was recommended by the Select Committee, but because I consider that on its merits it is the better recommendation. We have provided that a majority of all the then members of the Executive Council is required for removing recognition. If the Executive Council consists of 25, as we have envisaged, there must be 13; if 26, there must be 14. Whether 25 or 26 are present or not, there must be 13 or 14 present and voting,—I mean 13 or 14 voting for the removal of recognition. We do feel that that much safeguard is necessary and I stand out for that. I oppose the amendment.

Mr. M. Ghiasuddin: Sir, I would just point out to my Honourable friend the Mover of this amendment a simple arithmetical problem and I want to prove the case against him by that. Supposing a certain meeting was attended by 12 members—there is no compulsion for any member to attend—and then three-fourths of the members present would be nine. If nine members vote for disaffiliation, the college will be disaffiliated. Whereas the recommendation of the Select Committee is that at least 14 members should be for disaffiliation and only then the college will be disaffiliated. Therefore this amendment of Mr. Navalrai is no safeguard at all. It is even less of safeguard than the Government itself proposed. Therefore, I oppose it.

Mr. Lalchand Navalrai: I want all of them to be present, all the 25.

Mr. M. Ghiasuddin: No university authority can issue a warrant to a member of the Executive Council to be present; he has to be present of his own free will. In this Assembly you find that so many Members do not attend and they cannot be compelled to attend. Similarly in the Executive Council members cannot be compelled to attend; and in that case only nine members voting for disaffiliation will disaffiliate a college.

Sir Muhammad Yamin Khan: Would you not make a quorum—say two-thirds of the members can form the quorum?

Mr. M. Ghiasuddin: But is there an amendment to that effect? Therefore I oppose it.

Sir George Spence (Secretary, Legislative Department): The question may now be put.

Maulvi Muhammad Abdul Ghani: Sir, I want to know whether the first part of the amendment about two-thirds being present has been allowed to be moved—whether those words “not less than two-thirds of the” form part of the present amendment or not.

Mr. President (The Honourable Sir Abdur Rahim): The first part is not before the House: only the second part.

Maulvi Muhammad Abdul Ghani: Then it means that only the last two lines of the amendment are before the House and the first part is not before the House.

Mr. President (The Honourable Sir Abdur Rahim): I have told the Honourable Member repeatedly that it is not before the House: it has not been moved.

Maulvi Muhammad Abdul Ghani: Yes, Sir; there is some confusion about it.

Mr. President (The Honourable Sir Abdur Rahim): I tell the Honourable Member that the first part is not before the House.

Maulvi Muhammad Abdul Ghani: In that case, Sir, it is difficult to understand it, because it would amount to this—a majority of the members present at a meeting specially convened for the purpose. It is nowhere said that it should be not less than two-thirds present—it is not before the House. That is my difficulty.

Mr. President (The Honourable Sir Abdur Rahim): That difficulty has been pointed out.

(Interruption. Some Honourable Members rose to speak.)

Order, order.

Mr. Lalchand Navalrai: The House is asking what is my amendment and I would explain it.

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

Sir Muhammad Yamin Khan: If the first part is not moved, it makes it worse.

Maulvi Muhammad Abdul Ghani: If the former part of the amendment is not before the House, the position becomes still worse. Reference was made to amendment No. 68 which had not any kind of safeguard regarding two-thirds majority or anything of that kind. But that was not for permanent disaffiliation, it was only for a temporary period, and

besides, that amendment has not been accepted by the House. So no reference should have been made to it. If it had been accepted by the House, then to refer to it would have been all right. I cannot support the amendment.

An Honourable Member: Let the question be now put.

Dr. P. N. Banerjee: As regards the first portion of this amendment, you, Sir, have ruled that it is barred.

Mr. President (The Honourable Sir Abdur Rahim): No. The Honourable Member would not move it. He did not move it.

Dr. P. N. Banerjee: Let me then confine my remarks to the second part.

Mr. Lalchand Navalrai: When I moved my amendment, I had moved the first portion also.

Mr. President (The Honourable Sir Abdur Rahim): Then the Honourable Member himself said that an amendment like this had been lost and he is not moving. Then I put to the House the rest of the amendment.

Mr. Lalchand Navalrai: The Chair said this was in a particular manner, and then I said, Yes, but I did not mean that those words should be taken out.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot go back.

Mr. Lalchand Navalrai: I never said that they must be taken out.

Dr. P. N. Banerjee: I will confine my observations to the second portion of this amendment. It relates to the insertion of the words, “present at the meeting specially called for the purpose”. This, I think, is very essential in order that a snap division may be guarded against. It may happen that there may be many items of business before that meeting, and under the head miscellaneous the question of disaffiliation may be considered. It may also happen that out of a dozen items the disaffiliation of a college may form one of the items. When that is the case, it would be very difficult for many members of the Executive Council to confine their attention to this particular item. In order that members of the Executive Council should know definitely that disaffiliation of a college will be taken into consideration it should be a special meeting called for the purpose. A special meeting called for a particular purpose has a significance much greater than an ordinary meeting. In order that an ordinary meeting may be called, a definite period of notice is given; for a special meeting, a longer time is generally given. Besides, Sir, when a special meeting is called, every member would be on his guard; every member would know that the only business before the meeting is the disaffiliation of a college, and every member in that case would make it a point to attend that meeting, so that what is apprehended by Mr. Tyson may be avoided. He says that some members may not attend a meeting at all. There are some members who do not attend ordinary meetings but if there is a meeting which is of an extraordinary character, meeting of a special significance, then all the members will make it a point to attend that meeting. This will not place my Honourable friend, Mr. Tyson, or my Honourable friend, Mr. Sargent, at a disadvantageous position. They all want that the meeting should be well attended. When members of the Executive Council get adequate notice that the only business before the meeting is the question of disaffiliation of a college, the attendance would be larger and there would be a proper consideration of that particular item. If it does not form a part of several items of business, but is the only item before the meeting, it will acquire a special significance. I therefore support the amendment.

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

“That in clause 16 of the Bill, in clause (33) of Statute 33 in the proposed Schedule, after the words ‘Executive Council’ occurring in the third line the words ‘present at the meeting specially called for the purpose’ be inserted.”

The motion was negatived.

Mr. President (The Honourable Sir Abdur Rahim): Amendment No. 84—Syed Ghulam Bhik Nairang.

Mr. J. D. Tyson: On a point of order, Sir. I would submit that this amendment has already been negatived when the House was considering amendment No. 11 of the first Consolidated List.

Mr. President (The Honourable Sir Abdur Rahim): It relates to disaffiliation?

Mr. J. D. Tyson: Yes.

Nawabzada Muhammad Liaquat Ali Khan: That amendment referred to the powers of the Executive Council. Here we are framing statutes regarding withdrawal of recognition.

Mr. President (The Honourable Sir Abdur Rahim): That means, regarding disaffiliation. Amendment No. 11 says:

"That in clause 7 of the Bill, to the proposed clause (ff) the words 'and subject to confirmation by the Court be added at the end'"

Is not that actual disaffiliation of the college by the Executive Council?

Nawabzada Muhammad Liaquat Ali Khan: May I submit that this clause (ff) reads:

"shall have power, subject to the Statutes, to recognise or withdraw recognition from a College or Hall not maintained by the University."

Here we are considering the question of withdrawal and we are framing a Statute. Now, we are entitled to move for the inclusion of this in the Statute, subject to which is this clause 7 of the Bill.

Mr. President (The Honourable Sir Abdur Rahim): This is the same thing—the power of the Executive Council to disaffiliate a college, subject to confirmation.

Nawabzada Muhammad Liaquat Ali Khan: In that case, it referred to both withdrawal and recognition. Now, we are considering only the question of withdrawal. The present motion is restricted in scope.

Mr. President (The Honourable Sir Abdur Rahim): That was wider. The House rejected both.

Nawabzada Muhammad Liaquat Ali Khan: What I am submitting is this. Originally there were two propositions—recognition of a college and the withdrawal of recognition. The House rejected that amendment. Here, there is only the question of withdrawal of recognition. So, it is quite possible that the House may not like that in the case of recognition of a college it is necessary that the matter should go to Court but in the case of withdrawal of recognition it is necessary that the matter should go to Court.

Mr. President (The Honourable Sir Abdur Rahim): What is the effect of the rejection of that amendment? It covered both recognition and withdrawal.

Nawabzada Muhammad Liaquat Ali Khan: I say that in the case of recognition the House may have felt that it was not necessary that the matter should go to Court. Now this statute that we are dealing with deals only with withdrawal of recognition. The House may be of the view that in the case of withdrawal of recognition it is necessary that the matter should go to Court. Therefore, I submit that the present amendment is not barred.

Dr. P. N. Banerjee: May I submit that this is a more restricted proposition? In view of that, I hope you will allow it.

Mr. President (The Honourable Sir Abdur Rahim): The wider proposition covers this also. Has the Leader of the House anything to say on this?

The Honourable Sir Sultan Ahmed (Leader of the House): In the amendment previously rejected, both recognition and withdrawal were mentioned. It is also our view that the present amendment is covered.

Mr. President (The Honourable Sir Abdur Rahim): I have heard the arguments on both sides relating to this amendment and I must hold that the verdict of the House on Amendment No. 11 of the original Consolidated List [That in clause 7 of the Bill, to the proposed clause (ff) the words "and subject to confirmation by the Court" be added at the end] which was rejected on the 6th August covers this case as well, namely, withdrawal of recognition and therefore the question cannot be reopened.

For the same reason amendment No. 85 standing in the name of Mr. Abdul Ghani is also barred.

Maulvi Muhammad Abdul Ghani: I do not say that it should not be acted upon. It should be acted upon but I say it should be subject to confirmation by the Court at its next meeting.

Mr. President (The Honourable Sir Abdur Rahim): This is clearly barred. 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.

Syed Ghulam Bhik Nairang: Sir, I move:

"That in clause 16 of the Bill, in clause (35) of Statute 33 in the proposed Schedule, the words 'with the sanction of the University' occurring in the first line and the words 'the University' occurring in the third line be omitted."

Clause (35) of statute 33 reads thus:

"When a College ceases to exist with the sanction of the University, the disposal of its assets, where not specifically provided for, shall be settled by the Governing Body, the University and the Central Government in consultation. If these bodies should fail to reach an agreement, the Central Government shall appoint an arbitrator whose decision shall be final."

Here, Sir, in the first line I seek to delete the words "with the sanction of the University". That is one part of it; I will come to the other part of the amendment later on. I submit that if a college ceases to exist in fact, I do not think it is open to the University to continue its existence in any way whatsoever. All that we should be thinking of in a provision of law like this should be the actual extinction of an institution as a matter of fact. To say that if a college ceases to exist with the sanction of the University would imply that even if a college actually ceases to exist, it can be kept in a state of artificial existence. (An Honourable Member: "Suspended animation.") Suspended animation is a different thing. It will be kept in a state of artificial existence by some process like artificial breathing. What is that existence? If a college does not exist, it does not exist. How can you treat it as in existence till you have sanctioned by your royal pleasure that it do cease to exist. I submit this is really a thing which passes the comprehension of a layman like myself. All that is necessary to provide in law is that if an institution ceases to exist, then such and such thing follows. That is the only thing that is necessary to provide. To say that its non-existence is to be sanctioned by the University would be like a judicial pronouncement that so and so is dead, so that unless such a declaration is made by a court in exercise of its special jurisdiction in cases of death, the man continues to live. He has no right to die unless allowed by a judicial authority by its pronouncement. So, I submit that these words appear to be not only unnecessary but really meaningless and may lead, if allowed to stand there, to complications. An institution may cease to exist and yet the University may treat it as in existence and liable to perform such and such duties and enjoying such and such rights although the institution which was entitled to enjoy those rights and bound to perform those duties has ceased to exist in fact. This much, Sir, about a college ceasing to exist.

Then comes the second part of my amendment. When a college ceases to exist, what follows? "The disposal of its assets, where not specifically provided for, shall be settled by the Governing Body, the University and the Central Government in consultation." Here, I seek to delete the words "the University". The clause itself contemplates a case where the disposal of the assets of a college is specifically provided for by the instrument or the document by virtue of which the college came into existence. When such a thing is provided for then, of course, the clause has no application. But when there is no specific provision for the disposal of its assets, then the clause says that the Governing Body, the University and the Central Government will consult each other and dispose of the assets. I say that the University should have no place in that consultation. The Governing Body is there and the Central Government is there. They should mutually consult and decide as to what will be done to the assets of such a college. The inclusion of the University

[Syed Ghulam Bhik Nairang.]

in a matter like this is, to my mind, unnecessary and will probably be a source of complications. The net effect of my amendment would be that neither will the death of a college, which God forbid, await the royal pleasure of the University because it will be at liberty to die whenever it chooses to die nor will the University be in a position to impede its death if it has decided to die. As to the disposal of assets, the University is nobody. Let the Governing Body, on the one hand, and the Central Government, on the other, by mutual consultation decide as to what will be done to the assets when there is no specific provision as to their disposal.

Sir, I move:

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

"That in clause 16 of the Bill, in clause (35) of Statute 33 in the proposed Schedule, the words 'with the sanction of the University' occurring in the first line and the words 'the University' occurring in the third line be omitted."

Mr. J. D. Tyson: Sir, the somewhat quaint phraseology of this clause appears to be taken from the Conditions of Grant. What is envisaged here is that the college ceasing to exist will have the permission of the University. There are two possibilities, either a college may cease to exist with the permission of the University or it may cease to exist without the permission of the University. This clause refers only to the former state of affairs and that, we would imagine, would be the ordinary mode of ceasing to exist, because if a college, for example, is participating by means of its staff in co-operative teaching, it obviously must give notice to the University that it is going to cease to exist and that its teachers will no longer be available. The University will then say: "Very well, we acquiesce in that position", or the University may have proposals to make which would obviate what would generally be an unwelcome occurrence. There is the possibility that the University might under those conditions wish to take over and carry on the institution itself as a University College or Hall, rather than let it go out of existence. If, therefore, a College ceases to exist with the sanction of the University in circumstances of that kind, it seems proper that the University should along with the Governing Body and the Central Government have some say in how its assets ought to be disposed of. For, if the University were anxious to take the College over it would want to take over the assets as well. The clause does not at all refer to a case where a College, by some act of God, shall I say, ceases to exist before it has been able at all to make a reference to the University. It does not provide for such circumstances at all. I think, Sir, there is a useful function in this clause and we are anxious to keep it in. This is one of the terms of the Conditions of Grant and that is how it got into the Statutes.

Nawabzada Muhammad Liaquat Ali Khan: Sir, I would have thought that the Government would be only too glad to accept this amendment, because it makes a provision for the non-existence of a college in either case whether with the permission of the University or whether without the permission of the University. My Honourable friend the Education Secretary has stated that the chief reason for including this here is that it is worded like that in the Conditions of the Grant. That seems to be his main defence for retaining this sub-clause. Sir, I think that the amendment that has been moved makes the position better as far as this particular matter is concerned. My Honourable friend the Mover of the amendment explained that the question of permission of the University does not really arise in a matter like this. I mean it will cease to exist whether with the permission of the University or without the permission of the University. Therefore, I would request the Honourable Member to reconsider whether it is not in the interest of the Government themselves who are giving and will have to give very large sums of money to these colleges to provide for either contingency whether with the permission or without the permission.

Then, Sir, my Honourable friend has stated that the University may take over a college and may want to run it. Well, Sir, if the University is taking over a college and it is being run, then the question of its not existing does not arise. It still exists.

Then, Sir, the third point that has been raised is that when the question of deciding as to what should be done with the assets of a college arises, the University also should come forward and have a voice. I do not know on what ground does my Honourable friend support a proposition of this kind. The assets have been built up either with the money that has been collected and raised by the Governing Bodies or with the money that has been given by the Government. How does the University come into the picture at all? The University as such does not give a single penny to any college. Therefore when the question of disposal of its assets arises, the University really has no share and should not have any voice as to how those assets should be disposed of. My Honourable friend says that if the University were to take up a college which was wanting to go out of existence, then the University would naturally take the assets also. Well, Sir, I suppose in a contingency like that, if the Governing Body and the Government agree that the University should take over that college, then naturally the assets would be given to the University. But why should the University have any voice in the disposal of these assets, I fail to understand. I should think that there is nothing objectionable in the amendment that has been moved. It improves the position to my mind in one respect very much, namely, the non-existence of a college in any case and under any circumstances which would cover these cases. Secondly, when the question of disposal of assets arises, it is really only the Governing Body and the Central Government which can have any say in the matter, and to bring in the University here is not justified under any circumstances.

I support the amendment that has been moved by my Honourable friend and I would again request the Education Secretary to consider this proposition and not depend on the fact that because it has been entered here in the statutes, therefore, it must be retained. I should like to ask him one question: What would happen in a case where a college ceases to exist without the permission of the University? What would happen to the assets of that college in that case? As I say, here, no provision has been made in these statutes and when you definitely make a provision for one particular contingency, then the interpretation would be that in the other case, it is entirely left to the college Governing Body to do as they please which I think will not be in the interest of the general taxpayer because after all, these Colleges are being paid and will be paid very large sums of money from the general revenues and the Central Government which is responsible for supplying this money should have a say in this matter in either case.

Mr. J. D. Tyson: The answer to that question is that we have not sought to provide for the second contingency at all in this clause. We have only provided for the first contingency where the college ceases to exist with the sanction of the University. We find it very difficult to envisage all the circumstances in which a college may cease to exist without the sanction of the University.

Nawabzada Muhammad Liaquat Ali Khan: Then, why not leave it out?

Mr. J. D. Tyson: We cannot agree to have "with the sanction of the University" left out, as this amendment is worded, without leaving out the word 'University' later on, which we want to keep in.

Dr. Sir Zia Uddin Ahmad: Sir, I do not know what the intentions of the Government are in this matter. Are they contemplating that they would ask the Governing Body to retire and they would run the college themselves, as an integral part of the University, that is, the college will be maintained as an institution by the University? If that is the intention, then this clause has some meaning. But if this is not the intention, then, I do not see the necessity for this particular clause at all. In the constitution of every college, there is a provision that if the college ceases to exist, then the property will be disposed of in such and such a manner. It is really an integral part of the constitution of every institution in India. So there is no need to make a provision which already exists in the constitution of a college and this additional provision is unnecessary.

[Dr. Sir Zia Uddin Ahmad.]

The second point which has already been referred to by my Honourable friend is that we have made provision for the non-existence of a college with the permission of the University. But a college may cease on account of other things like an earthquake, disagreement among members of the Governing Body or want of funds, and so on. What would happen then? If we pass this clause nothing would happen to that property and I do not know what they will do, and whether they will follow the original terms of the contract or not.

The next thing that is not clear is this. These colleges are all registered bodies and in their constitutions they provide for the manner in which the property should be disposed of. When we pass this clause, will those conditions be *ultra vires* and will they be replaced by this provision? That is not clear. Then what would happen if they voluntarily retire and do not run the college for want of funds? This section surely will not apply in that case and with the passing of this clause the original provision that they had will also be *ultra vires*. So I think there will be confusion and it is unnecessary to bring in the University when there is only a contract between the college and the Central Government. Money is always supplied by the Central Government and not by the University, and therefore the University does not come in. The only parties interested are the Central Government and the Governing Body of the college. So I submit that the clause is superfluous, it is badly drafted and it makes the thing more complicated. I support the amendment.

Mr. J. P. Sargent: Sir, I should be inclined to agree with my Honourable and learned friend the Vice Chancellor of the Aligarh University that in most cases where Government gives a grant to an institution there will be some particular kind of agreement or implement covering that. But that is actually provided for in this clause where it is said, "where not specifically provided for"; in other words, it deals with cases where such an agreement may not be in operation. I must say that this is a harmless little clause which is useful, but if the Mover with the consent of the Chair would like to put this amendment in two parts we would have no objection to the withdrawal of the words "with the sanction of the University". On the other hand we do attach great importance to the University being brought in on any such occasion since the ceasing of the existence of a college would necessarily create a situation in which the University would be interested. This is merely a matter of consultation and we feel it essential that the University's interest in such a contingency should be preserved. Therefore we should not accept the second part but if it were moved in two parts we would be prepared to accept the first part.

Nawabzada Muhammad Liaquat Ali Khan: Sir, I want to ask a question. The assets of an institution have nothing to do with the University. How does the University come into this?

Mr. J. P. Sargent: We were reminded this morning that we were legislating for the future. I hope it will not be impossible in the case of the Delhi University, that the University may be given a benefaction of which they may pass on a share to the colleges, in which case they will be interested in the assets.

Dr. P. N. Banerjee: When a college ceases to exist would it be possible for the University to run the college itself or to run it under the management of a body created by the University? Is that in contemplation?

Mr. J. P. Sargent: That, Sir, is an obvious possibility.

Dr. P. N. Banerjee: In that case there should be no objection.

Mr. Deputy President (Mr. Akhil Chandra Datta): Does the Honourable the Mover accept the suggestion?

Syed Ghulam Bhik Nairang: I do not wish to amend my amendment but in the light of the remarks made by Mr. Sargent I should like to have the permission of the House to withdraw the whole amendment.

The Amendment was, by leave of the Assembly, withdrawn.

Seth Yusuf Abdoola Haroon (Sind: Muhammadan Rural): Sir, I move:

"That in clause 16 of the Bill, to clause (38) of Statute 33 in the proposed Schedule, the words 'or any first class securities on the approved list of the Reserve Bank' be added at the end."

Under clause (38), investment is allowed in property and securities authorised by law for the investment of trust funds or other securities approved by the Central Government. I wish to add some other securities approved by the Reserve Bank, because the Trust Act provides only for those securities which are allowed by that Act like Government or Port Trust loans, etc. It may happen that a college has money for building purposes but it is not able to put up the building. The only course open to them is to invest their money and they have to invest in securities under the Trust Act which means that they will get a lower percentage of interest on their investment. But there are securities which are not covered by this Act and those securities are approved by the Reserve Bank on which money is advanced if they are deposited with them, and by other first class banks. "First class banks" is a phrase which is well understood in business, i.e., those which allow 80 per cent. of that investment for advancing money. If such investments are allowed they will naturally fetch more interest and the colleges will thus be able to accumulate more money. These securities which are on the approved list are also very good securities but with different conditions. They cannot be approved by the Trust Act and therefore the necessity has arisen that these colleges should be allowed to invest their surplus money in these securities. I hope Government will accept this amendment. Sir, I move.

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

"That in clause 16 of the Bill, to clause (38) of Statute 33 in the proposed Schedule, the words 'or any first class securities on the approved list of the Reserve Bank' be added at the end."

Mr. J. D. Tyson: The proposal is to add the words "or any first class securities on the approved list of the Reserve Bank". A reference has been made to the Reserve Bank and I am authorized to say that the Reserve

Bank maintains no such guide to investors as the Honourable Member seems to have in mind. It would no doubt be invidious to publish, at all events, even if it did maintain, a list in which it divided securities into first class and other class securities. But in actual fact, Sir, the Reserve Bank maintains no such list and I submit that the proposed amendment is entirely meaningless. What my Honourable friend wants to do is, however, covered by the wording of the clause itself: namely,—

"Investment of funds belonging to the College . . . shall be made in property and securities authorised by law or the investment of trust funds or such other classes of security as may, from time to time, be approved by the Central Government."

That is a wider thing than what we call "trust fund securities". At all events, I cannot accept the amendment for the reason I have given.

Mr. H. A. Sathar H. Essak Sait (West Coast and Nilgiris: Muhammadan): Do I understand the Honourable Member to say that there is no approved list published by the Reserve Bank, or does he object to the use of the words 'first class securities'?

Mr. J. D. Tyson: There is no such list published.

Seth Yusuf Abdoola Haroon: Money is advanced by the Reserve Bank on certain securities.

Mr. J. D. Tyson: No doubt the Reserve Bank has its own ideas as to what securities should be accepted for advancing money, but it does not maintain or publish any list of securities of the kind envisaged here.

Seth Yusuf Abdoola Haroon: Sir, I beg to withdraw my amendment.

The amendment was, by leave of the Assembly, withdrawn.

Syed Ghulam Bhik Nairang: Sir, I move:

"That in clause 16 of the Bill, clause (7) of Statute 34 in the proposed Schedule be omitted."

With this amendment we pass on to Statute 34. The heading of the Statute is "Instruction provided by Colleges". Clause (1) is:

"A College shall provide instruction in such subjects and up to such standard as it may be authorised to do, from time to time, by the Executive Council on the advice of the Academic Council."

[Syed Ghulam Bhik Nairang.]

