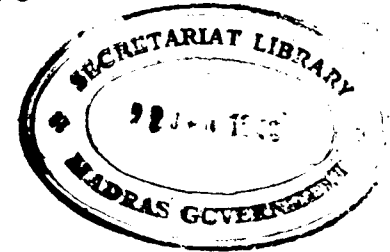


THE  
LEGISLATIVE ASSEMBLY DEBATES  
Official Report

Volume I, 1944

*(7th February to 28th February, 1944)*



TWENTIETH SESSION  
OF THE  
FIFTH LEGISLATIVE ASSEMBLY,  
1944



# LEGISLATIVE ASSEMBLY

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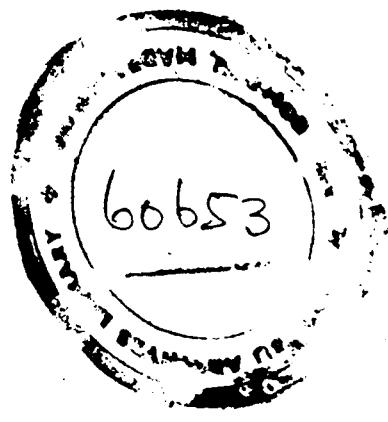
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Mr. GOVIND V. DESHMUKH, M.L.A.

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incidence in Bengal was reported to be increasing in most districts and later in the month he was informed that malaria was widespread in epidemic form in Bengal.

**Mr. Lalchand Navalrai:** May I know approximately from the Honourable Member the quantity of quinine that is in India at present?

**Mr. J. D. Tyson:** I think I must ask for notice of that. It does not really arise out of this question.

**Mr. Lalchand Navalrai:** May I, therefore, know from the Honourable Member if quinine can be imported from outside?

**Mr. J. D. Tyson:** No, Sir. I do not think it can.

**Mr. Lalchand Navalrai:** Then what is the other . . . . .

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

**Mr. Lalchand Navalrai:** I am asking a question. Can the Honourable Member tell me what other medicine can be given instead of quinine in India?

**Mr. J. D. Tyson:** There is a synthetic preparation variously called Mepherine or Atabrine or Atebrin which is being imported and which can be given in place of quinine under medical supervision.

**Maulana Zafar Ali Khan:** May I know from the Honourable Member whether preference is given to Bengal over other provinces in the matter of supplies of quinine?

**Mr. J. D. Tyson:** Yes, Sir.

**Pandit Lakshmi Kanta Maitra:** Does the Government of India get any supplies of quinine from the United Kingdom?

**Mr. J. D. Tyson:** No, Sir.

**Pandit Lakshmi Kanta Maitra:** Did the Government of India make any requisition to the Secretary of State for India for the supply of quinine to India in view of the appalling epidemic of malaria?

**Mr. J. D. Tyson:** I did not catch the last part of the Honourable Member's question, but there was correspondence with His Majesty's Government earlier in the year, before the present outbreak of malaria in Bengal, and at that time it was made clear that India could not expect any quinine from the United Kingdom.

**Dr. P. N. Banerjee:** With regard to (d) is the supply of quinine adequate? We want a definite reply to that question.

**Mr. J. D. Tyson:** I have given an answer to that. "Stocks of quinine in India are adequate in the sense that all immediate requirements can be met if the available stocks are distributed without regard to future needs. . . ."

**Dr. P. N. Banerjee:** Available everywhere? In every part of India?

**Mr. J. D. Tyson:** Will the Honourable Member put his question more plainly?

**Mr. Lalchand Navalrai:** May I know whether Atebrin is being sold at a very high price?

**Mr. President (The Honourable Sir Abdur Rahim):** Mr. Kazmi.

**Qazi Muhammad Ahmad Kazmi:** What are the places where the substitutes of quinine are manufactured and what are the prices of the substitutes as compared with quinine?

**Mr. J. D. Tyson:** The places where the substitutes are being manufactured in bulk are the U.S.A. and the U.K. I could not say, without notice, what the prices are.

#### ENQUIRY INTO CAUSES OF BENGAL FAMINE.

2. \***Sardar Mangal