We seek to delete this clause mainly on the ground that the decision as to the subjects in which a college is authorised to teach and as to the standard up to which it is authorised to teach is, according to the wording of this clause, a variable quantity. It may at one time be that when the college happens to be in favour with the Academic Council and Executive Council it is authorised to teach up to the M.A. standard or even up to the standard of Doctorate in any of the subjects, and, later on, when times change and the institution does not happen to be in favour, the standard may be lowered or the number of subjects may be curtailed. We say that when the college first obtained its recognition and satisfied the authorities of the University as to the subjects which it can teach and also as to the standard, that decision should be taken once for all and only perhaps in case the standard is sought to be raised there may be a different proceeding undertaken. For instance, an institution is recognized as authorised to teach in certain subjects up to the M.A. standard. That should remain there and the standard should never be lowered unless of course later on an application is made by the college to be authorised to train research students for the Doctorate degree in certain subjects. Then of course another stage will come and the University may naturally have to look into the matter and have its say. But unless such a contingency arises, such matters should not be left to be disturbed, every now and then, by the Executive Council on the advice of the Academic Council. Sir, I move.

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

"That in clause 16 of the Bill, clause (1) of Statute 34 in the proposed Schedule, be omitted."

Mr. J. P. Sargent: Sir, under the definition of a "college" in the Act itself a college means "An institution . . . in which instruction is provided under conditions prescribed in the Statutes". So that a Statute of some kind is necessary.

I will not take up the time of the House by referring at length to the question of co-operative teaching with which this particular sub-clause, and indeed most of the clauses in Statute 34 deal. If Members are not in favour of co-operative teaching, they will of course support this amendment. If, on the other hand, they share my belief that co-operation between the University and the colleges will not only economise teaching power and enable the total scope of instruction to be enlarged, but will also ensure to the colleges a reasonable share in the higher teaching of the University, then I think they will feel that the co-operative idea is one which it is desirable to try. And for that reason, I think, they will find that the arrangements prescribed not only in this sub-clause but in the other sub-clauses of Statute 34 are designed to define, as far as may be reasonable and desirable, the relations of the colleges to one another and to the University in this respect.

I explained the other day why, in my opinion, it was not practicable to lay down for good and all, when a college was recognized, the subjects in which, and the standard up to which, it should be authorised to teach. Men, even teachers, are mortal and changes will occur in co-operative arrangements which may necessitate reconsideration of this matter. And so long as that reconsideration is carried out in a measure of reasonable fairness, I can see no harm whatever in it. So, if Members share my optimism as to the advantages of co-operative teaching, I feel sure they will support the sub-clause and will not be able to support the amendment. I feel I cannot personally do so.

Maulvi Muhammad Abdul Ghani: Sir, clause (1) of Statute 34 deals with the providing of instruction in such subjects and up to such standard as it may be authorised to do, from time to time, by the Executive Council on the advice of the Academic Council. It has been moved that this should be deleted. It has been pointed out on several occasions that whenever a college requires to alter the subject or raise the standard of the subject it has to take the sanction of the Executive Council. Here it says that a college shall provide

instruction, irrespective of whether it is in a position or not, or whether its financial condition permits it to do so, but "a College shall provide" as it may be authorised by the Executive Council. I fail to understand this kind of mentality. I support the amendment.

The Honourable Sir Sultan Ahmed: The question be now put.

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

"That the question be now put."

The motion was adopted.

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

"That in clause 16 of the Bill, clause (1) of Statute 34 in the proposed Schedule be omitted."

The motion was negatived.

Syed Ghulam Bhik Nairang: Sir, I move:

"That in clause 16 of the Bill, for clause (1) of Statute 34 in the proposed Schedule, the following be substituted:

"(1) A College shall provide instruction in such subjects and upto such standard as it may arrange from time to time giving information thereof to the University."

Sir, in the last amendment I sought to delete clause (1) altogether, but it appears that Government is in love with something of that sort so I am now proposing a much better thing. I say, all right, if you do not want to get rid of that provision altogether, you may change it and give it a better form. In that you say that a college shall provide instruction in such subjects and up to such standard as it may be authorised to do from time to time by the Executive Council on the advice of the Academic Council. It say a much better provision which will ensure the same result will be my proposed clause which will make it necessary only to give information to the University, not necessarily to obtain its sanction and permission as to what subjects it will teach and up to what standard. Of course such information can be given from time to time as the provision for instruction and the subjects in which instruction is to be given and the standard up to which instruction is to be given vary from time to time. All that should be necessary is to give information to the University and not to await its sanction.

We have been saying this in a good many matters covered by the present Bill. The interference of the University, I mean the Executive Council and its ally the Academic Council in matters of this kind should be reduced as much as possible so as to allow smooth running of the institutions and good work to go on without interference from the powers that be. No harm can at all befall any of the colleges or the University or the cause of education. The provision simply is that the college shall provide instruction in such subjects and up to such standard as it may arrange from time to time giving information thereof to the University. The University should not be in the dark as to what a college is teaching and up to what standard. Yet the college should not be made to wait till the sanction of the University has been given and conveyed to it and up to that time—pending the receipt of the sanction of the University—to hold up all its work.

I think, Sir, the meaning of my amendment is perfectly clear and I commend it to the Government for acceptance. I move.

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

"That in clause 16 of the Bill, for clause (1) of Statute 34 in the proposed Schedule, the following be substituted:

"(1) A College shall provide instruction in such subjects and upto such standard as it may arrange from time to time giving information thereof to the University."

Sir Muhammad Yamin Khan: Sir, I think there is no harm in Government accepting this amendment. The present statute will take a lot of time—the sanction of the Executive Council will have to be obtained after the Executive Council have received the sanction of the Academic Council. It is only a matter of procedure—that is the only difference between the statute and the proposed amendment. The amendment simply proposes that the University should be informed of the subjects and instruction as soon as a particular college starts work after the summer vacation—the session usually starts after the summer. Supposing the university education starts on the 15th July—it has been closed for a good part of June and July—the necessary arrangements are made during the vacation: the college authorities decide that education

[Sir Muhammad Yamin Khan.]

should be given in certain subjects and upto a particular standard. This decision has to be arrived at very quickly. If after they arrive at this decision they have to write to the Executive Council saying "Please allow us to give instruction in these subjects and up to this standard", that Council will have to send it to the Academic Council and get their sanction; the Academic Council may not meet till very late—the members who decorate that Council may not be available and they may be enjoying their summer holidays in distant places and they may not be able to come till a few days before the opening of the University. That means that only a few days will be left for their decision; and that will be really hard on the college; the boys will not know whether they can join that college and that college will not know whether they can enrol them or not. My Honourable friend may say "Why should the college authorities wait till so late? Why should they not apply in the beginning of the year or in March or April?" But my Honourable friend will realise that the Government themselves are not in a position to say till the budget is passed what amount they will be able to give to a particular college. After the budget the colleges will know about the Government contribution and their financial position—say about the 15th April; and then the boys and the staff are engaged in the examinations and then the summer vacation starts; and it is not always possible to know how many boys will apply.

It has been brought to notice, in this year, that there has been a sudden fall in the roll of students. Very few boys have joined the Delhi University because they do not know whether their studies are safe or not; they have gone to other places; therefore it is not possible for the boys or their parents and guardians to be sure whether they can send a boy to a particular college or not: the parents of course have got to know and make up their mind. I would not like to put my boy in a college till I come to know that a particular college will be allowed to teach a particular subject. I would naturally like to make my arrangements elsewhere and not like to wait till the eleventh hour. I think therefore the formalities under the present statute are unnecessary; and the amendment contains proper safeguards. There is this safeguard that all teachers will have the same qualifications, though in different colleges; it does not matter what subject they teach. It will really depend on whether the college is financially sound, whether it has got the money to go in for that education, and whether it has got the proper staff. If all these things are present—these three things, *viz.*, sufficient finance, good staff, and the number of students, they would like to go in for the highest education; there is no taking risks or doing things in a hazardous manner by opening classes which they cannot carry on; the Honourable Member would not like to contribute if I were to open M.A. classes with only four students; therefore I would not like to open such a class. But if I can find money from somewhere else, why should my Honourable friend say that I should not open a class even with four students on the roll? It is only a matter of procedure involved in this amendment and I think it will be acceptable to the Government unless they can show and convince us that it is wrong.

Mr. Lalchand Navalrai: Sir, I find that the amendment that has been put in is not happily worded or happily proposed.

Nawabzada Muhammad Liaquat Ali Khan: It is not happily understood!

Mr. Lalchand Navalrai: By the Government, you mean. I have understood it all right. I find that the clause itself requires the sanction of the Executive Council in regard to the subjects that are going to be taught and the instructions in those subjects and the standard which may be authorised from time to time by the Executive Council. Now, one can understand this: if the interference or the sanction of the Executive Council is not necessary, then I think the whole clause should be omitted; and an amendment to that effect was put in, which has not been accepted. That was an amendment of some substance. But there is no substance in the present amendment. The

present amendment only says that instead of getting the sanction—it will amount to that—only information need be given by the colleges to the Executive Council about the subjects and the instructions. I ask, what for is this information being given? We are giving information to the University authority

An Honourable Member: What is it for?

Mr. Lalchand Navalrai: To be thrown into the waste paper basket! Or they think it is some routine business, something has come and we take no notice of it. If you give information, if you go so far as to say that you are prepared to give information, then I think you have lost your case. Sir, I oppose the amendment.

Mr. Kailash Bihari Lall (Bhagalpur, Purnea and the Sonthal Parganas: Non-Muhammadan): I am tempted to support this amendment. The amendment proposed by Government is to this effect:

"A college shall provide instruction in such subjects and up to such standard as it may be authorised to do, from time to time, by the Executive Council on the advice of the Academic Council."

That is mandatory and obligatory on the college to follow. Circumstances may arise in which a certain college may not be in a position to carry out the wishes of the University. In that case the fate of the college must be hanging in the balance. I think advantage may be taken by the University against a certain college which may have gone against the wishes of the University, and the position of that college may become precarious. It will mean a halter round the neck of an educational institution. Whether they have funds or not, whether other circumstances permit or not, the college will have to abide by the wishes of the University in the matter of teaching subjects up to the standard desired by the University. So, the amendment proposed here seems to be a good alternative for the kind of mandatory provision. The amendment now proposed says:

"(1) A college shall provide instruction in such subjects and upto such standard as it may arrange from time to time giving information thereof to the University."

This is more desirable because it is left to the college to fathom its own capacity for imparting education in the subjects the particular college wants. It may be urged in that case that the college may not like to teach in subjects that are desirable in the public interest and that the University may like that those subjects should be taught in the college, but the college will follow its own way. But it seems to me unnatural that a college will be so self-willed as to undermine its own interest by teaching to a lower standard, or teach subjects according to its sweet will without injuring its own reputation. It is in the nature of things that a college will look after its own interests and its own reputation, and generally it is the case that it tries to impart instruction in subjects that may attract more students or may enhance its own reputation. So, there is no fear that the college may go astray in selecting subjects to be taught or in keeping up to the standard required. Looking at the question from that point of view, I think the amendment suggested is more natural and gives more scope to the college and there is less chance of any halter being hung round the neck of an educational institution, because it has always to fear what sort of mandate may be issued from the higher authorities and we do not know whether the college will be in a position to carry out that mandate, and in that way the position of the institution is always precarious. Whereas under the proposed amendment, they are free to carry on according to their might and capacity to impart education and act in a manner which will enhance the reputation of the University. In this view I support the amendment.

Mr. J. P. Sargent: I am aware how poor my powers of explanation are. I do feel that I have completely failed to explain to the House the advantages of the system of co-operative teaching. I have been charged with being in love, or Government have been charged with being in love, with that system. I would not put my affection so high as that, but I do regard it as an extremely sensible and practical method of conducting, at any rate, higher teaching in an institution like a university. But if you are going to have co-operative teaching somebody has got to have the last word as to the arrangements for it.

[Mr. J. P. Sargent.]

and it appears to me that that body logically is the Executive Council acting on the advice of the Academic Council, which itself will act on the advice of the Board for co-ordinating co-operative teaching on which, if my memory serves me right, all the colleges are represented.

Now, Sir, I am the last person to wish to apply arbitrary restrictions to the desires of colleges to teach up to a high standard in as many subjects as is economically possible, but one has to have regard to practical considerations. Supposing there are very few students in a certain subject to be taught up to the M. A. stage and a college offers to undertake that instruction and that is approved; quite clearly it would be extremely unbusinesslike for another college, for some reason into which we may not enter, to set up a rival class in the next year in the same subject. Clearly, the University's interest is to enlarge teaching and to get colleges to provide as much instruction of a higher standard as is possible. But there must be somebody to see that there is not uneconomic and undesirable competition between colleges. I think personally that it is very unlikely that any of these issues will arise, but it is necessary to provide for settling them when they do.

My Honourable friend, Sir Muhammad Yamin Khan, has referred to the question of time. I agree that that is an important factor. Obviously in a matter of this kind decisions may be required in a hurry. Normally the teaching arrangements of the University for the next academic year are settled at the end of the preceding academic year, and we have been rather hoping that under the new system of grants which are calculated on a formula,—that, subject to the general approval of this House to the budget, the colleges will in future know better where they are likely to stand from the financial point of view than they have ever done when the grants were subject to variation. If after making all the arrangements for co-operative teaching, a teacher shall we say, who was to teach Arabic up to the M. A. standard, should unfortunately leave, die or otherwise not become available during the summer vacation, then there will be, I imagine, the Standing Committee of the Co-operative Teaching Board to deal with such emergencies, or alternatively, under the powers vested in him, the Vice Chancellor is entitled to give a decision in a matter of this kind. I cannot conceive that there will be many of these questions, but I do say that if they arise, you cannot have a college waiting a long time to know whether it will or will not be authorised to teach a certain subject. I think ample provision already exists for dealing with this. Again, I make my appeal to Honourable Members, whether they believe in this scheme or not as an educational experiment or as any other kind of experiment, at any rate, to give us, who are interested in it, credit that we shall try and make it work as smoothly as possible. It is not in our interest to try and present unnecessary obstacles to the successful working of this co-operative teaching. For these reasons I hope this amendment will not be pressed, but if it is pressed, I regretfully have to say that we shall have to oppose it.

Sir George Spence: Let the question be now put.

Maulvi Muhammad Abdul Ghani: I am the first person to support the advancement of learning and I have always done it. But everything must be within the means. We have repeatedly asked for an assurance from the Finance Member whether he is going to provide the necessary money which may be required to carry out the provisions of this measure, but we have been disappointed at his studied silence. Here the Education Department urges that all such improvements should be had but I say it should be within the means of the institutions which are going to be asked to comply with these provisions. There is no mention in the clause that the institutions will be asked to introduce certain things according to their funds. It is obligatory on them to start teaching of certain subjects once they are asked to do so by the Executive Council after consultation with the Academic Council. If they are asked to introduce a higher standard, there is no option for them to refuse. The amendment proposed is a very modest one. It serves the purpose of the Government and at the same time it does not compel the institution to have

its standard raised in certain subjects. I think the authorities here are counting their chickens before they are hatched. They should try to secure money and it is difficult to get money in these days of war and scarcity. Let better times come when all will equally contribute money. Therefore, the Government should not be in a hurry. After all, these Statutes can be amended by the Court and the Executive Council as many times as the authorities like to suit their convenience. Why show so much impatience? I think all these elements and factors should be taken into consideration and I think the authorities should revise their decision. It is not a question of communalism here. It is the financial aspect of the thing that has got to be considered. You will be imposing a sort of compulsion on an institution which has no money and cannot have any money in these days. I hope the Government will revise their decision and accept the amendment moved.

Nawabzada Muhammad Liaquat Ali Khan: My Honourable friend, the Educational Adviser, has supported the retention of this sub-clause in the language in which it is put down here on the ground that it would facilitate co-operative teaching. But as my Honourable friend knows, this sub-clause does not apply only to co-operative teaching. If and when a system of co-operative teaching is introduced, then certainly a sub-clause like that would be necessary but what happens now is that a college wants to start teaching in a certain subject. It has to apply to the University. The University takes, as I have stated on another occasion, an unduly long time over giving its decision. It is really to prevent a thing like that happening that we seek to amend this sub-clause. Co-operative teaching, as I stated the other day, does not seem to be possible till such time as the colleges are situated in the same locality. For that we will have to wait at least till after the war and perhaps a few years till after the war. At present, this sub-clause applies to all types of teaching. The amendment seeks to provide that if a college fulfils the conditions that are laid down regarding the number of teachers, their qualifications and so on, then that college can start teaching any subject by informing the University to that effect, and the University have got power to see that the teaching is done in accordance with their rules and regulations and is done under their supervision. I would like to draw the attention of the House to sub-clause (4) of the same Statute: All recognised teaching (and of course we have given an amendment to remove the word 'recognised') in connection with the University courses shall be conducted under the control of the Academic Council by teachers of the University.

Now, there is a complete control of the Academic Council, the body which is responsible for supervising the teaching work in the University. All the teaching in the colleges will be subject to the control of the Academic Council. So, there is no question of any college making inefficient arrangements for imparting education to its students. When we start co-operative teaching, then a power like that would be absolutely necessary but this power will not be used by the Executive Council only in cases where there is a proposal to start co-operative teaching. This power is being used, has been used in the past, for any kind of teaching whenever there is a question of teaching a new subject or raising the standard of a particular college. My Honourable friend the Educational Adviser has referred to co-operative teaching and he has been quite frank in saying, though he did not want to use the word 'love', that he is not in love with this system but he is certainly enamoured of it and I personally think that it is an experiment worth trying. I do not say that we should not start co-operative teaching but what I do submit is that for the system of co-operative teaching to be successful it is necessary that certain conditions must be fulfilled and those conditions do not exist today. If the University today started co-operative teaching in any particular subject, then I think to a very large number of students, who would be in other colleges and not on the University site, it would be a great hardship. You can only make it a success when the complete scheme materialises in the form of the establishment and construction of these colleges round about the University buildings. Therefore, all these amendments,

[Nawabzada Muhammad Liaquat Ali Khan.]

that follow, to this statute, are really intended with that purpose. Instead of leaving it completely to the Executive Council to decide whether they should allow a certain college to do teaching in certain subjects or whether they should not, we want that the teaching should be under the Executive Council but that a college should be allowed to start classes without getting the previous sanction or should be allowed to start classes if that college fulfils those conditions. That really is the object.

Sir, there is a saying: Once bitten twice shy. We have had rather a sorry experience in the past. I have not hidden this fact before and I do not hide it now and that is why we are really very nervous whenever a provision like this comes before us because of the absence of our voice in the affairs of the University. All that we try to do by means of these amendments is that we try to reduce the chances of any injustice being done to any particular college to the minimum. That is the intention. Our intention is not to hamper education in any way. We are as anxious as anybody else to have the best type of education in the University. As I stated just now, we have studied this very carefully and we have suggested certain amendments which do not affect the fundamental idea underlying this but which certainly make it less difficult for those unfortunate colleges which have not got any voice in the University to start higher classes or open classes in new subjects. That is why I support the amendment that has been moved.

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

"That in clause 16 of the Bill, for clause (1) of Statute 34 in the proposed Schedule, the following be substituted:

"(1) A college shall provide instruction in such subjects and up to such standard as it may arrange from time to time giving information thereof to the University."

The motion was negatived.

Syed Ghulam Bhik Nairang: Sir, I move:

"That in clause 16 of the Bill, clause (2) of Statute 34 in the proposed Schedule be omitted."

Clause (2) which I seek to delete reads as follows:

"Where a College desires to raise the standard or alter the subjects of instruction in respect of which it is recognised, the procedure prescribed in respect of its recognition shall, as far as applicable, be followed."

Sir, as happened in the case of a few amendments before, this amendment too is due to our very peculiar situation. We do not belong to the circle of the initiated and very often do not understand the idea underlying a particular provision. Now, this clause that I have just read out to the House is strangely reminiscent of clause (16) of Statute 33.

Mr. J. D. Tyson: May I say that for the reason which my Honourable friend has just pointed out, we do not propose to oppose this amendment from this side. We are prepared to accept it.

Syed Ghulam Bhik Nairang: I am glad that my Honourable friend Mr. Tyson, who the other day caught me napping over a little point of grammar and gently touched me on the shoulder to rouse me from my temporary torpor, has confessed his own mistake and said that he does not want to oppose this amendment. So we are quits.

Sir, I move.

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

"That in clause 16 of the Bill, clause (2) of Statute 34 in the proposed Schedule be omitted."

The motion was adopted.

Seth Yusuf Abdoola Haroon: Sir, I move:

"That in clause 16 of the Bill, in clause (3) of Statute 34 in the proposed Schedule, for the words 'without the previous permission of' the words 'without giving previous notice to' be substituted."

Clause (3) reads as follows:

"A college may not, without the previous permission of the Executive Council and the Academic Council, suspend instruction in any subject which it is authorised to teach."

For the words 'previous permission' I would like to substitute 'previous notice'. I cannot understand why a college which would like to suspend one of the subjects should get the permission of the University. If it tries to obtain the permission of the University, it might fail to get it in time which may result in a waste of time. I think the notice should be quite enough. If a college gives notice, it must be sufficient for them. Therefore, the question of permission should not arise. Sir, I move.

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

"That in clause 16 of the Bill, in clause (3) of Statute 34 in the proposed Schedule, for the words 'without the previous permission of' the words 'without giving previous notice to' be substituted."

Mr. J. P. Sargent: Sir, I will try and be very brief in deference to the feelings of the House. As I have explained in connection with the co-operative teaching system, if it is necessary for somebody to make a final decision as to what subjects a college shall undertake, it seems to me all the more necessary in the interests of students that a similar body should have a similar voice with regard to a college giving up teaching which it has undertaken to provide.

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

Clearly, a college may say: We will provide teaching up to the M. A. standard in a certain subject and the co-operative body will say, there are only eight or nine students in the whole University wanting this subject, if you will

undertake to provide a teacher for this class, we will suggest that all the students should attend your class. Then, that college becomes responsible for teaching the students in that particular subject. Honourable Members will appreciate the fact that a mere notice from that college that they no longer propose to carry on that class would hardly be a sufficient safeguard for the interest of the students. On the other hand, they should say: we will carry on this class for some time, please enable us to do so and after a certain period, will you please release us from this obligation? I plead that in both cases permission is necessary both in the case of a college undertaking a new commitment and of its giving up a commitment which it has already undertaken. For these reasons, I am afraid I must oppose the amendment.

Maulvi Muhammad Abdul Ghani: Sir, I think it is like this. I feel appetite, but I must wait for a week to take my food. Here the colleges and institutions feel their difficulty in financial matters, and if they go on waiting for years together in obtaining sanction or permission of the Executive Council to suspend teaching in certain subjects, wherefrom will the money come. The Government would not come forward to give money. If the Government will be responsible financially, in case there is any delay in giving sanction, it is all right. But no such guarantee is given to the colleges. The colleges have to stand on their own legs. So, it is better that the amendment should be accepted. It only says that the college may not suspend it without giving previous notice to the Academic Council. In clause (1), it is said that a college shall provide instruction in such subjects as it may be authorised to do. The college says that it is not in a position to give instruction in such subjects and up to such standard. If they do not get enough funds, their position is precarious. They should be given some alternative to get out of the difficulty. This is the only proper remedy to help the college or institution. I think the Honourable the Mover has brought forward a timely amendment and I hope the House will accept the amendment.

Mr. Kailash Bihari Lall: Sir, I oppose this amendment because I feel there is great force in the argument that the interest of the students will suffer if this amendment is given effect to. I have heard the argument advanced by my Honourable friend Maulvi Muhammad Abdul Ghani that if the college is starving and if it has no money to carry it on, how can it wait for the permission of the University and run the institution! Of course, so far as the question of fund is concerned, no doubt it is a thing to be taken into consideration. If the college is so hard up for money that it cannot run the institution at all,

[Mr. Kailash Bihari Lall.]
then permission is given by the University. Of course, no doubt it is a situation that should be taken into consideration. But the interest of the students is still more important than the financial condition of the institution. It seems to me that if the college is allowed fully to close down teaching in certain subjects, on the mere service of a notice to the University, then the condition of the students must be precarious. This is a thing which ought to be taken into consideration and no college should be allowed to stop teaching in subjects merely on the service of notice to the University. With these observations, I oppose the amendment.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That in clause 16 of the Bill, in clause (3) of Statute 34 in the proposed Schedule, for the words 'without the previous permission of' the words 'without giving previous notice to' be substituted."

The motion was negatived.

Syed Ghulam Bhik Nairang: Sir, I move:
"That in clause 16 of the Bill, in clause (3) of Statute 34 in the proposed Schedule, for the words 'is authorised to teach' the word 'teaches' be substituted."
Sir, I call attention to the misprint in the printed list of amendments. The word should be 'teaches' and not 'teachers'.

Sir, clause (3) of Statute 34 which has been under discussion just now says: "A college may not, without the previous permission of the Executive Council and the Academic Council, suspend instruction in any subject which it is authorised to teach."
I want the words 'is authorised to teach' to be omitted and the word 'teaches' substituted. Sir, there is a difference between the two expressions. A college may be authorised to teach a subject, but may not actually be teaching it yet. If a college having obtained permission of the Executive Council and the Academic Council to teach a subject, to give instructions in a particular subject has not yet started giving instruction in that subject, then I think there is no reason to say that the mere fact that it has been authorised to teach that subject, that permission to that effect has been granted to it, makes it obligatory on that college to go on imparting instruction in that subject unless it has obtained the previous sanction of the Executive Council to suspend it. This will include even suspension of instruction which has not yet begun. If the mere fact that permission has been granted means that instruction must be taken to have commenced and should not be suspended, I think, Sir, that would be a very unreasonable proposition to propound. There is one stage, giving permission, there is another stage of actually carrying out that permission, taking advantage of it and starting instruction. So, what is really contemplated by this clause is that once you have started teaching in accordance with the permission of the Executive Council, you should not suspend it without permission.

I think the amendment which I am suggesting will make the clause clear. Without such an amendment, an absurd result will follow that the moment I have been authorised to teach a particular subject, I must *ipso facto* be taken as actually teaching it and should not suspend it. Surely the two things are quite distinct. I am authorised and I start teaching. When I start teaching I should not have the right to suspend that teaching without obtaining permission. There is of course bound to be an interval between my getting permission and my actually starting taking advantage of that permission. During that time there is no duty on me not to suspend what I have not started. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:
"That in clause 16 of the Bill, in clause (3) of Statute 34 in the proposed Schedule, for the words 'is authorised to teach' the word 'teaches' be substituted."

Mr. J. D. Tyson: Sir, I thought that this amendment was put in as being consequential to Nos. 88 and 89 and I was a little surprised that after they were negatived it is now being moved. But apparently what is troubling my Honourable friend is the phrase "suspend instruction", and he has centred his argument on that phrase, although his amendment is to substitute "teaches" for "is authorised to teach". I do not think that this clause at all affects the case

where a college has been "authorised to teach" but has not begun teaching. There can be no question of "suspending instruction" in such a case; they can only suspend instruction when the thing has actually begun. The main point of the clause is the same as that of the clauses that have preceded it, and we do not like the amendment because "is authorised to teach" is the position taken up in clauses 1 and 2 of this statute and those words may just as well stand in this clause. Sir, I must oppose the amendment.

Sir Muhammad Yamin Khan: Sir, I could not follow the Honourable Member's argument. Emphasis was laid on the point that instruction cannot be suspended when it has not started. The point was that there can be suspension of a thing which exists, not of something which does not exist.

Mr. J. D. Tyson: That was my point; I am sorry if I did not make it clear.

Sir Muhammad Yamin Khan: I could not follow the argument. Our point is that we may be allowed to give instruction in many subjects but although the teaching has not started this statute is to take effect immediately from the beginning of the academic year. If that is the idea it will make the position of some colleges very hard, because they may have got permission but could not start the instruction at once and thought of starting it later on. If this remains it will mean that they have suspended instruction. But what we want is that this should not take effect until they have actually started the instruction. Therefore we want to substitute the word "teaches" for "is authorised to teach". That will mean that there will be no suspension until the teaching has started.

Mr. J. D. Tyson: Sir, I may make a suggestion which may meet my Honourable friends' point. I would not mind, if the Chair allows an amendment, that the words "and teaches" be inserted after the words "is authorised to teach".

Syed Ghulam Bhik Nairang: I have no objection, Sir, That will meet the point.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That in clause 16 of the Bill, in clause (3) of Statute 34 in the proposed Schedule, after the words 'is authorised to teach' the words 'and teaches' be inserted."
The motion was adopted.

Syed Ghulam Bhik Nairang: Sir, I move:
"That in clause 16 of the Bill, in clause (4) of Statute 34 in the proposed Schedule, the word 'recognised' be omitted."

Clause 4 says that all "recognised" teaching in connection with the University courses shall be conducted under the control of the Academic Council by teachers of the University, and I wish to strike out the word "recognised". When the teaching is to be conducted by teachers of the University, and we know the implication of the phrase "teachers of the university",—surely it is teaching by recognised teachers, i.e., recognised as possessing the necessary qualifications. So, teaching by them is to go on under the control of the Academic Council. Where is the need for the word "recognised"? The teaching is according to the University courses; that also means approved and sanctioned by the University. It is by men who have been admitted to possess the necessary qualifications for teaching those subjects. When all these requisites have been fulfilled, one fails to see what need there is for using the word 'recognised'. Under these circumstances, that word is superfluous and should be omitted. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:
"That in clause 16 of the Bill, in clause (4) of Statute 34 in the proposed Schedule, the word 'recognised' be omitted."

Mr. J. D. Tyson: This is a very small point, but we prefer to keep the word in order to keep in line with section 7(i) of the Act. Section 7(i) lays down that 'All recognised teaching in connection with the University courses shall be, etc., etc.' Where the statute is on the same subject, it is, in our opinion, better to keep the same phraseology as in the Act itself.

Nawabzada Muhammad Liaquat Ali Khan: May I ask a question? Is there such a thing as 'not recognised teaching' in the University?

Mr. J. D. Tyson: I do not think so.

Nawabzada Muhammad Liaquat Ali Khan: Then what difference does it make?

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

"That in clause 16 of the Bill, in clause (4) of Statute 34 in the proposed Schedule, the word 'recognised' be omitted."

The motion was negatived.

Syed Ghulam Bhik Nairang: Sir, I move:

"That in clause 16 of the Bill, in clause (8) of Statute 34 in the proposed Schedule, all the words beginning with the words 'the Executive Council' and ending with the words 'and the University' be omitted."

Clause (8) of the Statute reads as follows:

"The teaching work of colleges shall be subject to the control of the Academic Council. The Executive Council may, after considering the advice of the Academic Council and in consultation with the authorities of the recognised College or Colleges of the University, direct that such part of the teaching of the University as may be prescribed by the Ordinances may be provided on a basis of co-operation among the colleges or among the Colleges and the University."

I want to delete the whole of this clause practically except the first sentence—"The teaching work of colleges shall be subject to the control of the Academic Council".

After reading the whole body of Statutes which has preceded this clause, I do not really see that any point has remained to be cleared up by this clause so as to mention all those matters which I want to be omitted from this clause. All that is necessary is to say that "the teaching work of colleges shall subject to the control of the Academic Council". After that whatever is prescribed in the rest of the clause are things which have been already sufficiently and clearly provided for. Why repeat all those things in this clause again? For instance, to say that the Executive Council may, after considering the advice of the Academic Council and in consultation with the authorities of the recognised college or colleges of the University, direct that such part of the teaching of the University, as may be prescribed by the Ordinances may be provided on a basis of co-operation, etc., etc. The idea of co-operation we have already had. Where is the need of saying that if such and such a procedure is adopted, the Executive Council may direct that there shall be co-operative teaching in the college. So, I would delete this long second sentence in the clause, Sir, I move.

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

"That in clause 16 of the Bill, in clause (8) of Statute 34 in the proposed Schedule, all the words beginning with the words 'the Executive Council' and ending with the words 'and the University' be omitted."

Mr. J. P. Sargent: Sir, on a large number of previous occasions Members of this House have been good enough to take my word, or not to take it, that the clause under consideration referred to co-operative teaching. Here, for the first time, we have co-operative teaching specifically referred to. I venture to suggest to my Honourable friend, the Mover of the amendment, that the words he proposes to omit are important and necessary and do define in sufficiently precise terms the procedure by which co-operative teaching shall be controlled. It makes it clear that the Executive Council will act on the advice of the Academic Council and will act in consultation with the authorities of the recognised college or colleges of the University, and direct that such part of the teaching of the University as may be prescribed by the Ordinances may be provided on a basis of co-operation among the colleges or among the colleges and the University. This seems to me a reasonably clear definition of the way in which co-operative teaching should be carried out and if, as I hope, we are agreed that this experiment is worth trying, it seems to me quite essential that somewhere in the Statutes this procedure should be incorporated. Therefore, I feel that this is a very important part of this Statute and I resist the amendment to omit it.

Syed Ghulam Bhik Nairang: In view of what my Honourable friend, Mr. Sargent, has told us, I would ask the permission of the House to withdraw my amendment.

The amendment was, by leave of the Assembly, withdrawn.

Maulvi Muhammad Abdul Ghani: Sir, I move:

"That in clause 16 of the Bill to clause (8) of Statute 34 in the proposed Schedule, the following be added at the end:

"The ordinances may further provide for period of teaching works which in no case be less than 26 hours a week by every teacher, lecturer, professor or Principal of an institution and also for proportionate reduction of salaries or remuneration for failure of such teaching works."

Sir, after the sad experience of years together, I thought it proper that some kind of restriction should be put on the teaching staff. I have already pointed out on previous occasions that the fault does not lie only with the students when they fail. If the students do not receive proper training they are bound to fail in time. Parents have to lose money over them and the country has also to suffer because the taxpayers have to contribute towards the educational expenditure. It so happens that though periods for teaching are fixed the teaching staff do not care for that. Before going further, I say that the periods of teaching are not of 60 minutes, as we have in this House. They are generally for 40 minutes or 45 minutes. So the period in institutions is quite different from the period of work elsewhere, and I have said here that the period should be 26 hours. In fact it is less than that. It will be about 19 to 20 hours. If a teacher does not devote so much time over teaching he deserves some kind of reduction in his salary. I know that some friends of mine here will come forward and say that they are not properly paid. I do not contend that. But then let the pay of the teachers be raised to anything that the House likes. Still whatever the standard of salary, there should be some restriction

Mr. M. Ghiasuddin: If he is an honorary Professor, what do you suggest?

Maulvi Muhammad Abdul Ghani: An honorary teacher has got no salary. This is concerning those getting salaries and remuneration.

Mr. M. Ghiasuddin: What is the punishment for an honorary Professor?

Syed Ghulam Bhik Nairang: No punishment.

Nawabzada Muhammad Liaquat Ali Khan: Is it not enough that he is honorary?

Maulvi Muhammad Abdul Ghani: Whenever I have seen that the teaching staff happens to be in their classes they always come late and whatever time is left they pass in talking and dozing. Often times private tuitions are allowed to them and after working all day and night, when they come to their classes, they are so fatigued that they do not take much interest in giving their lectures to the students. As a remedy against this I proposed on the previous occasion that there should be some kind of punishment for a less percentage of passes but I regret to say it was not accepted. This is not a trifling matter. It deserves the serious consideration of the House because the parents' monies are concerned. The poor boys have to devote their attention and energy to study

Mr. President: (The Honourable Sir Abdur Rahim): I do not think the Honourable Member need harp on the poor boy. The teachers are more concerned in this. I think the Honourable Member has made his meaning quite clear.

Maulvi Muhammad Abdul Ghani: I have seen that on account of inattentiveness and the faults of these teachers the country has suffered. I would like to quote figures but I am afraid of the Chair. So I will content myself by saying that in the primary stage there is a general wastage of about 93 per cent, but the wastage is less at the middle stage and still less in stages upward. Similarly, the other day

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better not speak of the other day. We have had enough of the other day.

Maulvi Muhammad Abdul Ghani: If I cannot refer to it I shall have to quote figures and that will take much time of the House.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must not refer to what happened the other day.

Maulvi Muhammad Abdul Ghani: On account of the faults of these Professors and teachers we find that at the Matriculation stage, including male and female, 1,26,004 appeared at the examination and 73,090 passed.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is going back. I must ask the Honourable Member not to go on repeating himself.

Maulvi Muhammad Abdul Ghani: I did not follow what the Chair said.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must not repeat.

Maulvi Muhammad Abdul Ghani: I have never repeated anything.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must confine himself to this amendment.

Maulvi Muhammad Abdul Ghani: Then let me proceed from the I. A., the B.A., and M.A. I do not like to speak about the Matric stage. At the I.A. and I.Sc. examinations

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must not go into all that; he must accept my ruling; otherwise I shall have to ask him to discontinue his speech.

Maulvi Muhammad Abdul Ghani: I am not referring to those figures, Sir.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must accept my ruling; he must not go back to his previous amendment.

Maulvi Muhammad Abdul Ghani: I am accepting your ruling, Sir, but

Mr. President (The Honourable Sir Abdur Rahim): I will have to ask the Honourable Member to sit down if he persists in repeating himself.

Maulvi Muhammad Abdul Ghani: I want to know whether the Chair is ready to hear my further submission or not.

Mr. President (The Honourable Sir Abdur Rahim): The amendment is there and the Honourable Member has spoken on it quite enough.

Maulvi Muhammad Abdul Ghani: I am making my submission whether the Chair is ready to hear my further submission or not.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must confine himself to this amendment; he must not get into the figures of literacy, etc. It has nothing to do with this.

Maulvi Muhammad Abdul Ghani: I say that I cannot therefore follow the result

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

Maulvi Muhammad Abdul Ghani: Without proof, if I go on saying something, nobody will believe me, they will laugh at me and say that I merely made these statements without producing any figures in support. I say therefore that on account of their improper teaching, at the I. A. examination 16,956 students failed.

Mr. President (The Honourable Sir Abdur Rahim): I must ask the Honourable Member to discontinue his speech and sit down if he will not accept my ruling. Will the Honourable Member resume his seat?

Amendment moved

Maulvi Muhammad Abdul Ghani: Sir, I again rise to

Mr. President (The Honourable Sir Abdur Rahim): I cannot allow the Honourable Member to speak. He has spoken. I ask him to resume his seat.

Maulvi Muhammad Abdul Ghani: I strongly protest, Sir: though I resume my seat.

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

"That in clause 16 of the Bill, to clause (8) of Statute 34 in the proposed Schedule, the following be added at the end:

"The ordinances may further provide for period of teaching works which in no case be less than 26 hours a week by every teacher, lecturer, professor or Principal of an institution and also for proportionate reduction of salaries or remuneration for failure of such teaching works."

Mr. J. D. Tyson: Sir, I think for very obvious reasons this is an amendment which we cannot accept.

Dr. Sir Zia Uddin Ahmad: Sir, I have heard of wastage and stagnation in connection with primary schools; but today I heard for the first time the same phraseology used about a university and higher education. I must say I did not understand it very well. It is very difficult to prescribe the number of periods in the case of university teachers. You can make a teacher come to the class at particular hours and to sit in the class for a particular time, but you cannot force him to teach the whole time if he does not want to. This cannot be done by force, but must be left to the teachers themselves. In principle I agree entirely that it is difficult to prescribe a time limit. It also depends on the lectures. Some lectures are original, and probably four such lectures a week may be sufficient, because the lectures can be published but if a person goes on repeating the same lecture year after year for ten or twenty years, it becomes mechanical; and you cannot apply the same principle to such lectures. So this is exceedingly difficult; but I agree with the general principle of my friend, Mr. Abdul Ghani, that there are teachers who do not teach properly. But every teacher does not come in the same category and we cannot regulate it by means of statutes as proposed: it can only be done by moral pressure and moral persuasion. You cannot force it by regulations and rules. That will never succeed. If a teacher is not prepared to teach, no statutes will make him do so. It should be left to the teachers themselves; they ought to realise they are public servants after all and their work cannot be tested in the same way as that of a labourer or a clerk—they are the judges of their work and their conscience should be the test of their ability and their devotion to duty. Unless such a feeling is created, we cannot regulate it by means of these hours because whatever period you may fix they will sit in the classes but the net result of their work will be very little. It can only be done by raising the standard of morality among the teachers and by creating enthusiasm in them. In certain universities the total lecturing period comes to about 30 minutes a day—in some cases even less; but my friend's solution will not solve the difficulty. It can be only done by making the teachers more responsive and more enthusiastic in their work. No regulation can do it. My friend has just said, what about fixing a maximum? The idea is that some members of the Governing Body are inclined to believe that they should regulate like the labourers, and the university always supports the idea that the teachers should not be asked to do more work than is reasonable, say, 24 hours a week

An Honourable Member: It is 22 here.

Dr. Sir Zia Uddin Ahmad: In the Aligarh University it is 24. But I do not like to judge the work of a teacher by the number of his working hours. That is impossible. There are some who teach for something like 60 hours a week—either lectures at college or private coaching in their own houses. Professor Ray is a conspicuous example of a person who was engaged all the time in teaching work. There are others who even if you ask them to put in 2 or 3 hours merely waste the time of their pupils and practically do no work. This cannot be regulated by statutes—it must be left to the teachers themselves; we must try and inculcate in them a feeling of responsibility.

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

"That in clause 16 of the Bill, to clause (8) of Statute 34 in the proposed Schedule, the following be added at the end:

[Mr. President.]

"The ordinances may further provide for period of teaching works which in no case be less than 26 hours a week by every teacher, lecturer, professor or Principal of an institution and also for proportionate reduction of salaries or remuneration for failure of such teaching works."

The motion was negatived.

Seth Yusuf Abdoola Haroon: Sir, I would like to move Nos. 4 and 5 of Supplementary List No. 7 together.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot move the two amendments together. If they are connected he can move them one after the other.

Seth Yusuf Abdoola Haroon: Yes, Sir, they are connected. I move No. 4. "That in clause 16 of the Bill, in clause (12) of Statute 34 in the proposed Schedule, after the words 'Every College' the words 'except the women's College' be inserted."

I move No. 5 also:

"That in clause 16 of the Bill, in clause (12) of Statute 34 in the proposed Schedule after the words 'in this behalf' the following be inserted: 'in the case of women's College the inspectors so appointed shall be women.'"

The clause runs thus:

"Every College shall be subject to inspection, from time to time, in respect of the instruction, education and discipline therein by one or more persons appointed by the Academic Council in this behalf. The Executive Council may, on the report of the Academic Council, advise the College concerned, on any matter relating to the report, or direct the College, after considering any representation that it may make, to take such action as may be specified; and the College shall take action as directed within such period as may be fixed."

My amendment seeks to exempt women's college. Because the Muslim ladies observe purdah and no Muhammadan will agree to send their ladies to the college which will be inspected by men. I am sure the House will realise that this provision is very essential and I hope that the Government will accept these amendments. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): I will put the amendments one after the other. Amendment moved:

"That in clause 16 of the Bill, in clause (12) of Statute 34 in the proposed Schedule after the words 'Every College' the words 'except the women's College' be inserted."

Amendment moved:

"That in clause 16 of the Bill, in clause (12) of Statute 34 in the proposed Schedule after the words 'in this behalf' the following be inserted: 'in the case of women's College the inspectors so appointed shall be women.'"

Mr. J. P. Sargent: I am afraid really that these two amendments do not hang together very well. The first would appear to exempt women's colleges from being inspected at all, and the second one provides for a method of inspection if they are inspected. One may be intended to be consequential on the fate of the other, but they do not hang together. I may take however the spirit which lies behind these amendments. I think we are all agreed, and it is in conformity with the intentions already set out in the statutes that it is the desire of the University that a women's college should be staffed by women and consequently inspected by women. But so far in this case the college authorities have found it impracticable to find women teachers to replace the men teachers in certain subjects, and I fear for some time it may be impracticable for them to get women for the purpose of inspection. While it will be very difficult to accept this amendment in the form proposed, for the reason that I think it would be impracticable at the moment to give effect to it, I can assure my Honourable friend that the general intention behind this recommendation is identical with the intention of the University authorities. I hope that he will not find it necessary to press his amendments.

Sir Muhammad Yamin Khan: If the first amendment is withdrawn, will the Honourable Member accept the second?

THE DELHI UNIVERSITY (AMENDMENT) BILL

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Mr. J. P. Sargent: In theory I should be prepared to, but we have been pressing the women's college to replace their men teachers by women but they have not done so yet. They are not able to obtain ladies with requisite qualifications in certain subjects, but the University is keen on this matter and I am sure the colleges will take the necessary action.

Seth Yusuf Abdoola Haroon: In view of what has fallen from the Government side, I beg leave to withdraw both the amendments.

Both the amendments were, by leave of the Assembly, withdrawn.

Dr. Sir Zia Uddin Ahmad: Sir, I move:

"That in clause 16 of the Bill, Statute 35 in the proposed Schedule be omitted."

This particular clause was added by the Select Committee. I am not aware of the existence of this diploma in any university. I should like to know what the framers of this measure had in mind when they suggested a thing of this kind. It is a new thing. We have got separate courses in the high school stage, but when they come to the university they come there for learning in the same subjects which are taught. I should like to know what the framers had in contemplation when they inserted this particular clause.

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

"That in clause 16 of the Bill, Statute 35 in the proposed Schedule be omitted."

Mr. J. D. Tyson: Sir, I understand that this statute was framed and passed when it was expected that the Lady Irwin College of Domestic Science in New Delhi would apply for affiliation to the University. It has not so applied yet, but I suppose it might still do so, and we are inclined to think it would be a good thing if it did. The statute as it stands would cover such a case.

Dr. P. N. Banerjee: Will domestic science be the only subject taught in the college, or will there be other subjects?

Mr. J. D. Tyson: I understand that it will be a combined course, B.Sc. and Domestic Science, as in the London University.

Dr. P. N. Banerjee: In that case it would not be necessary to give a separate diploma. It would be quite all right if domestic science forms one of the subjects if at all. Why give a separate diploma? They will take the B.Sc. degree.

Mr. J. P. Sargent: It has not yet been finally settled. We do not know whether the college will come forward. If it comes forward and asks for a diploma the University is authorised to provide a diploma course. Or it may come and ask for a complete course of B.Sc. in domestic science including all the allied subjects, as is provided in many western universities. There is no proposition yet before the University. But it may come and it is preferable to have a statute dealing with it in case it does. It will do no harm and if the proposition arrives, the provision will be there to cover it.

Pandit Lakshmi Kanta Maitra (Presidency Division: Non-Muhammadan Rural): Do you include hygiene in domestic science?

Mr. J. P. Sargent: Yes.

Dr. Sir Zia Uddin Ahmad: We have got here power to add to or amend the statutes. If and when such an occasion arises, the University will be authorised to frame a statute, but why should we frame a statute on the basis of a hypothetical case?

Mr. J. D. Tyson: The statute has been there for some time. The University framed and adopted the statute. It was not the wicked Government that put it in. The University had it already.

Dr. Sir Zia Uddin Ahmad: Why not a Board of Military Science? (Maulvi Muhammad Abdul Ghani rose to speak.)

Sir George Spence: I move that the question be now put.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That the question be now put."

Maulvi Muhammad Abdul Ghani: I won't take more than a minute . . .

Mr. President (The Honourable Sir Abdur Rahim): Order, order. The Honourable Member ought to know that when the President rises he ought to resume his seat.

The question is:

"That the question be now put."

The motion was adopted.

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

"That in clause 16 of the Bill, Statute 35 in the proposed schedule be omitted."

The motion was negatived.

Sir George Spence: Sir, I move:

"That in clause 16 of the Bill, in the proposed new Schedule, the Statutes and clauses thereof be re-numbered or re-lettered as necessitated by the amendments made therein, and that all references therein to the numbering or lettering of clauses be corrected as required by such re-numbering."

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

"That in clause 16 of the Bill, in the proposed new Schedule, the Statutes and clauses thereof be re-numbered or re-lettered as necessitated by the amendments made therein, and that all references therein to the numbering or lettering of clauses be corrected as required by such re-numbering."

The motion was adopted.

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

"That clause 16, as amended, stand part of the Bill."

The motion was adopted.

Clause 16, as amended, was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 25th August, 1943.

LEGISLATIVE ASSEMBLY.

Wednesday, 25th August, 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.

SHORT NOTICE QUESTIONS AND ANSWERS

QUININE STOCKS.

Dr. Sir Zia Uddin Ahmad: (a) Will the Secretary for Education, Health and Lands be pleased to state the total quantity of quinine in India:

(i) under the control of the Army Department;

(ii) under the control of Civil Supplies; and

(iii) under the control of businessmen who are selling quinine only in black market?

(b) Will Government adopt a method for the release of quinine similar to the method they adopted in the case of the release of cotton cloth?

(c) What measures do Government propose to make quinine available to persons now suffering from malaria?

Mr. J. D. Tyson: (a) (i). It would not be in the public interest to disclose the information that is under the control of the Army Department.

(ii) The amount of quinine in the central reserve and in reserve with certain Provincial Governments is roughly 2,40,000 lbs.

(iii) Government have no definite information.

(b) Government will consider the suggestion.

(c) About 1,46,000 lbs. of quinine have been allotted to Provincial Governments and States for distribution during the year 1943-44.

Dr. Sir Zia Uddin Ahmad: With reference to part (a) (ii) of the question, may I know what is the total quantity under the control of the Government of India and the Provincial Governments?

Mr. J. D. Tyson: About 2,40,000 lbs.

Maulvi Muhammad Abdul Ghani: May I know what quantity of quinine has been allotted to the United Provinces Government?

Mr. J. D. Tyson: I have not got individual Government's figures here, I am afraid.

Maulvi Muhammad Abdul Ghani: Is the Honourable Member aware that the students at Aligarh are becoming a prey to malignant type of malaria and they cannot get quinine and they are dying?

Mr. J. D. Tyson: I am not aware that they have been dying of malignant malaria. I understand that a certain quantity of quinine has been made over specially to the Aligarh University within the last few days.

Mr. Govind V. Deshmukh: Has a similar arrangement been made in respect of the other Universities in India in different provinces?

Mr. J. D. Tyson: Not so far as I am aware.

Mr. Govind V. Deshmukh: Is there any special reason for the facility that has been given to the Aligarh University?

Mr. J. D. Tyson: I understand they came and asked for it.

Dr. Sir Zia Uddin Ahmad: Is it not a fact that the Aligarh University is under the Central Government directly?

Mr. J. D. Tyson: It is a Central subject.

Mr. Govind V. Deshmukh: Has any arrangement been arrived at on the same ground with the Benares Hindu University?

Mr. J. D. Tyson: So far as I am aware, the Benares University has not made out any case or asked for it.

Sir Muhammad Yamin Khan: Is it not a fact that the Aligarh University has got only 5 lbs. of quinine?

Mr. J. D. Tyson: Yes.

Sir Muhammad Yamin Khan: Is it sufficient for a big university like that?

Mr. J. D. Tyson: It is 500 full League of Nations treatments.

Sir Muhammad Yamin Khan: The Honourable Member should remember that the number of students sometimes increases and then there are the members of the staff whose number is between 3,000 and 4,000. Is 5 lbs. of quinine sufficient for such a big number?

Mr. J. D. Tyson: I would only say that quinine is not supposed to be used in the present shortage for prophylactic purposes. It is only to be used by people who are actual malarial cases.

Mr. Govind V. Deshmukh: Has the Government made any arrangement under these circumstances to supply any substitute in place of quinine?

Mr. J. D. Tyson: Yes, Sir. We have placed orders for a large quantity of quinine substitute.

Mr. Govind V. Deshmukh: What is the substitute for quinine?

Mr. J. D. Tyson: Atebrin and mepacrine.

Dr. Sir Zia Uddin Ahmad: As August and September are malarial months, will the Government be pleased to release larger quantities of quinine in these months?

Mr. J. D. Tyson: We have released 1,46,000 lbs. of quinine to Provincial Governments, who are the normal distributors of quinine, for the current year. If the Provincial Governments come up and say that that is insufficient, we shall have to consider the matter. But we have also to conserve our resources in quinine. So far, the Provincial Governments have not said that this release was insufficient.

Dr. P. N. Banerjee: What is the quantity given to Bengal?

Mr. J. D. Tyson: I have not got individual Governments' figures here.

DEMOLITION OF A MOSQUE ON ASOKA ROAD, NEW DELHI.

Maulvi Muhammad Abdul Ghani: Will the Honourable the Labour Member be pleased to state:

(a) whether he is aware of the existence of a Mosque in Asoka Road in Government Quarter No. 9;

(b) whether the said Mosque has partly been demolished by Public Works Department men at the instance of a Public Works Department Official;

(c) whether the demolition work was stopped due to the agitation by Muslims;

(d) what steps the Government have taken to prevent such demolition and whether they have taken steps against the person at fault; if so, with what result; and

(e) what steps Government are going to take to remedy the harm done to the building?

The Honourable Dr. B. R. Ambedkar: (a) Yes—of an old, dilapidated and unused mosque.

(b) No. One of the arches on the northern wing of the mosque accidentally collapsed while felling a tree against which it was leaning. The request for the removal of the tree came from the present occupant of the house—Major Anwar—who complained that the tree was obstructing the light.

(c) No.

(d) There was no demolition by the Central Public Works Department, and so this question does not arise.

(e) It is an old dilapidated building, and no harm to it has, therefore, been caused.

Sir Muhammad Yamin Khan: When the tree was cut, why the precaution was not taken to see that the arch which was leaning against the tree might be kept in a safe condition?

The Honourable Dr. B. R. Ambedkar: I have no reason to suppose that due precaution was not taken against such an accident.

Sir Muhammad Yamin Khan: Even the efficient Engineers of the P. W. D. could not protect one arch? Am I to take it with all due precaution, they were unable to protect one arch?

The Honourable Dr. B. R. Ambedkar: Such an accident may happen notwithstanding the due care and attention.

Sir Muhammad Yamin Khan: When the mosque exists in a quarter which is occupied by the Government and which was open to the public before the Government built their quarter, is it not the duty of the Government to see that it is properly repaired and kept in proper order?

The Honourable Dr. B. R. Ambedkar: I do not suppose there is any reason to believe that this mosque was in actual use either before or after the quarter was built.

Maulana Zafar Ali Khan: Will Government give us an assurance that the demolished portion of the mosque will be restored by necessary repairs?

The Honourable Dr. B. R. Ambedkar: It is quite unnecessary to do it because it was not used as a mosque nor is it a protected monument.

Sir Muhammad Yamin Khan: Will the Honourable Member make a way for the public to get into this mosque?

The Honourable Dr. B. R. Ambedkar: As I said, it is no longer in use as a mosque.

Sir Muhammad Yamin Khan: May I know the reason why it is not in use as a mosque?

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

Sir Muhammad Yamin Khan: I want to know whether the Government is going to make it accessible to the public so that it can be used as a mosque?

The Honourable Dr. B. R. Ambedkar: It has never been in use as a mosque.

Maulana Zafar Ali Khan: Has the Government any objection if I carry out the repair at my expense?

The Honourable Dr. B. R. Ambedkar: The Honourable Member may make an application and the Department will consider it.

Seth Yusuf Abdoola Haroon: Is it not a fact that the occupant of this quarter did object to the cutting of the tree?

The Honourable Dr. B. R. Ambedkar: The position is just the reverse. The tree was cut at the instance of the occupant of the quarter.

Seth Yusuf Abdoola Haroon: Will the Honourable Member make a reference to the occupant of the quarter?

The Honourable Dr. B. R. Ambedkar: I have no reason to suppose that the information I have given is not correct.

Nawabzada Muhammad Liaquat Ali Khan: What reason has the Honourable Member to suppose that the information given by an Honourable Member of this House is not correct?

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

The Honourable Dr. B. R. Ambedkar: I have official information. I don't know how reliable is the source of the Honourable Member's information.

STATEMENTS LAID ON THE TABLE

Information promised in reply to the short notice question asked by Mr. E. L. C. Gwilt on the 2nd April, 1943.

SCHEME FOR REGULATING THE PRICE OF DRUGS.

Quinine prices in Provinces under the system of Government control.

Province.	Prices charged to licensed chemists or vendors.	Prices charged to the public.
Madras	On a 20 per cent. commission basis	Re. 0-9-0 per 100 gr. powder. Re. 0-8-3 per 20 tablets, 5 gr. each. Re. 0-4-3 per 10 tablets, 5 gr. each. Rs. 42 per lb. powder (to private medical practitioners and private hospitals only. Supplies to general public to be started after receipt of further allotments).
Bombay		

Province.	Prices charged to licensed chemists or vendors.	Prices charged to the public.
Bengal	Rs. 37 per lb. powder Rs. 32 per lb. tablets, 5 gr. each Rs. 5 per 200 tablets, 5 gr. each	Not stated.
U. P.	Rs. 32 per lb. tablets	
Punjab	Rs. 70 per lb. (powder or tablets not stated).	
Bihar	Rs. 32 per lb. tablets Rs. 3-13-0 per 200 tablets, 4 gr. each.	Rs. 40 per lb. tablets. Rs. 70 per lb. (powder or tablets not stated). Rs. 36-13-0 per lb. tablets. Rs. 4-6-0 per 200 tablets 4 gr. each.
Orissa	Rs. 3-8-0 per 200 tablets, 4 gr. each.	Rs. 0-7-0 per 20 tablets 4 gr. each. Rs. 0-6-3 per 20 tablets 4 gr. each. Later Rs. 0-8-0 per 20 tablets 4 gr. each.
C. P. and Berar	Urban—Rs. 24-8-0 per lb. tablets 5 gr. each. Rural—Rs. 10-14-0 per 640 tablets 5 gr. each.	Rs. 27-0-0 per lb. tablets 5 gr. each.
Assam	On commission basis; amount not stated.	Rs. 45 per lb. (powder or tablets not known).
Sind	Rs. 50 per lb. (powder or tablets not stated). (It is not known whether this is the rate charged by the dealers or the rate at which these dealers should sell to the public.)	Rs. 29-2-0 per lb. powder or tablets to private medical practitioners. Later Rs. 28-13-0 per lb. powder or tablets, (through licensed dealers.)
N.-W. F. P.	Not known	Rs. 0-7-0 per 20 tablets, 5 gr. each. Rs. 2-0-0 per 100 tablets 5 gr. each (to doctors). Rs. 0-10-0 for 33 pills (each containing 3 1/3 gr. quinine). Rs. 0-5-0 per 15 tablets 5 gr. each. (Through Government hospitals). Later Rs. 1-4-0 for 75 gr. powder, cachets or capsule and Rs. 0-8-0 for six doses mixture 5 gr. each. Rs. 27 per lb. powder (supplied through the Civil Surgeon). Rs. 25 per lb. tablets 5 gr. each. (Supplied through the Civil Surgeon).
Ajmer-Merwara	On a 10 per cent. commission basis	Rs. 0-7-0 per 20 tablets, 5 gr. each. Rs. 2-0-0 per 100 tablets 5 gr. each (to doctors). Rs. 0-10-0 for 33 pills (each containing 3 1/3 gr. quinine). Rs. 0-5-0 per 15 tablets 5 gr. each. (Through Government hospitals). Later Rs. 1-4-0 for 75 gr. powder, cachets or capsule and Rs. 0-8-0 for six doses mixture 5 gr. each. Rs. 27 per lb. powder (supplied through the Civil Surgeon). Rs. 25 per lb. tablets 5 gr. each. (Supplied through the Civil Surgeon).
British Baluchistan	Rs. 38-13-0 per 1 lb. 7 oz. pills (containing 1 lb. quinine sulphate).	Rs. 0-10-0 for 33 pills (each containing 3 1/3 gr. quinine). Rs. 0-5-0 per 15 tablets 5 gr. each. (Through Government hospitals). Later Rs. 1-4-0 for 75 gr. powder, cachets or capsule and Rs. 0-8-0 for six doses mixture 5 gr. each. Rs. 27 per lb. powder (supplied through the Civil Surgeon). Rs. 25 per lb. tablets 5 gr. each. (Supplied through the Civil Surgeon).
Delhi	Rs. 26 per lb. tablets 5 gr. each.	Rs. 0-5-0 per 15 tablets 5 gr. each. (Through Government hospitals). Later Rs. 1-4-0 for 75 gr. powder, cachets or capsule and Rs. 0-8-0 for six doses mixture 5 gr. each. Rs. 27 per lb. powder (supplied through the Civil Surgeon). Rs. 25 per lb. tablets 5 gr. each. (Supplied through the Civil Surgeon).
Coorg	Later Rs. 32 per lb. powder (to doctors).	Rs. 0-5-0 per 15 tablets 5 gr. each. (Through Government hospitals). Later Rs. 1-4-0 for 75 gr. powder, cachets or capsule and Rs. 0-8-0 for six doses mixture 5 gr. each. Rs. 27 per lb. powder (supplied through the Civil Surgeon). Rs. 25 per lb. tablets 5 gr. each. (Supplied through the Civil Surgeon).

Information promised in reply to parts (b) and (c) of starred question No. 36 asked by Mr. Lalchand Navalrai, on the 27th July, 1943.

SELECTION FOR RECRUITMENT TO POSTS OF ASSISTANT INSPECTORS OF WORKS ON NORTH WESTERN RAILWAY.

(b) Another selection was held in December, 1942, and not early in 1943. Three Sikhs and one Hindu were selected against posts reserved for Muslims since qualified Muslim candidates were not available.

(c) The persons who have not been confirmed are Works Mistries who were appointed to officiate in posts of Assistant Inspectors of Works. Government can see nothing irregular in these men being required to give place to direct recruits when the latter are available.

Information promised in reply to a supplementary question to starred question No. 64, asked by Mr. Lalchand Navalrai on the 28th July, 1943.

RETALIATORY STEPS AGAINST THE PEGGING BILL OF SOUTH AFRICA.

ANSWERED ON 22ND APRIL, 1943.

QUESTION No. 21.

For 3rd Sitting Day after 18th April, 1943.

Mr. Sloan: To ask the Secretary of State for India, if he has any statement to make on the estimated effect on Indian emigration of the Legislation recently passed by the Union of South Africa affecting the status of Indians in that Dominion.

Answer to Mr. Sloan's Question No. 21.

Mr. Amery: No, Sir.

Mr. Sloan: As Indians are still members of the British Empire, and as the Minister has just finished paying a magnificent tribute to their fighting qualities and devotion to the Empire, is it his intention to make any representations to the South African Government regarding the depreciation of the status of Indians in South Africa?

Mr. Sorensen: Does the Minister realise what this involves to Indians in South Africa? Will he not take some steps to put the matter right?

Mr. Ammon: Would the Minister be interested to know that I have received in the last few minutes a cable from West Africa, from the President of the Natal Indian Association, protesting against this and calling attention to the bravery of their men in Africa? Is not this a very curious requital for that bravery?

Mr. Amery: The matter is one which has been dealt with by the Government of the Union of South Africa.

Earl Winterton: Surely my right Hon'ble Friend is aware that representations have constantly been made in the past, both by the Government of India and, I think, His Majesty's Government, when the Union of South Africa have taken action which, in the opinion of the Government of India, was derogatory and inimical to Indian interests?

Mr. Amery: This has been represented by the Government of India and discussed between the Government of India and the Union of South Africa.

Mr. Sloan: In view of the unsatisfactory nature of the reply, I beg to give notice that I will raise the matter on the Adjournment at the earliest possible opportunity.

Information promised in reply to unstarred questions Nos. 42 and 43 asked by Mr. Muhammad Azhar Ali on the 4th August, 1943.

HINDU AND MUSLIM HEAD CLERKS IN DIVISIONAL OFFICE, MORADABAD

No. 42.—(a) Seven.

(b) All are Hindus.

COMMUNAL REPRESENTATION IN CERTAIN STAFF OF THE MORADABAD DIVISION.

No. 43.—(a) There are 2,295 subordinates on the Moradabad Division whose scales of pay do not rise beyond Rs. 250.

(b) Europeans	6
Hindus other than depressed classes	1,594
Hindus depressed classes	5
Muslims	572
Anglo-Indians	59
Sikhs	22
Indian Christians	34
Parsees	3

MOTION FOR ADJOURNMENT.

FAILURE TO TRANSPORT GOVERNMENT PURCHASED WHEAT FROM THE PUNJAB TO FAMINE STRICKEN EASTERN PROVINCES.

Mr. President (The Honourable Sir Abdur Rahim): I have received notice from Mr. Abdul Ghani that he wishes to move the adjournment of the House to discuss a definite matter of urgent public importance, namely, the failure of the Central Government to transport sufficient quantity of wheat already purchased in the Punjab to those parts of the country, say Bengal, Bihar and Orissa, etc., where food situation has become so serious that people are dying of starvation and also to stop profiteering which aggravates the situation.

When did this incident take place?

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): I got it from the statement of Sir Chhotu Ram published in the Press yesterday afternoon.

Mr. President (The Honourable Sir Abdur Rahim): I want to know what is the date. The matter must be of recent occurrence. It must be urgent.

Maulvi Muhammad Abdul Ghani: I learnt it only yesterday evening.

Mr. President (The Honourable Sir Abdur Rahim): It does not matter when the Honourable Member learnt it.

Maulvi Muhammad Abdul Ghani: If you permit me, I shall explain the position.

Mr. President (The Honourable Sir Abdur Rahim): It is not shown that the matter is of recent occurrence, or urgent. I rule that the motion is out of order.

Maulvi Muhammad Abdul Ghani: I submit, Sir, that Sir Chhotu Ram, Minister of the Punjab Government, gave a statement only yesterday.

Mr. President (The Honourable Sir Abdur Rahim): It does not matter who made the statement and when. Order, order. I have ruled the motion out of order.

Maulvi Muhammad Abdul Ghani: You have not heard my explanation fully, Sir.

Mr. President (The Honourable Sir Abdur Rahim): Order, order. Will the Honourable Member resume his seat?

Maulvi Muhammad Abdul Ghani: Why are you raising your voice to such a pitch, Sir. Am I a child?

Mr. President (The Honourable Sir Abdur Rahim): Order, order. The Honourable Member is interrupting the business of the House.

Maulvi Muhammad Abdul Ghani: I am not interrupting. With due respect to the Chair, I was making my submission.

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

THE DELHI UNIVERSITY (AMENDMENT) BILL—concl'd.

Mr. President (The Honourable Sir Abdur Rahim): Further consideration of the Bill further to amend the Delhi University Act, 1922.

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

"That the Bill, as amended, be passed."

Sir, in commending the Bill to the House in its amended form, I would invite Honourable Members to cast their minds back to the day, a long, long time ago,—at least it seems so to me,—when this Bill first came before the House. At that time, though I expected opposition on some points of importance, I confess I had no idea that in points of detail the Bill was going to prove as contentious as the debates of the last three weeks may lead one to suppose it is. I ask the Honourable Members to look back to that time because I wish to remind them of the very limited purposes for which we promoted the measure. May I say, first of all, that we did not bring it forward with the idea of overhauling the entire working of the University or the entire text of the University Act and its statutes. For such a purpose, we should, I think have wished to seek guidance first from some Commission or Committee; nor should we have chosen the height of a great war for such a task. We never made the claim that we were seeking by this Bill to give the University a model Act or model statutes or to make it a model University, though we do hope that we shall be able in time to make it or to enable the University itself to make it a model University. No, Sir, we brought the Bill in for certain definite purposes, the chief of which and the most urgent was to make legal provision for the three years course, now in point of inauguration. We also wanted to embody in the University Code some of the more essential provisions of the revised terms of Government grant to Colleges. We wanted also to remedy certain, as we considered, obvious defects in the composition of the Executive Council of the University. We wished to reduce and reform the Committee of Selection to fit it for its new duties. We wished to set right what we conceived to be a wrong interpretation given to the original intention regarding the bestowing and withdrawal of recognition of Colleges by the University and finally we sought to make provision for the appointment of a whole time Vice Chancellor if the development of the University and the fate of the three-year degree course scheme rendered such an appointment necessary.

These were our proposals and we had nothing more than this in mind. But these proposals necessitated changes not only in the Act but in a number of the statutes and we considered it advisable, while amending the Act, to make the necessary changes in the Statutes also, to ensure that they were in line with our intention and with the Act as amended. When the Bill came to be drafted, we were advised that the Legislature could not make a single change in the Statutes without the whole body of the Statutes being placed in the Bill

as a Schedule. This was because, as Honourable Members will recall, the parent Act of 1922 had given the University a set of statutes described as "the First Statutes" and set out in a Schedule: and the University had been given power and had exercised that power to add to and amend the original Statutes as occasion required. In these circumstances as we could not alter the existing Statutes and continue to describe them as the "First Statutes,"—the phraseology of the Act,—as in fact the University itself had altered and added to the original Statutes, the course we had to adopt was to re-enact the existing Statutes, as they were at the date of the introduction of the Bill, with such changes as we wished to make in them, and to alter section 29 of the Act to read as it now reads:

"On the commencement of the Delhi University (Amendment) Act, 1943, the Statutes of the University shall be those set out in the Schedule."

That is the phraseology now, instead of the original phraseology:

"The first Statutes shall be those set out in the Schedule."

I have explained this again because I find that some Honourable Members are still puzzled about our having all the Statutes in the Bill and are even now under the impression that the generality of the Statutes that we have been discussing for the last week or two are new statutes drafted by the Government. In point of fact, omitting purely verbal changes, drafting changes like such changes as "per mensem" instead of "per month" (we took the opportunity to make the number of those) the Bill proposed only about 17 changes, confined to eight of the 35 Statutes.

Sir, that was the scope of the measure as we envisaged it when we placed it before the House and at the time of the introduction that was the way in which we placed it before the House and that was the way in which the House viewed the Bill at the time of the debate on the motion to refer to Select Committee. Now, Sir, I am not complaining that Honourable Members have used the debates on clauses to move amendments which were outside the scope of our intention. That was, of course, completely within their rights; and as a matter of fact, we have accepted some of the amendments as the debate proceeded. I only want to make it perfectly clear that it was not part of our original intention to make this Bill a means for completely overhauling the existing Act and the Statutes and it does not follow that we regard the amended Act and Statutes as representing the last word in University educational wisdom.

The Bill as it has emerged from these deliberations will render it possible for the University to admit students to the three-year degree course which is on the point of beginning. And as regards this I will say that, though doubts are apparently still entertained in certain quarters of this House about the feasibility and even about the desirability of a three-year degree course, the University itself in the Court, in the Academic Council and in the Executive Council accepted the proposals in the Bill not only without demur but with approval. Indeed the Academic Council and the Executive Council sitting together recorded the following opinion on this point:

"They are in agreement with the Government of India in the objects and reasons of the Bill so far as they relate to the provision for the introduction of a three-year degree course, which is an essential feature of a scheme for the development of the university."

And the Court agreed in this respect with the two Councils. This was the most important feature of the Bill and the House can rest assured that in legislating to provide for this change it has done what the University desired. The University have, of course also passed the necessary Ordinances and they have had the Preparatory Class going for a year in preparation for admission to the three-year degree course.

That, Sir, was from our point of view the origin and the most important feature of the Bill. To go on,—the Bill gives statutory effect to those features of the 'conditions of grant', for example, representation of the teaching staff on the governing bodies of colleges and the establishment of a provident fund by the colleges for their staffs, which it seemed appropriate to provide for in the statutes. Further, we have now provided for representation on the Executive

[Mr. J. D. Tyson:]

Council of the professors by the election of one (and not, as we had originally proposed by two) of their number, and for the addition of two women by nomination. We have provided for a small and efficient Committee of Selection, very much on the lines suggested by the Executive Council and the Academic Council when we referred the Bill to them, and that is in place of the very unwieldy body now existing. Further, on that point, we have with the help of my Honourable friend Mr. Chattopadhyaya, found a way of associating the colleges with the committee, when it meets for the purpose of recognition of teachers, without adding, as we were very unwilling to do, all the six representatives of colleges to the committee. Then, further, in pursuit of our original intentions we have distributed the responsibilities of according and withdrawing recognition of colleges between the legislative and the executive bodies of the University in a way more in keeping with their respective compositions and functions,—at one and the same time securing, as I believe,—that effective action will be possible, should the need arise, but that the withdrawal of recognition shall not be lightly decided upon; the Bill requires that a clear majority of the whole body of the Executive Council shall vote for taking away recognition, and of course we have provided an appeal to the Central Government. While I am dealing with that point may I reiterate that it by no means should be assumed that the Government Member on the Executive Council will always favour the withdrawal of recognition from a college. Nearly all the arguments yesterday on this point proceeded on the basis that the Educational Adviser and, I presume, the Superintendent of Education would be the forefront of the attack for withdrawing recognition. That should not by any means be assumed. Nor do I for a moment admit that the Executive Council as now constituted will be a Government-controlled body or a Vice-Chancellor-controlled body,—which again, with due respect, is not necessarily the same thing. I do not want to take the House into the details but the allegation has been made and will, I daresay, be repeated today, that the Vice Chancellor, or the Government, or both, control a majority of the Executive Council. Now, Sir, as against the Vice Chancellor himself, the Treasurer, the Educational Adviser and the Superintendent of Education and four nominated members,—eight persons in all,—you have seven elected members,—members elected directly to the Council, five by the Court and two by the Academic Council. There are, therefore, seven on one side against eight who are Government officials, University officials or nominated members. Over and above that there are ten other members of the Executive Council. These comprise six Principals of colleges who, I venture to say, if they are controlled by any one at all, are not controlled by the Vice Chancellor. Then there are three Deans elected by the Faculties and one Professor elected by the Professors. I do not want to state names, on the floor of the House but Honourable Members know who the Professors are at present, and it is not to be said that they are people under the control of the Vice Chancellor or of the Government. Even assuming that the four chancellor's nominees would always vote with the official members, an unwarranted assumption, what sort of control can Government have, or the Vice Chancellor for that matter, over the votes of the Principals, the Deans and the Professor, i.e., a group of ten?

Finally, Sir among the objects for which we introduced this legislation, in providing for the contingency of a whole-time Vice Chancellor being required, we have with the help of the Select Committee evolved a machinery which gives the Executive Council concurrent initiative with the Chancellor in moving for such an appointment, and it also associates the Executive Council very closely with the actual selection. The pay and the term of office of the Vice Chancellor have been laid down in the Bill and have no longer been left, as the original Bill proposed to do, to the discretion of the Chancellor. In many of these matters, as I have endeavoured to point out, the final proposals differ from the proposals originally placed before the House, and I have to thank the Select Committee and the House as a whole for their help in making a number of improvements.

Now, Sir, as I have said, we did not set out in this Bill to overhaul the entire structure of the University or its entire working. There are many facets of the University which we did not propose to touch on in our Bill. We have not reviewed, and we did not contemplate taking up, such issues as the working of the University institutions from the communal point of view and we have not been able to accept, for embodiment in the Bill, the many and far-reaching proposals on this subject that have been put forward by the Party opposite and in other quarters of the House. This does not mean that we are satisfied with the present position. From this side of the House we should like to see the minorities playing a larger part in the University. To that end we have introduced two amendments, while the Bill was before the House, designed to strengthen the voice of the minorities in the Court of the University, and we have accepted another amendment which is likely to give the Muslims at all events, though they were not mentioned by name, a bigger showing in the Academic Council. For the rest we have undertaken to use such influence as Government have in the University,—according to some of my Honourable friends an overwhelming power to influence, but I am afraid they greatly exaggerate,—to get the principle of proportional representation accepted for elections into the University.

Now, Sir, my Honourable friends opposite have made no reference to this in their speeches. That is partly no doubt because, so far as this Bill goes, it was not a live issue. The matter came up at a stage at which it could not be put into the Bill even if we had decided that that was the best way to do it. But their reticence is also, I cannot help feeling, due to the fact that if Muslim representation is to be based on the part the community has so far been able to play in the University it will at present fall a good deal short of the claims made for the community in this House. Let me explain this because we have heard a good deal about what should be the share of the Muslims in the various bodies in the University, and it is as well that these claims, if they are going to be repeated, should be judged against a background of the actual figures of Muslim participation in the University. As the House, I am sure, realizes, though some Muslims study in other colleges there is only one Muslim-managed College—and that not a very large one—out of the six Colleges of the University. According to the latest figures that I have been able to obtain there are only 46 Muslims in the 518 Registered Graduates—say 1/11th of the Registered Graduate Body. It may be that the cut, to which we have recently agreed, in the fee payable for registration may help the community in that respect. The figures for examinees in the University over the last three years do hold out a hope of better things for the community from the point of view of participation in the University as Under-graduates and therefore later at the Registered Graduate stage. They average just under 300 out of an average of about 1,800 a year—say 1/6th as against the figure which I have just quote of 1/11th of Registered Graduates. So I would ask the Party opposite not to be in too much of a hurry to turn down the principle of proportional representation if the matter is raised by the University. It is fair in itself. It offers an opportunity to a minority community of sufficient size to secure fair representation in the University bodies and an inducement to improve that representation by greater participation. I realize that the proximity of Aligarh militates to some extent against high Muslim enrolment in Delhi; but my friends opposite cannot have it both ways. If they want to pull their weight as a community in the University of Delhi, they must first put that weight there.

I have taken longer, Sir, than I intended to do and I do not want to end on a controversial note. We have spent several weeks on the Bill and I think we have improved it. We have not always seen eye to eye over it, but we have agreed to differ without bitterness and I thank the House for the courtesy extended to me throughout the many occasions on which I have had to inflict my remarks on them.

Mr. President (The Honourable Sir Abdur Rahim): Motion moved: "That the Bill, as amended, be passed."

Dr. Sir Zia Uddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Our laborious task of consideration of the clauses which extended over two weeks is now over and I will just say a few words generally on what we have done in this particular Bill.

My Honourable friend mentioned in his speech today, and it was also mentioned in the original Bill, that the objects of the Bill are only three: (1) introduction of three years Course; (2) whole time Vice Chancellor; and (3) the tightening of the question of recognitions and also controlling the teachers.

These three objects could have been achieved by a short Bill containing only three clauses. It was quite unnecessary, in order to achieve these objects, to have all the Statutes altered from A to Z, and to widen the scope of this Bill and bring into discussion all those points which the objects do not justify.

We have spent a good deal of time over this communal question and, I think, had the Honourable Member confined his attention to the original objects, this thing would not have arisen. But I may just point out that this consideration is not only peculiar to India. It has been common in other countries too. May I remind him that in Dublin, they had one university, but on account of the communal issues a new university had to be set up there—the National University of Ireland—in spite of the fact that the Dublin University was there. May I also remind him that in Prague there was perhaps the oldest University, but when the Czechs came into power they wanted a separate University for themselves, and so they had two Universities—the Prague University and also a new university for Czechs. When this new university came into existence there was such a great tension between the two universities as never existed before. I happened to go to Prague myself. I invited the Professors of Mathematics of both the universities. The Professors of one university came first and when the Professors of the other university came and found that other professors were also invited, they left. Afterwards they sent me a letter of apology and explained that in Prague itself the professors of one university never mix with the professors of the other university. They meet in foreign countries but not in their own land. This is the kind of tension which exists between these two universities. My Honourable friend may accuse some men here but the position in other countries is much worse than it is here at present, in so far as that in other countries the tension which existed between the different communities resulted in the establishment of another university. These questions ought to be taken in the manner in which they exist. It is useless to preach sermons. It is useless to talk in theory. Take the facts as they are. If action is not taken in time, then I may warn the Government that the demands of the Mussalmans will be of the same nature as the demands of Irish people in Dublin and of Czechs in Prague.

Coming to these three points, the first is the three years' course. There is practically complete unanimity in the House that there should be a three years' course, and had this been the object, the Bill would have been through in half an hour. There would have been no opposition whatever. But if you read the Bill itself, you will find that there is no mention of the three years' course. People really ask where is the three years' course discussed. Some of the influential people in this House and some members of the Council of State came to me and looking into the Bill asked me as to where the three years' course, which is the principal object of the Bill, is mentioned. And they were really surprised and disappointed when I told them that it was in the small amendment of section 36 of the Act where the Higher Secondary Examination of the Board of Higher Secondary Education is mentioned. Nobody can get at it easily. The first thing which ought to have been done was to explain what the Secondary Education Board is and then subsequently bring in this three years' course. I am not a lawyer but the Leader of the House and my Honourable friend, the Law Member, will be able to tell whether a reference to a particular examination which has got no position whatsoever in any law can be mentioned, namely, the Secondary Education Examination of the Delhi University about which nobody knows anything. I do not know whether it is or it is not *ultra vires*. What I

want to make out is that if they wanted to have three years' course, it was necessary only to bring forward one clause Act and if they had done that, I am sure it would have been carried within half an hour and with no discussion of any kind.

As regards the second point, namely whole time Vice Chancellor, it has been provided in the Act that he may be part time or whole time. Considering the work which falls on the Vice Chancellor, I am inclined to believe that a whole time Vice Chancellor is necessary. It is immaterial whether he is paid or not, but a whole time Vice Chancellor will be necessary. But even if the Government wanted to make it optional, I think the addition of another sub-clause in the original Act would have achieved that object. There was no occasion to introduce this long Bill.

Now the third thing is about the question of recognition and withdrawal of recognition. I am not even now very happy about the arrangements that we have made. If as my Honourable friend had given us to understand that the Court, the Executive Council and the Academic Council had approved this particular item, then why did he not bring it into the Statutes. The Statutes can be altered without any reference to the Legislature. Now I do not see why the discussion from the Court is transferred to the discussion in the Legislative Assembly. The Statutes could have been amended under the old Act by the Court with the approval of the Governor General in Council. The whole thing could have been discussed in the Court and could have gone to the Government of India and we would have been relieved and saved from this laborious period extending over two weeks and from thrashing out all these amendments from A to Z.

Now these discussions have opened a new field. They have brought up all kinds of problems dealing with every aspect of university education, which was not the original intention of the Bill. They ought to have confined our attention to the three objects they had in view and left everything to be done by the Statutes, which could have been amended or repealed in the manner provided for in the Act by the Court with the consent of the Governor General in Council. It was quite unnecessary to drag the whole Legislature into the reconstitution of the Statutes. Then while the whole constitution was under discussion, it was only fair that the Bill should have been circulated to other educationists, but this was not done.

As regards the first point, I am still very unhappy. Though we have passed the Bill what is to happen during the transition period? My friend, Mr. Sargent, gave us some idea and I am entirely in sympathy with him, but I do not see any trace in the Act or the Statutes whether those proposals will materialize. Perhaps it will be done by Ordinances, but there ought to have been some mention in the Statutes that Ordinances would be framed to provide for the transition period for the migration of students from this University to other Universities and *vice versa*.

As regards the selection of the Vice Chancellor, I quite agree that the proposal of having a Committee of Reference to which suggestions may be made is a great improvement and I wish the other universities adopt this proposal which has been introduced for the first time in this university and I think that it is a very salutary suggestion.

As regards the withdrawal of recognition, I am very unhappy. My friends who are now piloting the Bill are considering the position of the Delhi University as it is, and I can visualise what the position of the University will be tomorrow if these persons are changed. Keeping this thing in mind, I am very nervous about the arrangements made. I stated at the consideration stage, when the Bill was first introduced, that I doubted very much whether, with the advent of different sets of individuals who would come tomorrow to work out these suggestions, these colleges would continue to exist. It would have been much better to reduce them to a position similar to that in the Dacca University. They may continue to flourish under the personnel which are now

[Dr. Sir Zia Uddin Ahmad.]

working with the universities, but see what would happen tomorrow. And I see it very clearly. The position would become difficult and this is a thing about which I have been very nervous. The next thing is the question of recognition of teachers and the number of hours they should teach. It is very difficult to ask what the teachers should do and should not do and how much time they should teach. We must try to create a feeling of responsibility among the teachers and see that they take an interest in their pupils. We should keep them in a cultural atmosphere and see that their leisure hours are spent in research and that they make the college a seat and temple of learning. These are the four objects to which our teachers should be trained. If such an atmosphere is created, that in itself will be sufficient to meet difficulties. It will take a long time to achieve these objects. Before we give all these powers to the teachers, we must wait and see if such interest, as I have detailed above, has been created among them. I am in favour of giving greater powers to the teachers; at the same time, there should be some kind of supervision to see that these feelings, which I have just mentioned, have been inculcated among the teachers themselves.

There are other decisions which might have been accepted. We made a suggestion about the Instruction Committee, similar to the Grant Committee. Now this proposal would have been very salutary. I am given to understand that a scheme of this kind may be taken up as a kind of post-war reconstruction work. It should be done in the interests of university education as a whole.

One point was referred to by Mr. Tyson today, viz., that we should consider the position of Mussalmans in proportion to their strength in the various bodies in the University. Now, this theory I think as far as we are concerned is dangerous. It was advanced in 1924 that the position reserved for the Mussalmans should be in proportion to the number of applications received for a particular post. Now if this theory be accepted and we give places to the Mussalmans in proportion to the applications received or the number of graduates in the particular community, I am afraid that they will never be able to achieve their objects. Those who are backward will continue to be more backward as time goes on. We have to provide special facilities for those who unfortunately for many reasons, and chiefly on account of mistakes on their part, have not taken the fullest advantage of the facilities offered to them. Our remedy lies in offering them these facilities. I am sure they will take advantage of these and a larger number will be available.

Though we have passed through these different stages of the Bill, still I am not very happy, though I am in perfect sympathy with the objects of the Bill. But the manner in which they desire to give effect to these objects, viz., by the Statutes which they have now framed, makes me doubt very much whether they will be attained, because if transition arrangements are not made, I am sure there will be difficulty about the three years course and the University will have to give it up. If they have not made proper provision about the Vice Chancellor there will be trouble about that too. As regards recognition, here again there will be reactions.

Therefore, they will have to be very careful about the manner in which they will achieve their object, because this is much more important than the actual achievement itself.

Syed Ghulam Bhik Nairang (East Punjab: Muhammadan): Sir, in the Third Reading stage of a Bill, it is customary to congratulate the mover of the Bill on the skill, tact, perseverance, and intelligence which he has displayed in piloting the Bill through the stormy seas of the debates in the House. Out of personal regard for the Honourable the Mover, which I have never concealed, I do congratulate him, at least in this sense, that his very arduous task is finished. To my mind, unless I am mistaken, the Bill has been under discussion in this House now in the present session for 12 days and the labours of my Honourable friend Mr. Tyson can be looked upon as the twelve labours of Hercules.

He has brought his labours to a successful termination and deserves congratulations. He deserves them all the more because in the speech which he addressed to us today he has congratulated himself. He has taken stock of all that he intended to do and has successfully done, and there was an unmistakable note of self-congratulation in the speech he addressed to us. It did come to a certain extent as a surprise to us, because in his speech moving for reference of the Bill to a Select Committee, he did not take the House into his confidence to the extent to which he has done today. Today he has unfolded a good many of the objects which he had in view when introducing this measure and has given many more details than were supplied in the beginning.

We understood all along that the object of the Bill was to make the Delhi University a model university for the whole of India, that the distinguishing characteristic of the university would be that it would have a three years' degree course and that would be introduced in to this university and tried as an educational experiment; and in case that experiment succeeds it is to be followed in other universities. That was one object. The second object which was disclosed to us was the appointment of a whole-time paid Vice Chancellor under certain circumstances. The rest of what was contained in the Bill appeared to be intended as conducive to the attainment of those two great objects. Our Honourable friend, Mr. Sargent was quite frank in the first speech he made in this House on the subject of this Bill and he said he was trying this great experiment and in doing so he really wanted to build from the roof, instead of following the hackneyed procedure of first laying the foundations and then building the superstructure thereon.

Anyhow, whether considered in the light of the speech of Mr. Tyson or of Mr. Sargent, we thought that the two objects which the Bill had in view were the two that I have mentioned, viz., the appointment of a whole time paid Vice Chancellor and the introduction of a three years' degree course. As must have been evident throughout these debates, nobody in the House really differed on those two questions. The proposals had the blessings of all concerned; especially educationists of the standing of Dr. Sir Zia Uddin Ahmad. We all agreed, that the experiment should be made. In fact, as far as experiments are concerned, the entire history of modern education in India is a history of experiments. We have been constantly subjected to a kind of dissection to study our physiology and anatomy from the educational point of view and we have been constantly subjected to experiments. Innumerable experiments have been made and we have got so much habituated to experiments that we do not object to any new experiment being made which comes before us plausibly put and expounded by experts, whom of course we have always trusted to guide us in our march towards the goal of education. So, to this experiment of a three year course we all of us consented.

The appointment of a whole time paid Vice Chancellor also was not objected to; only his emoluments and the term of his office were under discussion, and of course they were eventually agreed to. What we really complained of from the very beginning was that this Bill was hurled at the devoted head of this Honourable House all at once. It looked as if the proceedings contemplated in connection with this Bill were intended all along to be a kind of legislative blitz. The Honourable the Mover himself felt it and in his very first speech he felt he owed an apology to the House for confronting it with a formidable looking Bill at the end of the Session. Not only that he felt that this would be a blow—because his next sentence was:

"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."

So, he was fully conscious—and he would not be Mr. Tyson if he were not conscious that it was a blow; he felt it and confessed it and said that he wanted to soften it by moving for reference to Select Committee. But he very curiously added that unless the Select Committee or the House wanted to make it so, the Bill was really not so formidable as it looked. Anyhow, the House having been taken by surprise practically, because the Bill had been circulated only about

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seven days before to the Members, and they had not had time to study and form any definite views about it—my Honourable friend Mr. Lalchand Navalrai moved for circulation of the Bill to elicit opinion thereon. That motion was supported by his Party and by the Muslim League Party. But the Government with the aid of the large army of votes at their command and assisted by certain auxiliary forces in the House, carried the motion for reference to Select Committee, so that the Bill was in due course sent to the Select Committee and emerged from it in a certain shape; and during the present Session it came before us for consideration.

One more effort was made by a motion of my Honourable friend, Maulvi Muhammad Abdul Ghani, to get the Bill even at that late hour circulated for eliciting opinion thereon. But, in spite of all efforts made to that end the circulation motion not only failed but gave rise to certain suspicions in certain quarters. My Honourable friend, Pandit Nilakantha Das, whom I miss in the House to-day and have missed for several days, detected in the circulation motion a murderous design and definitely accused the Muslim League Party of having an intention to kill the measure. It was only lucky that Government did not think with him; otherwise, Maulvi Muhammad Abdul Ghani or the Muslim League Party might have been hauled up for attempted murder or abetment of murder. Anyhow all is well that ends well, we have escaped that predicament and now the Bill is before the House.

I have already said that this Bill was a kind of legislative blitz. We may be permitted to heave a sigh of relief that the blitz is now over and "All Clear" is about to be sounded. But as is natural, one may at this stage be permitted to examine the damage done by the blitz and to look at the casualty list. This blitz succeeded in spite of the very strong barrage put up by the House in the shape of so many amendments, and it is those very amendments which on being counted now, give us a very heavy list of casualties. I call it a roll of honour, which was the phrase used in the last Great War, because, although most of our amendments have been rejected, on the whole, at any rate, we have certainly secured a moral victory. We do not labour under a sense of defeat. We think that we have really secured a moral victory over the forces of bureaucratic stubbornness, and well—shall I say, reactionaryism. What was there which was objectionable in the so many amendments which sought to secure for the Mussalmans a representation on the several bodies of the University? What was wrong in that? After all, the University intends and purports to cater for the education of the entire population of the province of Delhi, and in fact, also for those hailing from other parts of India who may be temporarily living in Delhi. When this is the object and scope of the University, if a section of the population gets up and says, I have also an interest in this institution, my voice also should be heard in running it and in managing its affairs and in carrying on its work, what is there which is objectionable in such a demand? As a matter of fact, to-day's speech of Mr. Tyson indicates to me, unless I have not properly understood it, that even he feels that there is some justice in that claim. Perhaps,—of course again I am not quite sure—he holds out a hope that this demand of ours may receive better consideration and better treatment in future. But when will that future become the present we do not know. Such futures are usually a kind of mirage which recedes further and further as we march towards the wave of water that we see in the distant horizon. Our thirst compels us to march in the direction of that wave but that wave recedes further and further back as we advance. Anyhow some hope is held out. It may be that better sense may very soon dawn on the official mind and may very soon lead to another amendment of the Act as it will stand after the present amendment, or some other method of ensuring to the Mussalmans better representation in the university. But for the present I think—I am not going into details on this occasion, because a good many details I have already given in discussing the amendments that I moved,—for the present I will say we find that the

Delhi University stands as it stood before the present amending Bill, and, as I said on a former occasion, is to us nothing better than a kind of Hindu University of Benares; in fact, if a different name is required, I would call it the Indraprastha University. It should not be taken that we grudge our brethren of the other community the progress which they have made in education or the hold which they have on the university at present. We do not grudge it, we only want fair treatment at their hands and at the hands of the Government. We want just to be associated with them in the work of the university, and I do not think that any fair minded man will look upon that as a sinister design on the Bill. And that is all that we had been aiming at in the course of the debates that have been held over this measure.

I need not further detain the House, but I may just say that we have had the advantage of listening to the very enlightening speeches, on certain occasions, of Mr. Sargent, and I have not concealed my admiration for the way in which he helped us in understanding points which he alone as an educational expert could expound to us. I admire the way in which he and Mr. Tyson have not only sat shoulder to shoulder but worked shoulder to shoulder in the course of these debates, and I think the congratulations I have offered to Mr. Tyson equally apply to Mr. Sargent.

Mr. Lalchand Navalrai (Sind: Non-Muhammadian Rural): I think we must congratulate ourselves—I mean congratulate all the Members of this House, on having come to the end of a very weary debate on this Bill, which according to Government, as stated by Mr. Tyson, was not contentious at all such as they could get through as a matter of course. However, I say that I congratulate the House also on another point. During the discussion we were feeling monotony over several points especially the communal feature coming from one side of the House.

Syed Ghulam Bhik Nairang: Whatever we said was not from the "communal" point of view.

Mr. Lalchand Navalrai: That is only professing it.

Syed Ghulam Bhik Nairang: It is a fact and I can swear to it.

Mr. Lalchand Navalrai: May I give to the Honourable Member *seriatim* the communal amendments that were put forward?

Syed Ghulam Bhik Nairang: Not one.

Mr. Lalchand Navalrai: Of course, according to you, they are not communal. If you have a communal demand and ask for communal rights, then let the Government give you but I only ask you not to get it through the back door. That is our position. I think the Honourable Members of the Muslim League should be thankful to us. We do not want their legitimate rights to be denied to them but we say that in the sphere of education, there ought to be purity, no quarrel over communal question and no disturbance such as we see in the country now.

Then I submit that the monotony is also over. There remains the question whether we should congratulate or thank the Honourable Members, Mr. Tyson and Mr. Sargent for having put in an arduous effort to gain their point. I must at least thank them for this, that they put in a very strong and robust attempt and effort to gain their point and in that I should think they have succeeded in spite of all the amendments and discussions which this side of the House wanted should be acceded to. Anyway I think they have put their case very ably and I also think they must have spent a few sleepless nights over this Bill when the communal phase came into it and they were being troubled over it. They must have felt that they were between two fires. On the one hand, they were feeling that they should keep the purity of education and there should be no revolution of any nature in the university education. On the other side, they saw that this Party on this side, I mean the Muslim League Party, put in amendments, as many as about 69. That must have frightened them and I must say that they have stood to their guns, though they vacillated in one or two matters. On the whole, they stuck to the view that the communal cancer should not be introduced into

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university education. I will however say that there is a reduction in my thanks to them, because they vacillated and changed their policy with regard to one or two communal matters.

Now, so far as the Bill is concerned, it was introduced with an eager desire to see that the university education is developed and that the University should have powers under which they can have a three years' degree course established. Well, I should think that these objects could have been secured without bringing in this Bill into the House. The Act of 1922 itself gave many powers to them and I think they could have achieved their object by passing ordinances and not resorting to the statutory body. They could have done that. They have therefore to thank themselves for the controversy that has been introduced into this House by bringing in this Bill. Of course, the discussion has come to an end. They deserve thanks for it but I trust that the Bill will be worked in such a way as to show that the only object of this Bill is the development of university education by three years' degree course. If they are not going to work it in that spirit, then this enactment will be of no use.

Now I should think that the blame for bringing in this Bill and creating a trouble and quarrel in this House lies on the advisers of the University and the Government themselves. Under the present Bill, there were two contentious points, one is with regard to the three years' degree course and the second is with regard to the appointment of a permanent Vice Chancellor. It seems to me that the Government came determined on what was suggested or inspired by one or two individuals. They made up their minds and then they acted like experts. The experts when they make up their minds, they think that they are the only persons who are in the right and then they stick to every word of their opinion. The same thing has been done in this Bill. It seems to me that some person or persons were fascinated with certain ways of giving education in England and then they made up their mind that in India also the same thing should be introduced. But those persons who wanted this experiment forgot that India was India and England was England. England is an advanced country. They have got every kind of facility for making the universities ideal universities. I do not mean to suggest that in India, the universities should not be ideal. Who will not wish it but the point is—is the present Government going to help India in that direction? Have they done it up to this time I ask? What do we find? We find no uniformity in the education that is being given in several universities and the standard of education is not the same. Even the subjects that are being taught are different and when these students come out from these universities, they compete before the Public Services Commission and what do we find? One university is competing with another and one university is having a greater advantage over another university on account of certain curriculum that they have in their university.

Sir, this is a subject which I would not enlarge. This question has been hanging fire for a long time and I believe it was referred to the Central Advisory Board to consider it as part of the uniformity of education and to bring co-operation between the various universities. Now, we have not found anything here to show that that object has been achieved and any progress has been made in that direction. I am asking particularly about this at this stage because the Delhi University is having an enactment which is certainly not prevailing in the other Universities. Therefore, when are you going to ask for that uniformity and co-operation? After you have given them this enactment? Is it not like sending for and possessing ropes before you have got the goat? It is doing something before-hand and then thinking of doing something which ought to have been done first. Sir, I was glad once or twice to find that my Honourable friend Mr. Sargent gave us some assurances that co-operation and uniformity in respect of education and other matters will be obtained by an attempt to be made hereafter. We are waiting to see

how it happens, but according to me it should have been done first. However, we will not weep over the spilt milk and we will wait and see how far that assurance is going to be fulfilled. I hope an assurance which is given by such a big authority will be fulfilled soon. Until that time, we are not satisfied either that the Bill has been passed or the manner in which it has been passed.

Now, let us see what we have done and what are we going to achieve? The first and the most important question is with respect to the permanent Vice Chancellor. How far the Delhi University wanted a paid Vice Chancellor is known to us. I think the present Vice Chancellor in consultation with the Educational Adviser came to the conclusion that the Vice Chancellor should be a paid officer. For what reasons this conclusion was arrived at, we do not know. The work was going on very well with an unpaid Vice Chancellor. In future they may have somebody in mind whom they want to appoint as a paid Vice Chancellor. That is only known to them. We do not know anything about it. Even if they wanted to appoint a paid Vice Chancellor, where was the necessity of hurrying up and bringing this Bill for that purpose? They also brought it before this House in a manner which was very stringent. The whole power was being given to the Chancellor. It was contested in this House and I am glad that to some extent in the Select Committee some improvement was made. That we cannot deny. Now, it will not be the Chancellor who will make the appointment but it will be made on the recommendation of the Executive Council. So far, it is an improvement. Still, I do not like that the Vice Chancellor should be appointed by the Government or the Chancellor. He should have been appointed in a democratic manner, that is to say, he should be appointed by the University itself. They should elect somebody from amongst themselves as a Vice Chancellor if they have such an important man and not leave it to the Chancellor. Even in our Municipalities and other institutions we have got now democratic ways of doing things. However, we will wait and see how far this provision is going to be used. We have to see whether this appointment is given to a man without influence and purely on his merits.

Then, Sir, coming to the question of the three years' degree course, I do not want to take much time of the House on this subject. On this side it is said that there is a unanimity that there should be the three years' degree course. I should think that requires a little exception before we come to admit that. I have been thinking over this matter that if the Government wanted to develop education in the Delhi University or in any other university, they may have three years' course for making a graduate. Instead of that, they might have kept the present two years and created a post-graduate class where these B.A.'s could go. Where was the necessity of adding one year which will be inconsistent with other Universities in India? But they are now bent upon seeing that the present method should be adopted. Let us see how it works. At present we are given only lip assurances and if they fructify, I shall be very glad. But then the point is this. They say that the University will teach the first year and the second year of the college, which is equivalent to F. A. and the Intermediate. They say that F. A. and Intermediate will be done by, creating the secondary standard in the High Schools. Now, that would mean that F. A. and Intermediate will be taught there. That in its turn, will depend upon the grant which they can get from the Finance Member. We know the Finance Member has been unusually generous in this direction. In other respects, he is very cautious. He says economy is needed; war is going on; we want money for the war; we want even contributions for the war and so on and so forth. But he seems to have given much money to the Delhi University—we do not know how much it is—for the purpose of carrying on the University in the manner the Government want it to develop.

Well, all right, let it be given. Now, Sir, I want that it should be used in such a manner as really to develop first of all the schools. I am addressing

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these remarks specially to Mr. Sargent that he should see that the efficiency and the ability of the schools do not deteriorate but increase. That can come about only when he gives more money to the High Schools. Not only should he provide more money for the schools, but also devise better mettle in the masters and bring them more or less to the standard of Professors. Then only probably, I am saying 'probably' deliberately, because I am not certain, they will get as much education as in the Intermediate class now. Until that happy time comes, there is great difficulty at present. Several students have gone away from Delhi fearing that when they are not going to pass the Intermediate examination, they will not be taken elsewhere. Therefore, I submit that this difficulty remains there. That is a great blow to the students in Delhi and also to those who used to study in Delhi. After all the Delhi University is not meant for students of Delhi alone. It is meant for others also. Delhi is a cosmopolitan place where officers from all parts of the country come and stay for short periods and their children have to study here during the period of stay of their parents. Now, they are confronted with a great difficulty. That is why they are going to other Universities. I think they would be losing one or two years. Therefore what should be done is the co-operation and consent of other Universities should be sought and obtained without any delay.

With regard to other branches of education that should be given, I think it would have been much better if the Delhi University had, instead of creating a three-year degree course, given attention to provide medical education, and created a Medical College here. For that purpose there is very great need. Now, students have to go to other Universities for medical education. They have no facilities at present in Delhi. In Delhi they have made one facility, that is that students now can go to the Polytechnic Institute for one year and then they will be taken in the B.Sc. class in the Delhi University. I do not know whether they will have to study for two or three years in B.Sc. course. I think they should be allowed to finish the B.Sc. course within two years after coming out of the Polytechnic. So far so good. But for Engineering course and the Medical course, there will be great difficulty. The Government should get the Polytechnic course recognised by other Universities as equal to Intermediate standard or some other course acceptable to them.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is going into details.

Mr. Lalchand Navalrai: I am going to finish soon. Now, I wish to say one or two words about this communal question, about the communal amendments which have been moved.

Syed Ghulam Bhik Nairang: There are no "communal" amendments. You are only saying they were so.

Mr. Lalchand Navalrai: Now, I am speaking from my own mouth that they are communal amendments.

What I submit, Sir, is this: they may gloat over the fact that after all they have gained some victory over some communal amendments. But I say, it is all an eye-wash. I must tell them that. The eye-wash has also been applauded and rather admired so that the Educational Adviser or the Educational Secretary or the University might say, after all we have given them something. If they ask for more, we will give. No, Sir, my Honourable friends will not have any victory in that way. I think it should be left to the University without being influenced by any higher authority, as the Honourable the Education Secretary or the Honourable the Educational Adviser. If the University of their own accord feel that they ought to grant the legitimate rights of certain people, then it should be left to the University. Not that these demands should be made one after another; we want five Muslim Members here or three Muslim Members there, we want Muslim teachers, we want that the Professors should be Muhammadanised, or that an institution should be Muhammadanised and so on—all these things are wrong. I do not think the University should agree to this. I should utter a note of warning to the University, that they should not imitate the weakness of the Government here when Mr. Tyson and his friend

climbed down and changed their attitude which they adopted in the beginning. There are two things in which they yielded and that is wrong. Firstly, they increased the number of Members of the Executive Council with a view to give more representation to Muslims. Of course the Muslims wanted that they should be given on communal basis. The Government said, no, no. We are not going to give on communal basis

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has said all that at the second reading stage.

Mr. Lalchand Navalrai: All right, Sir. Let me conclude. What I am submitting is this. The University should not take a leaf from this book. What you have done in this house is wrong. The University should of their own accord find out what is right and what is really to be done.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must conclude now.

Mr. Lalchand Navalrai: Now, Sir, one more word with regard to the functions of the Court in the University. In my opinion that is being trifled with. They are not being considered as the highest authority, there is not much previous consultation with them as it should be.

Finally, I hope and I expect that the Bill as it is enacted now into law will be used by the University in a most cautious, legitimate and pure manner.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Sir, the debate on this important Bill is coming to a close and has revealed several very interesting phases. I think the whole House will join in paying a tribute to the patience of my Honourable friends Mr. Tyson and Mr. Sargent on the Government side. They have been patiently replying to all questions from this side which might have exasperated and tried the temper of many people, specially when they were met by constant opposition and criticism from these Benches. All credit must be given to Honourable Members who do their duty properly with satisfaction to themselves; and on this side we must admire the patience, the tenacity and the optimism of my Honourable friend Syed Ghulam Bhik Nairang. In spite of constant opposition he never lost heart and up to the last amendment he stood his ground giving some reason or other; and when he found that the same arguments would not convince the other side he was always ready with fresh arguments and reasons to convince them. He fought this battle with the greatest valour. It is easy to fight a winning battle, but people who fight a losing battle often are demoralised and leave the battle-field, but my Honourable friend fought his battle with tenacity up to the last. Syed Ghulam Bhik Nairang deserves as much credit as the two Honourable Members on the Government side whom I have named.

Sir, we did our duty according to our lights. Our duty was to protect those whom we have the honour to represent here and to bring justice to them. I can assure Government and my Hindu friends that the Muslim League was never actuated by any feeling of aggressiveness. We tried only to safeguard the educational interests of all the communities who live in this city. The Hindu nation and the Muslim nation can never be one unless proper regard is shown to our interests by our brethren as they show to their own community. If the same interest is shown in the education of Muslims as it is done in the education of Hindus we will feel happy. We felt that we were not having our proper share and we ventilated our grievances with proper facts and figures. We did not make it a political agitation because there is nothing political in it, but we showed that the education of Muslims was not having the attention that it deserves, and that was because the University did not have a fair representation of Muslims in all its different bodies. My Honourable friend Mr. Lalchand Navalrai may claim to be a nationalist and he may say he is not "communal". But we have found that whenever any point is discussed he always raises the question of Sindhis. So, if he is not communal he is at least "provincial", and wants to get benefits for his province at the expense of other provinces, which is worse.

[Sir Muhammad Yamin Khan.]

He may say that it is not a moral victory for us. He may shut his eyes to facts but our moral victory lay in the fact that we were able to bring round those gentlemen who did not see eye to eye with us at the beginning and Mr. Tyson had to admit,—I congratulate him on his frankness,—that the Mussalmans did not get their proper share in the University and that they will try to secure that share for us. That admission and that statement was the greatest moral victory for this side of the House. We have shown that our education could not progress to the extent which we desired on account of paucity of funds and on account of the circumstances in which we were placed. We therefore want that the Government should come to our help.

Sir, may I refer the House to the remarks made by the Honourable the Finance Member while he interrupted when we were discussing the financial condition of these colleges and to which, I may say, I take exception. Speaking about the colleges which may find it difficult to erect their own new buildings on account of lack of funds, the Finance Member said: "We help those who help themselves". I should have thought, Sir, that the Government was helping those who could not help themselves. The principle of a good Government should be that they should come to the help of those who need it most. It is not necessary for the Government to help those who can help themselves, but their help becomes necessary in the case of those people who cannot, because of certain circumstances, help themselves. The proverb actually is: "God helps those who help themselves". I never thought that the Government will assume that position. In the matter of education, it is the duty of the Government to come to the help of those people—to whatever community they may belong—who cannot, on account of lack of funds, make further progress. The use of such a phrase as the Honourable the Finance Member has used does not appeal to us; we want the Government to act otherwise.

Sir, it will be interesting to note that on practically every amendment on which we challenged a division, we had the majority of elected members on our side; we never lost so far as votes of elected members were concerned. If you will refer to the names, you will find, Sir, that not only the Muslim League but the Nationalist Party and some unattached members also voted with us. But even in such cases where we had the support of the Nationalist Party, the Government did not like to give in. In view of what they say about 'democratic institutions' and 'democratic Government', the attitude adopted by the Government in certain cases was not very convincing. The proper course for the Government should have been to leave everybody free to vote as they liked, and if they had also given that liberty to the Nominated Non-Official members—in whom they have full trust and, who perhaps have been nominated on the ground that they possess a good deal of commonsense—it would have been very much appreciated by everybody and it would have served as a good example. I feel, Sir, if the Government had given that choice to everybody, even some of the Government officials would have voted on our side. Anyway, taking into consideration the votes of elected members, the majority of them were on our side, and that is the moral victory which we claim we have won. But I must say that if the proper course had been followed, we would not have lost even a single division. There may have been certain reasons which influenced the Non-Official Nominated Members who have unconsciously voted with the Government, but I feel that if they had listened to the debate and if they had been left free to vote, the whole lot of them would have come to our side. I may say, Sir, that we had the support of some broadminded Hindu Members also. When the question of representation of Muslims on certain bodies came up for discussion, we found to our satisfaction that on many occasions two members representing the depressed classes voted with us. The leader of the Nationalist Party also supported us on several occasions. Sir, I say that it was the justice of our cause which appealed to these Members. I am sure if the Government were placed in that position at the last stage, probably they would have been convinced and would have changed their mind the other way. But they had to pass the Bill as it had emerged from the Select Committee. The debate on this Bill must have revealed to them.

however, that there are many things which require further amendments, and I am sure when the Act comes into force, the Government will realize that we are right and that they should have accepted our amendments. I am, for one convinced that a change is bound to come and Government will accede to our requests on many points.

I think, Sir, that the changes which the Honourable Member has accepted will, to some extent, afford a little relief. But those changes will not satisfy my Party or my community which is represented by my Party. I can only hope that the Government and our sister Hindu community will some day realize that India can never rise and progress if a section of the population is left behind and is not able to advance with the same rapidity as others. Therefore, they will not like in any way to become averse to the education of the Mussalmans,

1 P.M. and this University of Delhi will after some time begin to play a part which will make it to be considered as a model University. This University is situated where the seat of the Government is, and we want that this University should rise to that extent as to lead the other Universities in different spheres and in this University in the field of education all communities in this city will get a proper share and a proper impetus and encouragement.

I do not want to go into the details of the Bill and the sections and clauses which have been amended or ignored, because they have been dealt with already and it is useless to repeat those things. But I wanted to make a few observations on the broad features of the Bill and the debate as it has emerged today.

I hope this Bill will be, as it is emerging, put to the test and that the other requirements, which we think and consider necessary, will soon be also found to be essential by the Government as we find them today.

Sir, with these words I conclude.

Mr. M. Ghiasuddin (Punjab Landholders): Sir, we have been debating this Bill now for about two weeks and the Bill as it has emerged at the end of the two weeks is, I am sure, a great improvement on the Act that existed. These long discussions have demonstrated one thing, and that is the interest that this House takes in matters of education. It has shown to the world how interested Honourable Members are in the cause of education and that they are prepared to give their valuable time in order to further this cause.

I want to say something about the giants that have emerged from this debate. One is Mr. Tyson. He has piloted this Bill with great patience and forbearance. The other is Mr. Sargent who helped him with his technical knowledge of the education in this province. Then there is my Honourable friend, Ghulam Bhik Nairang, who put forward his point of view with great clarity and wisdom and his advocacy was able to win many a vote on his side, including the vote of the distinguished person, the Honourable Dr. Banerjea, the Leader of the Nationalist Party. This is a tribute to the advocacy of my Honourable friends of the Muslim League as well as to the fair-mindedness of my Honourable friend, Dr. Banerjea, who has demonstrated that he came here with an open mind and when he saw a cause worth supporting, even at the cost of temporary unpopularity, he has not shirked his duty and done the right thing.

Sir, I am glad that Mr. Tyson gave the assurance that this Bill is not the last word. As the debate progressed we found that all was not well with the administration of the University of Delhi. This prolonged debate has at least served one purpose, viz., it has brought the present administration of the Delhi University to light and public attention has been focussed on it, and I hope that the Members of the Government of India who are ultimately responsible for, and who have to watch, the administration of the University, will keep a keen lookout and try to remedy all the defects which they find. They will show further fairmindedness if, after they find that even after their supervision matters do not improve, they bring a further amending Act to this House, in which they might find it possible to incorporate some of the necessary amendments which the House rejected this time.

Sir, as for the Bill itself I won't say very much, but one of the improvements I find is the provision of the permanent Vice Chancellor. We find in a good many universities that people should have real connection with a university

[Mr. M. Ghiasuddin]

before they can put their heart and soul in it, and for the successful running of an institution like the Delhi University, it is absolutely necessary that a man should be permanently attached to it and I welcome this inclusion.

There was one more revelation made by Mr. Tyson and that was that Muslim students appeared to be very few in the University. I do not know whom to blame for it—whether the proximity of Aligarh, as he pointed out, is responsible for it, or whether they do not get enough encouragement, or their finances are low. Whatever the cause, I think it is not a very satisfactory state of affairs and I hope in future every effort will be made to induce the Muslim residents of this Province to send their sons and daughters for higher education here, so that this deficiency may be made good in a short time.

Sir, I have nothing more to say except to add my good wishes for the passage of this Bill. I do hope that the University of Delhi will benefit by it.

Mr. Kailash Bihari Lall (Bhagalpur, Purnea and the Sonthal Parganas: Non-Muhammadan): I have seen Honourable Members have congratulated themselves and have also congratulated Honourable Members on behalf of the Government piloting this Bill, and I also feel the urge that we should congratulate ourselves that we have acted in a befitting way. Although we have heard just now that moral victories have been gained—I am not prepared to admit whether the victories were real, moral, ephemeral, spiritual, or God knows what: But this much is certain that there has been victory on some side; and when I see my Honourable friend, Mr. Ghulam Bhik Nairang admitting that there was not a single communal amendment

Syed Ghulam Bhik Nairang: Mr. Lalchand Navalrai definitely charged me with putting forward communal amendments which I deny most solemnly.

Mr. Kailash Bihari Lall: Do you deny that your amendments were communal?

Syed Ghulam Bhik Nairang: I simply deny that charge; it is not for me to invent charges against myself and then to deny them.

Mr. Kailash Bihari Lall: There need not be any wrangle over the pronunciation of the term or its spelling. I felt that it was not the right spirit in which he had understood the thing; and as soon as he admits that there was not a single communal amendment I felt that there had been some moral victory; and the Government at least should congratulate themselves upon this moral victory; a little fairness on their part has created this atmosphere that people are not prepared to own that there was anything communal. As for injustice to a certain set of people, no one will support it, whether it is communal or national or something else; much less would any Government support it; if they did, they would have to rectify that mistake. But one little thing discouraged me and that was the setback on the part of the Government in showing some sympathy and admitting that perhaps they failed in their duty as they could not fulfil certain demands. To that extent this Bill should be taken as a moral defeat because of that weakness. I felt they should gird up their loins for still further victories and regard it as if they have done a service to those for whom they feel they have not done as much as they would have liked to do. I feel that the Government has done good to those very people who urged those communal amendments, even if they deny it now. I do not know what term should be used—whether communal or party; but they did real good to them because I realise that it is really doing good to those who believe that things should be otherwise; but it is surely for their good that Government sometimes takes a strong step and in the end Government stand justified. For instance, I may say that if my Honourable friend, Babu Baijnath Bajoria had been here I do not know what his repercussions would have been in the matter, as we know how very conservative he is. He would have even objected to the abolition of Sati if he were allowed to do it. As I have studied him, he is a conservative, but we have seen that Government is not going to relax its policy as far as that custom is concerned. Mr. Bajoria would be disappointed in that; and I say that people of that type would be surely disappointed.

An Honourable Member: Do not speak of him in his absence.

Mr. Kailash Bihari Lall: But his principles are so public and I do not think I am doing him an injustice when I say that. It is in that light that I say that Government would be justified in taking strong steps by doing some good to people though they may be detested for the time being for doing so. My friends should not take it in that light because I am not only speaking of their amendments but also about the Government amendments as contained in the Bill itself. I opposed the communal scholarships because I am not satisfied with the Bill as it is; I hope better sense may prevail later, and if at all our education is to be purified in the interests of the nation, a time may come when further amendments would be necessary. There were some amendments like the one about the safeguarding of Islamic culture which

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not go into those details.

Mr. Kailash Bihari Lall: I am simply referring to them. I am passing on. Sir Yamin Khan also referred to the moral victory

Mr. President (The Honourable Sir Abdur Rahim): I think the Honourable Member has said enough about moral victory already.

Mr. Kailash Bihari Lall: All right, Sir. As my remarks about moral victory have been enough, I shall talk about immoral victory; the immoral victory is on the side of the press people who have been doing less than justice in announcing to the world that the Members of this House are engaged in communal wrangles. They should not have taken advantage of the matter in that way, because we have seen that what we have discussed here is not in the communal interests; better sense has prevailed and the Government has piloted the Bill in such a way that they have withstood that kind of onslaught and there was no wrangle on this communal matter. Of course, certain grievances were placed before us and those grievances were looked into and answered. That does not mean there was anything communal about it.

Mr. Lalchand Navalrai: Is the press right or are you right?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member ought not to interrupt.

Mr. Kailash Bihari Lall: Of course, stress should have been placed on the national rather than on the communal point of view; and I therefore think the immoral victory is on the part of the press people who have announced that the Central Assembly is doing something in that strain.

So far as the working of the Act is concerned, I have already said that the Bill as it stands now is not wholly satisfactory, but I do not think it should be thrown out; it should be given a fair trial to see how it works; and then we will have time to bring in further changes if we feel like it. With these observations I think the Bill should be given a chance.

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 F. E. James (one of the Panel of Chairmen) in the Chair.

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadan): It is usual for the House to congratulate the Member sponsoring a Bill. I was thinking whether I should congratulate the Government with whom the sponsoring of this Bill rests, and particularly, those Members who are actually piloting the Bill—and the leader of the House, or the Muslim League which has taken such a prominent part in the discussion of this Bill. Whether I should congratulate the Muslim League for the determined stand that they have made, or the Government Members for standing those shock tactics. Whether the Government is war weary I know not, but when I just entered this House I was given a piece of information from newspaper reports that there is going to be no November Session. If it is so, it seems to me that the Government is very much struck by the onslaughts of the Muslim League, and has become very war weary and needs rest. I do admit that the Leader of the House and my Honourable

[Mr. Govind V. Deshmukh.]

friends, Messrs. Tyson and Sargent, have had to stand a good deal of rough knocks from the Muslim League. However, I congratulate both of them and also the Leader of the House, and here on this side, particularly my friends Ghulam Bhik Nairang and Mr. Abdul Ghani the Members who took an intelligent part in the discussion of this Bill, and have shown themselves to be what one might say the intelligence department of the Muslim League.

Mr. Lalchand Navalrai: What about the Autumn Session?

Mr. Govind V. Deshmukh: I referred to Mr. Nairang and Mr. Abdul Ghani. They appeared to me from the labour that they had put in and the amendments that stood in the names of these persons that they were really the intelligence department of the Muslim League and they had taken great pains. One is reminded of the good old days of the Congress whenever they wished to sponsor a Bill or wished to lead an opposition,—they worked as a great team. This is an example which I hope hereafter will be followed by other parties, and I do think that Government will appreciate such efforts and not be desirous of taking rests whenever there is such an opposition.

One thing that I wish to refer to is the desire of the Muslim League to get representation on these different educational bodies of the University. Nobody can have any complaint as regards their desire. Government is not against it. If I remember correctly, Mr. Tyson said, though Muslims have not been specifically mentioned there, that it is the desire of Government that all communities should be associated in the efforts of education, which meant bodies of the Delhi University. He laid down one rule for guidance and the Muslim League laid down a different rule for guidance. Mr. Tyson said that their association will certainly depend on their participation in the university education and the efforts depend on their participation in the university education and the efforts they make. It seems to me a very sound proposition that if a community shows a greater interest in education, that community should be associated in proportion to the interest it takes in education. It is said, as Dr. Sir Zia Uddin Ahmad said they may be partly responsible, it is their own mistake, and it seems to me that they are responsible. If they are backward in education it is because they did not wish to take advantage of the facilities which were then given. I read an article in the *Dawn* about two days ago by a Muslim gentleman who gave a description of Delhi as it was in the 1837 and there he gave the number of students who were in the colleges. Even in the good old days the number of Muslim students was really one-third or one-fourth of the Hindu students who were attending the colleges. If anybody neglects to benefit himself of the facilities given, opportunities given, then you cannot blame that the person who has provided the facilities has not given the facilities. The argument that because a community is backward, therefore it should be helped in every possible way would mean this, that there would be no incentive left to the community to make any progress. If anything, they would like to be backward. Whether they are backward or not, they would like to say that they are backward if some premium is put on the backwardness of a community, if that becomes the sole ground not only of promotion in services or recruitment but also preference in the matter of representation on bodies connected with education. Therefore it seems to me unreasonable that anybody should come before the House and say, we deserve support because we are backward. The sensible rule by which any one would be guided is the interest that the community takes in any walk of life which would entitle it to a representation.

Having said this much, let me say that the Government has expressed its desire,—it has made arrangements for the association of all communities in the matter of education in the University. When the Government, i.e., Mr. Tyson said that, he had not only the Muslims in his mind—he has said so, though he has not mentioned Muslims specifically, he has made a good deal of provision for them to be taken on to the several bodies connected with the university,—but the scheduled classes also, the scheduled classes need not feel disappointed. All the minority communities—that is what he said in the opening

speech to-day—he has all the minority communities before him. I should like to say this, in connection with the education of the depressed classes, that it is the desire of every one, whether it is Muslims or Hindus, that they should educate themselves. May I say that it is not only the Government which is trying its level best but the Hindu community also takes greater interest in the education of the depressed classes? As a matter of fact, it would be doing injustice if one were to say that the majority community was not doing anything for the depressed classes. The Arya Samajists are doing their level best. They teach them not only in the ordinary schools, but they have gone to the extent of educating them in their own Gurukuls. They have brushed aside all ideas of caste. They have not only done that, but they have appointed them in several cases after having given them proper education as preachers of Arya Samaj. It would be doing the Hindus an injustice if it is said that they are not doing all they can possibly do in the face of the opposition of the Sanatanists to uplift the depressed classes even in the matter of education.

Sir, I very much wish that this Bill, before it came before this House, had the advantage of securing the advice of men like Dr. Zia Uddin. It seems to be the intention of Government to have three main points carried out in this Bill. One is a whole time Vice Chancellor. I thoroughly agree that there should be a whole time Vice Chancellor. We should have Vice Chancellors who not merely carry on the old ideas but we must have Vice Chancellors who have got new ideas, who can put new life into the University at times and give fresh ideas and put some life into it which will be beneficial to the student community as well. But this idea could have been carried out, as Dr. Zia Uddin pointed out, by having only a clause in the Bill. Then another clause as regards the three years degree course and one other item also, recognition of colleges or something likewise. If we would have had that advantage, we would have been spared the trial of going through this long debate over these questions. It was unfortunate that the Muslim Members of the Select Committee did not take any part in it and staged a walk-out. It is really to be deplored and hereafter one may expect that the Party will be in a position to give all the co-operation that it possibly can.

Sir, these are the main points on which I wished to address the House and after all this, I have to congratulate the Government Members who have borne this great stress and stood the strain. It would be desirable to carry into practice the ideas which they have put in this Bill and I hope there would be no delay. With these few words, I resume my seat.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): We have had a very lively discussion on the subject of the Delhi University Bill for the past 12 days and the memory of this discussion will go down to history as a very remarkable case of complacency on the part of the Government. While hundreds and thousands of people in India were dying of starvation, like a swarm of flies in the streets of Calcutta and Benares and elsewhere, in this House a Bill was being merrily discussed to give education to the people of Delhi. If the Government wants to be congratulated, on that feat, I shall join the ranks of those who have congratulated them. When the Bill came for second reading, we were under the idea that the Government wanted to create a full fledged model university. The Government were also under that impression and they thought in their superior wisdom that the Bill as it emerged out of the Select Committee was a non-contentious measure. Later on, a new life was introduced into this discussion by the historic attitude taken up by the Muslim League. The Government thought that the appointment of a whole time salaried Vice-Chancellor and the experiment of the three years degree course were the two main features of the Bill and after a discussion on these two items, they thought they would be able to carry this measure in one or two days through a pliant House. They thought that because the Congress Benches were empty, the Nationalists gave them some sort of support and because the nominated members were always their henchmen ready to vote on their side in any circumstances they would be able to carry the Bill through.

[Maulana Zafar Ali Khan.]

But for the first time in the history of this Legislature, His Majesty's Opposition, the Muslim League, comes forward and gives the Government a battle royal and in that battle they succeed. The moral victory, as has been pointed out by many speakers, is on their side and when this battle was over, suddenly Mr. Tyson and Mr. Sargent had to admit that the University was not a model University. It will be a model university in the days to come—first admission first defeat. What is a model university according to the best views on this subject? A model university according to the Mussalmans is a university which does not tax knowledge, which does not require a student to pay his fees for the learning that he acquires. This is the first principle so far as the subject of education is concerned in Islam. The Holy Prophet says:

"Al ilmo ilman; ilmul abden wa ilmul adyan."

Knowledge is of two kinds—theology and medical science. So according to that saying, in all Muslim seminaries and universities throughout the length and breadth of the world Islamic curriculum not only includes history and literature, astronomy, theology but also medical science and every Mussalman is expected to be well read, expected after having taken his degree to be a *hakim*, a *tabib*. The Mussalmans have always held, according to the teaching of their Holy Prophet that knowledge of philosophy or science is the lost property of the Mussalman. It is his right to acquire it from whatever source he gets it. The Greek system of medicine, for instance, had its origin in the wisdom and the skill of the people of Greece. When the Mussalmans came and began to raise great Universities, they followed Greece in medicine and throughout their history the Greek system of medicine was upheld and fostered by the Mussalmans.

Mr. Chairman (Sir F. E. James): I ought to observe that we are not discussing the Greek system of medicine. The Honourable Member had better come to the Bill.

Maulana Zafar Ali Khan: That is the proper preface of what is to come. If anybody opposes the Greek system of medicine, the Mussalmans say: "We will fight against you". They are against allopathy, not because allopathy is a foreign art, but because they have not taken to it as being an inferior system. So, with these glorious traditions at their back, when the Mussalmans demand that in the management of the University, in every section of it, they shall be represented as Mussalmans, Mr. Tyson follows the practice of the Hindu wife who does not name her husband out of modesty when asked to do so. He takes up that attitude and says: "Well, we will give you some share in the Governing Bodies of the University but you shall not be specifically named". Why not? What is a Mussalman and what is the Islam of which they are so much afraid? We believe in the Unity of God; we say prayers five times a day; we keep fasts for 30 days in the year; we give two and a half per cent. of our annual income in alms and once in our life time we perform the Haj. Are these beliefs and practices an obstacle in the way of non-Mussalmans who are monopolising the University? Because I happen to believe in the Unity of God, does it mean that I will be against the Hindus in the Syndicate or the Academic Council or the Court? Nothing of the sort. This was the question that was taken up by the Muslim League and we called upon the Government, as our birth-right, to give us proper and adequate share. We did not ask for proportionate share, but we asked for adequate and effective share in the government of the University as such, not as unnamed, unsung and unhonoured beings but as Mussalmans who had a glorious history and glorious traditions extending over a period of 1,300 years. We have won to a certain extent, to the extent of compelling the Government to give the Chancellor the right of nominating us. But we tell them that we shall not be nominated. We have the right to be elected by our own electorates and this will come in a very few years' time. That time is coming and I warn you that if you do not take proper heed, the writing on the wall is there.

You shall have to part with power; we shall acquire that power and with the help of the Nationalists, the Hindus and the depressed classes, whom we mean to enfranchise, we shall have our own University and we shall have our own laws and the Bill as it has emerged from the Select Committee and passed the third reading will be thrown into the waste-paper basket.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Sir, a protracted debate on the Delhi University (Amendment) Bill is now about to come to an end and the Bill is at last going to be placed on the Statute-book. I have on many occasions dealt with the details of this measure and at the present moment it is not desirable on my part to emphasize those details once again. I will, therefore, confine myself to a few observations of a general character.

Mr. Chairman, I and my Party have very often opposed this Bill in the various stages of its career. But we have not done so for the mere purpose of opposition. Our purpose has been different. We have been trying to rid this Bill of its objectionable and reactionary features and add to it provisions of a wholesome character. Indeed, from the very first to the last it has been our constant endeavour to improve the Bill to the largest possible extent. We did not deal with this Bill in a spirit of carping criticism but made suggestions and moved amendments in order to see to it that the Bill becomes useful and beneficial to the people at large. I admit that some of our suggestions and amendments have been accepted by the Government and the House. I would have been happy if many more of our suggestions and amendments had found favour with the Government and this Assembly. But the attitude which was taken up by the Government was so adamant and so intolerant that we did not succeed in achieving our object. But it is no use harping now on the past. We must concentrate our attention on the future.

Before I deal with what should be done in the future, I should like to say just a word about the general policy which has guided us in dealing with this measure. We have tried to keep before our eyes the educational interests of the people and nothing else and we have attempted to steer clear of officialism on the one hand and communalism on the other. This has been our general policy. We have not fully succeeded in carrying out the policy but that has not been our fault. We are satisfied that we have done our duty. As regards officialism, it is clear now that the nominated element has been greatly increased on the different bodies of the University. I have always been opposed to the policy of nomination. But the Government have thought otherwise. As regards communalism we have thought it our duty

3 P.M. to oppose those amendments which in our view—I do not say our view has always been right—appeared to us, rightly or wrongly, designed to further the communal cause. But I must make it very plain that I and my Party do not stand against the participation by minority communities in the working of the Delhi University. We have accepted all suggestions and amendments which we could accept without sacrificing our principles in this regard.

As for the future, we have to consider what should be our primary object in giving effect to the provisions of this Bill. Our primary object, in my opinion, would be nothing more and nothing less than the advancement of learning. The Government have now secured to themselves much greater power than they possessed before and I would advise them, if I may, to use this power in the best interests of this University. I know that there a feeling in Government quarters that because the Government make large grants to the Delhi University, therefore, they are entitled to exercise control over all its affairs. That, I submit, Sir, is a mistaken view. Control for the sake of control is a most undesirable thing. I believe the House knows that large grants are made in England to the Universities of Oxford and Cambridge and London. The Government of that country never seeks to interfere with the administration of their affairs. I am a Member of the Convocation of the London University and I always get copies of the proceedings of that great institution; it has never come to my knowledge that the Government has ever

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interfered with the normal working of that body. Here also, I hope the Government will take up the same attitude.

Now, coming to some of the details with regard to the working of the Delhi University, I would suggest that all parties concerned in the welfare of the University should concentrate their attention on some of the important points. In the first place, they should do their best to inculcate a spirit of discipline and a sense of duty in the minds of the teachers and students of the University. We have seen that a sense of duty is the most important thing which a man or a woman should possess. As regards discipline, I use the word 'inculcate' in the minds of students by teachers; I do not use the word 'enforce', because enforcement of discipline does not create a healthy frame of mind. Incultation in the mind of students of a spirit of discipline is on the other hand a very essential and desirable thing. Now, this discipline which I wish to be inculcated should be more on the moral plane than on the physical plane. In the University, the discipline should not be that which prevails in the army or in the police force, but it should be the discipline of an entirely different sort. This discipline can be inculcated more by example than by the use of the rod. As regards teaching, we have heard many complaints and it should be the earnest endeavour of every person connected with the Delhi University to improve teaching arrangements. If we are unable to improve teaching arrangements in the Delhi University, we shall never be able to make the Delhi University an institution worthy of the capital of India.

The next point which I should like to emphasise is that greater attention should be devoted to industrial and technical training. In this respect, the Delhi University has been very sadly backward. I know that there is a Polytechnic which has been doing useful work during the last three or four years, but this Polytechnic has not yet been absorbed in the University and it is doing work of a somewhat inferior character. It will be desirable now to amalgamate the Polytechnic with the Departments of the University so that it may become an institution which will not only train artisans and small handicraftsmen, but also organisers and captains of industry and trade.

I deal next with the question of scientific training. This has been rather badly neglected in this university. We should all remember that the present age is an age of science and we should encourage the students to take up scientific subjects in preference to the arts subjects, in order that they may be able to advance the economic interests of the country to a much greater extent than they have been so far able to do.

Lastly, I should insist on greater facilities being provided for research work. There is a Records Department in this city, the capital of India; this department is a storehouse of information for all earnest-minded students. But there should also be a well-equipped library in the university which students may utilise for their work. I know that since the arrival of Sir Maurice Gwyer the library of the University—which was a tiny little thing six or seven years ago—has considerably developed; but there is still a great deal of scope for further development. And side by side with the development of library facilities you will have to erect a central laboratory for research work in the University,—a laboratory on the lines of the Calcutta University which has so many departments and where so much good work is being done.

So much regarding the detailed work of the Delhi University; I turn now to its general aspect. It should be the aim of every well-wisher of the Delhi University to bring about a pure academic atmosphere in this institution. But how is that object to be attained? It cannot be attained without having in view a common goal for all. And what should be that common goal? The common goal, as I have said before, is the advancement of learning and nothing else. We should brush aside from our minds all ideas about the needs of particular sects and communities. I do not mean to say that safeguards in respect of the educational interests of different communities should not be provided; I am anxious that the educational progress of every community should

be fully secured. But that should be done by mutual understanding and in a spirit of accommodation. If the majority community in Delhi has not so far done its duty towards the minority communities it is up to every well-wisher of the Delhi University and of the country at large to insist on this being done now. If the minority communities have any feeling that they have not been properly treated, certainly that feeling should be removed and no stone should be left unturned to satisfy the legitimate demands of every community. But granting all that, we should see to it that a proper academic atmosphere prevails in the Delhi University. As a majority community has its duties so also have the minority communities. They must work in a spirit of co-operation and not in a spirit of exclusiveness, and it should be their endeavour to secure the goodwill of the majority community. If that is done and if the different communities of India are assisted by Government in taking proper action the Delhi University may become a real centre of learning. My Honourable friend Mr. Tyson said that it was the ambition of Government to make the Delhi University a model institution. I fully sympathise with that ideal, but how far it will be translated into action will depend largely on Government and on the people who will administer the affairs of this university. I hope and trust that advancement of learning will be adopted not as a motto in theory but should be translated into practice; and if that is done the Delhi University will be able to make a substantial contribution to the progress of education in this country.

Mr. J. P. Sargent (Government of India: Nominated Official): Sir, I wish first of all to express my sincere appreciation of the kind things which have been said about my Honourable friend and myself by Members in different parts of the House. I should like Honourable Members to know that this is not a mere formal expression of gratitude; because, Sir, I realise that on many occasions during the last fortnight it has been my misfortune to have to try and explain in this House some rather technical educational points which may be quite familiar to me but are probably much less familiar and intelligible to other Members. And I realise as clearly as other people how limited my powers of exposition in these matters are. In spite of that I have received every indulgence and Members have listened to me with the utmost patience and kindness; consequently, Sir, my gratitude is really genuine.

Now, Sir, as an educationist I cannot help feeling that this Bill has been a little unlucky to be drawn into so large and important an issue as that in which it has found itself. I make no complaint whatever about that; I have myself not intervened in any of the discussions of what have been described rightly or wrongly as communal issues, and I do not propose to say anything on that point. In spite, however, of this prolonged debate and in spite of the rather formidable appearance of our Bill,—I must admit it came to me as a bit of surprise when I received it from the printer,—not a very great deal, I think, has been said in the last fortnight against the principles to which I personally attach great importance.

It has been a pleasure to me, although I knew his views more or less beforehand, that my Honourable friend, the Vice Chancellor of Aligarh University, has in no unhesitating way expressed his general approval of the three years' degree course. Other gentlemen have done the same. I was also interested to hear him say that to carry out the scheme we have in hand in connection with the re-organization of Delhi University he appreciated that a whole time Vice Chancellor might well be necessary. I do, however, in that connection wish to assure, if I may, my Honourable friend, Mr. Navalrai, that certainly I have no one in mind as a successor to the present Vice Chancellor; it may not even be necessary to employ the powers which we thought it was desirable to incorporate in the Bill. Those are two of the items of the Bill which I quite agree were very important.

But I have to refer yet once more to a subject on which the House must be getting very weary of my voice, and that is the question of co-operation between the University and the colleges to raise the standard of teaching and

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the standard of scholarship all round. The main aim of the re-organization scheme has been to improve the status of the colleges and to increase their weight in the scholarly and teaching activities of the University. There have been complaints in the past into which I do not propose to enter. There is no doubt—as in most complaints there is—something to be said on both sides; it has been said with regard to the colleges, to put it very briefly, that they or some of them have not paid salaries or offered conditions of service which attracted the sort of teachers who could be satisfactorily employed as readers or even teachers of the University. The colleges, or some of them, have retaliated with what I know from my personal experience is a good deal of justice, that in fact the University has been dominated by one or two colleges and that they themselves did not get either a fair weight in the Councils of the University or a fair share of the higher teaching posts. As I say, I do not propose in the least to attempt to analyse the justice of either of those complaints, I only wish, in appealing to the Members of this House and to the wider public outside for a fair trial for this experiment, to point out that we have already done a good deal to enable the colleges and the University to co-operate more fully than has been practicable in the past. Agreed scales of salaries, which I think compare favourably with those obtaining in other Universities and institutions of higher learning, have now been introduced in the colleges and in the University, together with such conditions of service as will ensure reasonable security of tenure for all teachers, and so we hope that that will enable the colleges to employ teachers who again in their turn will be not only recognized by the University but will be regarded by the University as eligible for its higher teaching appointments. That is perhaps an optimistic view, but to a certain extent it is based on what has already been done and what it was within the competence of the University to do, with the increased financial assistance which was placed at its disposal, and what I hope the colleges will also do if they are, as I hope, prepared to co-operate in this scheme.

I do not want to traverse what I have said previously or to delay this House a minute longer than it is necessary. But one argument which perhaps concerned me more than any other argument which has been brought against the main educational principles of this scheme, has been the apprehension which has been expressed as to whether this scheme is going to be operated in a manner which is going to make the University better than it used to be. My Honourable friend, the Deputy Leader of the Muslim League,—I do not pretend to quote him verbatim but I understood him to say that he has never put much faith in this scheme and he expected to think less of it in future. That is a view to which he is perfectly entitled, but I hope that with the changes which we are introducing and with the co-operation of the colleges we shall be able to make this University a model in one sense at any rate. By 'model', I do not mean that it will be perfect—educational institutions are never perfect, and probably Universities least of all institutions—but, at any rate, it will be an institution which people will come from other parts of this country to see and, I hope, from outside.

Among other apprehensions—and I have to admit that they are valid—is the one that we are taking a plunge which will take us out of the same stream as the other Universities of this country by introducing a three years' course while they still adhere to the two years' intermediate and two years' degree course. There again, I am on the side of optimists, and while appreciating the difficulties, I can only hope that if and when this House has put us in a position and put the University in a position to approach other Universities on this particular subject, our proposals receive that consideration which I think they are entitled to receive in view of the general attitude which all the Universities of this country have, I believe, unanimously taken up towards the particular principle which the University of Delhi is now seeking to implement. There may be difficulties—I fully appreciate there are difficulties. If we cannot secure the consent of the Universities, I admit that a very serious position will arise, but until that unfortunate event has occurred, I am going to pin my faith on the good sense and the intelligence of the bodies of this country, which

control Universities. But they are entitled to ask certain things; they are entitled to ask for our Act and Statutes; they are entitled to ask whether in fact our standards are being raised in Delhi to an extent which will justify their treating a student who is admitted to the first year of the three years' course in Delhi as equivalent in standard to the young men who enter the second year of their intermediate course, and *vice versa*. That is a matter on which we have to satisfy the Universities and I am optimistic enough to think that we shall be able to do it.

There is one other apprehension which has been expressed on a good many occasions, namely, that this is a hasty and ill-considered measure. I won't refer at all to the circumstances under which it was introduced into this House, but again I may say with regard to its general educational principles that a very critical examination of those—as some Members of this House know—by prominent educationists in the various bodies of the University has been going on for some three years past, and I think that after all the discussions and the final measure of agreement which was reached, it must have been rather a surprise to them—I confess it was to me—to find that this measure raised so much opposition at this stage.

There is one other matter I wish to say a word on, and that is the question of finance. It may come as a shock to the Honourable the Finance Member to learn that I have been brought up with a strict sense of financial propriety in all public affairs and I do want, if possible, to clarify a particular issue to which my Honourable friend, the Deputy Leader of the Muslim League, has referred more than once. He has suggested that we have adopted a minimum standard in considering the staff of the colleges because I, in fact, had less money to distribute than I anticipated when we addressed the letter to the colleges in 1932. I want to be fair to the Honourable the Finance Member and the Standing Finance Committee when I say that that is not so. But certain factors have arisen since then. When we got the estimates from the colleges—and I do not blame them in the very least—their other expenditure had risen in some cases in quite an alarming manner owing mainly to increased prices. We were also faced with the problem of preparatory classes in which we did not know how many students there would be because we did not know how many high schools would be ready to undertake the 11th class this year. We did not know what would be done in regard to co-operative teaching at that time and to what extent the University would be able to relieve colleges of certain duties. The consequence was that I suggested—and I do not think there was any serious objection from the financial representatives of the colleges—the higher limit of 20 students to one teacher should be taken for the purpose of calculation. With this went the two undertakings to which I referred to the other day, firstly that there was no desire to bring down the staff of teachers, and further that as soon as the preparatory classes were extinguished and the colleges had attained their normal size, the whole matter would receive reconsideration. That, Sir, was not merely given as an undertaking from me, which might be regarded with suspicion; it was incorporated in a letter sent to the colleges through the Chief Commissioner in June of this year in which I said—it was my own letter:

"The method outlined in Appendix II for determining the grant admissible to the colleges would be reviewed if necessary when the preparatory classes disappeared and the colleges attained their normal size."

I think the people who are responsible for spending money will hardly feel that I have been unnecessarily niggardly in distributing the sums at our disposal, or that the representatives of the colleges have been unreasonable in the way that they received my suggestion to wait and see what the first year's experience would produce.

I attach a great deal of importance to this financial issue and I do so for a reason which was touched on by my friend, Mr. Lalchand Navalrai this morning when he reiterated his surprise that at a time like this Government should have

[Mr. J. P. Sargent.]

thought fit to provide a substantial sum of money for educational development, particularly as he pointed out with the knowledge that we were not at the end of this development and that more money would be required. I know that and I do not seriously differ from the calculation which my Honourable friend the Deputy Leader of the Muslim League has put forward. If we are to carry this through, I should imagine that the sum to which he referred may well be required. With regard to that, however, we shall have to depend on the future state of Government's finances.

But I do feel a very considerable responsibility myself because I have backed this scheme. Members know that there is not a great deal of money available in this country for education. I have done what I could since I came to this country to envisage the problems of education in those areas for which the Central Government is responsible, or those institutions in which the Central Government has an interest and to try and form some idea as to how the money available or likely to be available could be best distributed in the public interest. Now, Sir, that is not an easy thing to do when the needs are so great and the money is so small. I have been rather made fun of by my friends opposite, because when I made my maiden speech I ventured to say that in Delhi we had adopted the principle of building from the roof. That has been brought up against me as being a stupid thing to do. What I meant to make clear was this. Anybody setting out to reconstruct an educational system would normally begin from the kindergarten and primary schools, and having established them would go on to the secondary and high schools and then provide the roof, or attic, or top storey in the form of university and higher technical education. That is the procedure that I advocated in the other centrally administered areas and the procedure which I should have advocated under normal conditions in Delhi. But for certain reasons which I explained to the House conditions were not normal. It is a fact that a crisis had been reached in the Delhi University, that a number of us felt that the three years' scheme was a good thing which could be introduced in that University, that the need for reorganising the high schools was urgent and that here we might set an example which might create interest, if not emulation or imitation, in the higher ranges of education while we were trying to do something in the lower stages in the other centrally administered areas. That is what I meant when I said that we proposed to start building from the roof. But I did not mean to suggest any kind of Heath-Robinson structure.

I am advised by my architect friends that it is by no means impracticable or even unusual to start nowadays constructing a building from the roof. If we do that however it requires more careful planning and more careful instruction.

Nawabzada Muhammad Liaquat Ali Khan (Rohilkund and Kuniaon Divisions: Muhammadan, Rural): It must have been a P. W. D. engineer who gave you this advice.

Mr. J. P. Sargent: From that point of view I want to make the House realise that I have a very special responsibility in having suggested to my Honourable Member and through him to the Honourable the Finance Member and the Standing Finance Committee that a very considerable sum of money should be sunk in this experiment. I only say that because my responsibility is there and I give it as a proof that in so far as in me lies, and I have been credited with almost super-human powers during this debate, I shall endeavour to see that this thing is carried through and made a success of.

But, Sir, I realise as clearly as anybody else that if this is to be carried through, there must be goodwill. In spite of the Government subsidy, I defy the Vice-Chancellor of the University or myself or any of our supporters to impose a complicated piece of educational Mechanism like this reorganization of the University of Delhi against constant and large opposition from people who have the same place and interest in the University as we have. If this is worth doing, then I plead that it should be done with goodwill. Nothing could

be fairer, I think than most of the speeches to which I have listened here. In fact that there did appear to be a general disposition on the part of Members who opposed this measure to say that if it was put through, they hoped it would be given a fair trial and that they would not be disappointed if it was a success. My attitude is very much the same, and any support which we can lend to the University in making this successful we shall do it.

My Honourable friend, Sir Muhammad Yamin Khan, reminded me that a large number of things which I thought confidential in my office was well known outside. He will not mind my saying that a considerable number of reports of what has been said in the conclaves of his Party and other Parties opposing this Bill has penetrated to my office. Whether they are accurate is neither here nor there but they are penetrating also about the city of Delhi and it is being said that Government is not in earnest, that Government is already on the run, or if not on the run here and now they will be made to run somewhere else. The result is that the students are hardly in that atmosphere of assurance as to their future, which is desirable, if an important change is to be brought into operation. However I do hope if and when we have passed this Bill through all the appropriate stages and every opportunity of criticism and opposition has been exhausted, we shall have time given to us to see whether it can be implemented. It does not matter and I do not care a bit whether anybody hurts the Government of India but I am concerned that the University should not be hurt or the students for whose benefit that University exists. We have been given a fair hearing, and as my Honourable friend and I have said more than once, we shall bear in mind what has been said, and we shall see in what way, without sacrificing this Bill,—the legitimate points which have been raised can be met. If people will take my word for it, I hope that we shall be inaugurating an era of increased prosperity in the University of Delhi by means of this Bill.

Nawabzada Muhammad Liaquat Ali Khan: Mr. Chairman, the tenacity which the Government have shown in getting this measure through was worthy of a better cause. The House will recollect that in the last Session, when this Bill was introduced and when the motion for circulation was under discussion, there was practically unanimous opinion of the non-official Members of this House that the Bill should be circulated for eliciting opinion. The Government took up a stubborn and unreasonable attitude and turned down that proposal; and as I stated then—and I repeat it now—we believe that that attitude of the Government in flouting practically the unanimous opinion of the non-official Members of this House was due to the fact that they were sure of victory on account of the official votes which they have at their disposal. Sir, reference has been made to the withdrawal of the members of our Party from the Select Committee. In the absence of the Congress, which was the largest party in this House, a great responsibility has fallen on the shoulders of the Muslim League. It being at present the largest Party which is functioning inside the Assembly, it is its duty to protest against any action of the Government which is meant to ignore and flout the opinion of the non-official Members and it was as a mark of protest that we had refused to lend our support to the Government in the deliberations of the Select Committee. Nothing has happened since which can show that the attitude which we had adopted on that occasion was not fully justified.

My Honourable friend the Educational Adviser has appealed for goodwill. Let me tell him that when we moved the motion for circulation and when we again in this Session asked for circulation it was for no other purpose than to secure the goodwill of all the interests which are closely bound up with the success of this scheme which you are introducing. If the University fails to secure that goodwill, without which I entirely agree that this new experiment can never be a success, it will be due entirely to the attitude, the unreasonable and stubborn attitude of the Government and not to any action of the non-official Members of this House.

[Nawabzada Muhammad Liaquat Ali Khan.]

My Honourable friend, Mr. Tyson, while taking part in the debate on the 4th of August, when I had put forward the position as it existed in the University today with regard to the admission of students in the various colleges stated:

"Parents want to be careful; they do not want to take the risk; and in this particular case I am bound to say that those who have had their misgivings about the whole scheme have certainly not been shy of giving publicity to them, and one cannot wonder therefore if parents have at the outset been a little nervous."

I cannot, Mr. Chairman, allow this insinuation to go unchallenged. If there is nervousness amongst the parents it is not due to the fact that we have done our duty in this House. It is due to the fact that the Government have adopted an attitude which is most unreasonable and that in reality is the main cause of the nervousness which exists among parents and guardians. What did my Honourable friend expect the non-official members of this House to do—to sit here and say 'Aye' to whatever he put before this Honourable House? It was our duty, when the Government deprived this House of obtaining independent opinion on this measure, it became the duty of the non-official Members of this House to examine that Bill in detail; and if we had not done that, we would have failed in our sacred duty which we have taken upon ourselves. The nervousness that exists and which has been recognised and the great fall which has taken place in the number of students who have sought admission this year to the University is not due to what we have done. It is due entirely to what the Government have done with regard to this matter; and the last speech of my Honourable friend the Educational Adviser is a further proof, if any proof was needed, of the indecent haste with which the Government have gone on with this measure. He himself stated, referring to the proportion of students to teachers, that when in April 1942 the Government drew up the scheme, they were not in possession of so many facts which emerged afterwards. Now, I ask him, was it right for the Government to have embarked on such an important measure without collecting and getting all the facts about the success of this scheme? It is no use his coming forward now and telling us that he himself in June last—that is more than a year after they had put forward their proposals—suggested that the number should be raised to 20. Is that any argument I ask my Honourable friend? I have stated before, and I repeat it again, that as far as the question of a three-years degree course is concerned, we have not opposed it; and my Honourable friend knows that my personal attitude from the very beginning on this point has been very sympathetic. If he will take his mind back to the conference which was held at the house of Mr. N. R. Sarker who was the then Education Member, he will remember that I was one of those few who supported his three years scheme at that conference. It is not that we did not want to try this experiment. Our position throughout has been that it is a revolutionary change in the educational system of this country: it is a change which cannot be successful unless you have the co-operation and goodwill of all the other Universities in India. But our advice has not been heeded, and if the Government had not shown this excess of impatience, I can assure him that they would have got greater support, greater goodwill, and greater co-operation from every section for the success of this scheme.

My Honourable friend, the Education Secretary, referred to certain amendments that have been made in the Bill when we were considering it clause by clause. I can say without any fear of contradiction that there is not a single material amendment which has been accepted by the Government. The Bill to-day as it is placed before this Honourable House for final reading is practically, materially and for all purposes in the same form as it was when it was introduced in the last Session. The disregard that the Government have shown for the opinion of even those who are closely connected with the University of Delhi, not only closely connected but who are the

University of Delhi, is really deplorable. My Honourable friend, Mr. Tyson, while speaking on the motion for circulation in the last Session, stated that they were going to get the opinion of the University of Delhi which would be placed before the Select Committee. The University of Delhi is another name for the Executive Council, the Academic Council and the Court. Jointly they constitute the University of Delhi. The opinion was sought, opinion was given and it was placed before the Select Committee. But I state here categorically that not a single suggestion of either the Academic Council or the Executive Council or of the Court has been accepted by the Government.

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

So what was the use of asking for the opinion of the Delhi University? My Honourable friend, Mr. Tyson, stated that they had received the opinion of the Vice Chancellor of the University of Delhi also. But I do not know why a copy of that opinion was not supplied to us just as he had been kind enough to supply us with copies of the opinion of the Executive Council, the Academic Council and the Court. He said that the Vice Chancellor of the University of Delhi does not agree with the opinion of these bodies with whom he has to work if the scheme is to be successful. I do not know what has been the reason for that. Here I would like to clear up one misunderstanding. I think it was stated by some Members that the object of this Bill was to provide certain remuneration for the present Vice Chancellor. In fairness to Sir Maurice Gwyer I must say that he has himself, as was told by the Education Secretary to this House, declined to receive any salary as long as he is the Vice Chancellor. So, I think Honourable Members who have any such suspicion in their mind should not harbour it any longer. As a matter of fact, I would go so far as to say that I could have understood the attitude of the Government, if the present Vice Chancellor had said that he could not carry on unless he got a salary for doing this work, and as he has been associated with the University for the last four years and as the scheme has been introduced and has been devised during his regime, his presence for some time at least to come would have been essential. But that is not so. He does not want any salary. Therefore, as far as that goes, even that justification is not there.

The Bill as it is before this House does make a very fundamental and revolutionary change not only in the system of education but in the whole administration of the University of Delhi. It does place all the power in the hands of the members of the Executive Council and deprives the Court that was more or less the supreme authority in the University so far, of any power that it might have had in the past. This to my mind is not a very good change. To place power in the hands of a few is always a very dangerous proposition. There is a greater chance of that power being abused than if that power rested with a larger body composed of varied interests whose deliberations were open to the public and whose decisions could be challenged. Therefore, Sir, for my Honourable friend to say that in this Bill they really wanted only a very few minor changes apart from the three years degree course is not putting the position very fairly before this Honourable House.

My Honourable friend says that the idea of this Bill was not to overhaul the entire University and that this Bill is not intended to make the University of Delhi a model university. Well, Sir, I must say that this has come as news to us. Throughout the discussions, throughout this debate during the last so many days, it has been stated more than once that the object of the Government was to make this University a model university.

Mr. J. D. Tyson: So it is.

Nawabzada Muhammad Liaquat Ali Khan: Then why did my Honourable friend say that the idea under this Bill is not to make it a model university?

Mr. J. D. Tyson: I said that we would not make it, by means of this Bill and this Bill alone, into a model university.

Nawabzada Muhammad Liaquat Ali Khan: When the Government are embarking on this big scheme that involves a very heavy expenditure, I want to know if it is right for the Government to come forward with a proposal which is not likely to make the University later on into a model university. I do not quite understand what my Honourable friend means. If the object of all this expenditure is not to make the University into a model university, if the object of this three years degree course is not to make the university into a model university, if all the conditions that are laid down in this legislation to improve the University are not to make it into a model university, then I fail to understand what is the object of this Bill and what is the purpose of these large sums of money which are to be spent on this new scheme which the Government are introducing. The only justification that the Government could find for financing this big scheme would be that they intended to make this into a model university, and that it could only be done if they could make some very drastic changes in the present constitution. And my Honourable friend tells me that this Bill does not make any drastic changes in the present constitution of the University.

Mr. J. D. Tyson: I did not say that.

Nawabzada Muhammad Liaquat Ali Khan: . . . and that this Bill will not make it into a model university. Anyhow, my Honourable friend says that he did not say that. I hope he will be good enough to explain, when he gets up to speak later on as to what he means and what is the position of this particular legislation. Is it intended to make this University into a model university, or is it not? That is the point that I hope my Honourable friend will make clear.

Then, my Honourable friend has given an argument as to why they considered it necessary to bring before this Honourable House all these 35 statutes that are attached as schedule to this Bill. As I stated last time, Mr. President,

4 P.M. this could have been easily done by the Court. Would it not have been better to work out the details through the Court, which is the body more directly concerned with the University than the Legislative Assembly, and frame the necessary statutes? Why was it considered necessary to come to this Assembly for the revision or amendment or repeal of any of the statutes that were added as part of the Act of 1922. We suspect that you came forward before this House because you were not sure of carrying this through the Court of the Delhi University and you were certain that on account of the absence of the Congress Party you will have a majority here and carry through anything. This fact alone does not show that my Honourable friend the Educational Adviser desires the goodwill of those authorities that are to work this scheme which is embodied in this Bill. If they wanted the goodwill of that authority, if they wanted the goodwill of the Court and of the Executive Council and the Academic Council, they should have gone to them to frame the statutes and frame them in such a way as would be in the best interests of the University and would receive the greatest co-operation from these various authorities of the University. Now, what is the use of my Honourable friend appealing for goodwill when he himself (by 'he himself' I mean those who are responsible for this Bill) has shown great lack of goodwill or co-operation with the people who are directly concerned with the administration of the University.

Sir, a great deal has been said regarding what my Honourable friends are pleased to call the communal amendments that were moved by the Muslim League Party. Indeed, Mr. President, it is a matter for very careful consideration as to what is national and what is communal. Is it national to hand over an institution to one community or is it national that all the various communities in this country should have an adequate share in the administration of a particular institution? My Honourable friends talk of communalism. I make bold to say that the University of Delhi would have been less communal in its composition if they had accepted our amendments and it is indeed the acme of hypocrisy that a Government whose composition, whose existence is based on communalism and racialism should come forward and decry communalism.

What is the composition of this Government? There are two Honourable Members who belong to the Service. I shall say nothing about them but take the eleven non-official members who are supposed to represent the people of the country in that Government. Can my Honourable friend Sir Edward Benthall say that he is not there to represent the European interests in this country? Can my friend Sir Jogendra Singh say that he is not there to represent the Sikh interest and can my Honourable friend, Sir Sultan Ahmed, Leader of the House, stand up and say that he is not there to represent the Muslim interest? What is the use of trying to come forward with such slogans and such tall talk of not introducing communalism in the University? Your life breath is communalism. You exist on communalism. The real reason was that you wanted to deprive the Mussalmans of their right, and of what is their due. During the debate, we showed by facts and figures as to what was the position of the Mussalmans in this University. We showed by concrete examples that injustice had been done to the Mussalmans in the past and our case was so conclusively proved that my Honourable friend Mr. Tyson had to admit that our grievance was genuine and legitimate, that he deplored the existing conditions in the University. Let me read out for the benefit of the Honourable Member of this House a few passages from the speeches of my Honourable friend Mr. Tyson when we had moved amendments about the representation of the Mussalmans on the various committees of the University. My Honourable friend brushed it aside by saying: Well, yes, it is true it existed in the Dacca University but the conditions were different there. I fail to see why were the conditions different there. He quoted from the Report of the Sadler Commission in justification of his attitude and of the attitude of the Government. He said that it is stated in the Sadler Commission Report that "there is a strong disposition which is now moving the Mussalmans of Bengal and especially those who live in the Eastern part of the presidency to avail themselves more fully than hitherto of the opportunities afforded by modern education". Don't the Mussalmans of Delhi want modern education? Are they not actuated by the same feelings? Is it not the same desire that exists among the Mussalmans of Bengal that they should benefit from this modern education? This was the only quotation which he made from that report refuting our claim for giving representation to the Mussalmans in the University of Delhi and justifying that what was embodied in the University of Dacca was done so under peculiar circumstances. I do not know what are those peculiar circumstances. The circumstances that exist in Delhi are the same as anywhere else.

Then, Sir, my Honourable friend admitted the justice of our claim and he stated:

"I do not for a moment suggest that the Muslims have not got some legitimate grievances against the University or against some of the electing bodies of the University on account of the paucity of Muslims who have been returned by the elective bodies. I do not think they can have any complaint as regards the nominated element. But certainly the university has from that point of view made a poor show on the elected side."

Then, later on, my Honourable friend on another occasion stated:

"I have been asked whether I am satisfied with the state of affairs disclosed in the composition of the Faculties of the University as read out to the House by my friend the Deputy Leader of the Muslim League Party. No, I am not satisfied. I think the composition is in respects deplorable."

The Government recognised that the composition is deplorable. And what is the sop that they give to the Mussalmans? My Honourable friend comes forward with two proposals to which he referred this morning. One was that the number of persons to be nominated by the Chancellor should be increased from 15 to 25, and out of this increased number the Mussalmans might get a few seats. The other proposal was that the number of persons to be elected by the Associations, who will be recognised by the Chancellor on the recommendation of the Court, should be increased from 8 to 12. So, he expects that out of these 4 extra members, there may be some Muslim Associations who might be authorised to return some members. This is all that my Honourable friend has done to remove this deplorable condition which exists in the University of Delhi. Does my Honourable friend think that the Mussalmans are so devoid of sense and intelligence that they do not understand that there is nothing substantial in

[Nawabzada Muhamamad Liaquat Ali Khan.]

what the Government are supposed to have given them? The position is exactly the same as it was before these amendments were moved. My Honourable friend himself has admitted that now, in fact, the Executive Council will be the body in the University. It will, indeed, be the body of the University which will exercise practically all the powers. I want to know what representation he has given to the Mussalmans in the Executive Council. None. Let me tell the Government that the time has past when the Mussalmans could be satisfied with lollypops. These amendments are in the nature of lollypops that you give to children. We are not satisfied and our resentment against your attitude with regard to this matter is as strong as it ever was. And it is, indeed, a matter of great regret that this Government, which always poses as the Government that looks after and protects the interests of the minorities in this country, should have been responsible for depriving the Mussalmans of what is their legitimate and due share. And what is more—and I think it is more deplorable than anything else—there has not been a single division in this House on which the Government have won with the majority of elected votes. I say it was absolutely wrong to use your official votes to deprive the Mussalmans of their due rights. These official votes were never meant to cut the throat of one community and shower favours on the other community. It is, indeed, a matter of great regret. Personally, I am not sorry. There are still some Mussalmans who believe in the sense of justice and fair-play of the British Government. This should be an eye-opener to them. They should realise that they cannot get what is their due in this country without creating inherent strength amongst themselves. I am not sorry and I assure you I have no bitterness because you have turned down our demands. It has only convinced us more than ever in our belief that we shall never get what is our right in this country unless we have inherent strength in our own selves. It is no use depending on anybody and, especially, on broken reeds like the Government of India.

My Honourable friend Mr. Tyson and Mr. Sargent have, I must say, shown great patience and courtesy throughout the debate. Hard things have been said and they are bound to be said. We do not sit in this House just to pay compliments to each other. We are here to speak out frankly and openly our minds. But I assure them that we greatly appreciate their courtesy which they showed to us throughout. And whatever I have said is not meant against any individual as such. It was unfortunate for my Honourable friends, the John Brothers, that they on this occasion were entrusted with the task of defending the indefensible Bill of the Government of India. They have all my sympathy and I assure them that we have no bitterness on this side of the House. The debate has been long; it was bound to be long; it could not be helped. But there is no bitterness; we part today and we will meet again in the future tomorrow. The fight will continue till we get what is our due. I cannot give my support to this Bill but I give my blessings to my Honourable friend, the Educational Adviser.

Mr. J. D. Tyson: Sir, the debate to which we have listened today has consisted mainly of statements by Honourable Members of the House of their point of view on the Bill generally and even on the future of the University of Delhi and has not called, I think, and was not intended to provoke any detailed reply or comment from me; and I therefore propose, as I feel we have really had enough of this Bill in this House, to be very brief. There are only two points that I would like to take up in the speech of my Honourable friend, the Deputy Leader of the Muslim League Party, who has just spoken. The first of them is to clear up any misunderstanding that there may be about what we have said about a model University in Delhi. We do hope that Delhi will have a model University and we do intend to facilitate that taking place, but we did not claim and we do not claim to complete the process by this particular Bill although the Bill itself is directed to that end and was introduced for certain limited purposes directed to that end. Our Bill, therefore, was directed towards that end, but we are very far from claiming that by a Bill introduced for these very limited purposes we are completing the process.

Now, Sir, the other matter to which I want to refer is the suggestion that after we had undertaken on the second reading of the Bill to refer the Bill to the Delhi University for opinion and to place the opinion before the Select Committee, we paid no attention whatsoever to the opinions received from the Delhi University and did not adopt them. We did not adopt them all. I can say that at once. But first of all it must be understood that the bodies of the Delhi University to whom this Bill was referred adopted our Bill to a very great extent and blessed it. Let me clear the way first by saying that the Court of the Delhi University did object to all the proposals in the Bill—they were not many; I can only think of one at the moment,—for taking away the power at present residing with the Court and transferring that power to the Executive Council. They objected to that and we thought they would object. The Executive Council did not object. The Executive Council welcomed it, but the Court did object. But in objecting, the Court said that if the Select Committee does not accept our view that this power of recognition and taking away recognition should remain with the Court, well then, we are content to take the view of the Executive Council and of the Academic Council and we would put that view forward to the Select Committee. That was the attitude of the Court and I think that in most matters, they agreed with the Executive Council and the Academic Council. Now, Sir, on the Bill as a whole, the Executive Council and the Academic Council sitting together said “they have given the most careful consideration to the provisions of the Bill and, except in the cases noted below, they are in favour of the changes about the Acts and Statutes which the Bill seeks to make”: and in particular, of course, they blessed the three years degree course. Of the particular cases that they “noted below”—I shall be as brief as possible—the first one was the appointment of a whole-time Vice-Chancellor. They said that except in very special circumstances, the appointment of a whole time Vice-Chancellor may not be necessary, but that it will perhaps be desirable to make a provision in the Act for such appointment, particularly in view of the fact that a unique educational experiment has now been undertaken in Delhi by the University in co-operation with the Government of India. They then made suggestions as to how such a Vice Chancellor should be appointed, which may be summarised in their own words, that “instead of recommending a single name as has been the practice in the past, the Executive Council should submit a panel of three names to the Chancellor for the appointment of a Vice Chancellor, the names to be selected by plural cumulative voting, if voting is at all necessary.” So, Sir, they gave their blessing to the idea, and as regards selection they made a suggestion which is not very different from the suggestion which is now in the Bill. Secondly as regards recognition of Colleges and withdrawal of recognition,—this was not liked by the Court, but it was approved by the Academic Council and by the Executive Council, save that they wanted a two-thirds majority. We have not been able to accept a two-thirds majority for taking away recognition, and there is that difference between us and them on that point. For the constitution of the Executive Council, they agreed that there ought to be a provision for the representation of Professors and for increasing the representation of women. They did not like the method we proposed in either case, but they thought that what we were aiming at was good. For the constitution of the Committee of Selection they made a most helpful suggestion which we have adopted in the Bill practically in its entirety. The last point—it is not so important—is about the disciplinary powers of the Vice Chancellor. They entirely agreed that the words “in accordance with this Act, Statutes and Ordinances” should be omitted. They made certain suggestions about the disciplinary powers of College Principals which we adopted and embodied in the Bill. So, Sir, it cannot really be said that we paid no attention to the opinions of the various bodies in the University when we had sent the Bill to them and received their opinions.

We have been told, Sir, that in all the Divisions that have taken place in this House, our friends opposite polled the votes of a majority of the elected Members of the House and we have been told also that the victory was shared

[Mr. J. D. Tyson.]

and that there had been moral victories on one side or the other; I do not want to pursue that matter and enquire whether the majority was a two-thirds majority or where the moral victory rests. I am content, Sir, that my Honourable friends opposite should feel that their labours have not been entirely in vain, and I fully agree that if patience and forbearance and good temper have been displayed throughout a very long-drawn-out debate, they have been displayed equally in all quarters of the House. We have had much constructive criticism and help and I hope that we have produced by our united efforts a Bill which, if now adopted, and adopted in another place, will be of great and lasting benefit to the cause which I think every Party and every person in this House has very much at heart.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That the Bill, as amended, be passed."

The motion was adopted.

THE PUBLIC DEBT (CENTRAL GOVERNMENT) BILL.

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

"That the Bill to consolidate and amend the law relating to Government securities issued by the Central Government and to the management by the Reserve Bank of India of the public debt of the Central Government be circulated for the purpose of eliciting opinion thereon."

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): By what date? No date is mentioned.

The Honourable Sir Jeremy Raisman: There is no date in the motion placed on the list of business against my name, and I understand that it is not necessary to specify a date in a motion of this kind.

Dr. P. N. Banerjee: Will you not give us some idea?

The Honourable Sir Jeremy Raisman: I am afraid I am not yet in a position to say at what stage we shall proceed with the Bill after opinions have been received, but our object would be to collect opinions within the course of the next two or three months.

Sir, the purpose of this legislation is explained at some length in the Statement of Objects and Reasons, and I do not think the House would desire me to recapitulate the explanation which is there given. Broadly, the main necessity for this legislation arises from the fact that until recently most of the Government obligations in India have been held in the form of promissory notes which are ordinary negotiable instruments and the main provisions of the law relating to them take the form of an extension or modification of the ordinary law relating to negotiable instruments. The position now is that in India as in other countries public debt tends to be held to an increasing extent in the more modern form of stock certificates which are certificates of registration of title of these securities with the public debt authority, with the Reserve Bank. This fact makes a good deal of our legislation on the subject of public debt inapposite and inadequate and it has become necessary to amend the law on the subject. It also results from the constitutional change which has taken place since the present Act, the Indian Securities Act of 1920, was passed, that any legislation passed by this House can relate only to central public debt, to the obligations of the Central Government, whereas the existing legislation also covered provincial loans. We have therefore now to bring our amendments together and to bring together in one place in a single central Act all the provisions which we desire to regulate our own public debt; and that is the purpose of this measure. It is rightly described as a consolidating and amending Bill. We realise that the changes which are to be made should be carefully examined by all interests concerned and should be before the country for a sufficient time to enable Government to take note of any difficulties which may be felt or of any views which may be expressed on the probable effects. For this reason, Sir, I am making a motion of circulation in order to elicit public opinion.

I do not think, Sir, at this stage of a long and protracted Session the House would want me to go into any greater detail, particularly in view of the fact that the motion is one for circulation.

Sir, I move.

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

"That the Bill to consolidate and amend the law relating to Government securities issued by the Central Government and to the management by the Reserve Bank of India of the public debt of the Central Government be circulated for the purpose of eliciting opinion thereon."

Dr. P. N. Banerjee: Sir, may I ask a question? What is the legal position with regard to the debts of the Provincial Governments which are sought to be dealt with in this Bill? Will it be necessary for the Provincial Legislatures to pass Resolutions in order to enable the Central Legislature to enact legislation?

The Honourable Sir Jeremy Raisman: As I understand the matter, the Indian Securities Act of 1920 will continue to regulate provincial securities but will cease, on the enactment of this measure, to apply to Central Government securities to which this Act applies. If any Provincial Government should find it necessary to amend the provisions in so far as they affect its own securities, it will of course promote its own legislation.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Sir, I want to draw attention to clause 9 which mentions succession certificates. A period of six months is given to produce a succession certificate to the bank, but very often objections are raised by other parties and more time is taken. I submit that this period is insufficient and should be raised to one year. Then under clause 10 securities belonging to minors and insane persons may be vested by the bank on any one it thinks proper as representing the minor or insane person. I think some adequate safeguard should be made before the bank makes such a decision. Then in sub-clause (3) of clause 14 it is said that when evidence is taken by a Magistrate or officer of the bank, oath should be administered to the witness. Up till now there is no compulsion about taking oath by any Muslim or Hindu; there is only solemn affirmation. I think it should be made clear that no one should be compelled to take the oath.

The Honourable Sir Jeremy Raisman: Sir, the points which my Honourable friend has brought forward are the kind of points which I shall expect to come to notice in the course of circulation, and the House will of course have further opportunities of discussing details of that kind.

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

"That the Bill to consolidate and amend the law relating to Government securities issued by the Central Government and to the management by the Reserve Bank of India of the public debt of the Central Government be circulated for the purpose of eliciting opinion thereon."

The motion was adopted.

The Assembly then adjourned *sine die*.

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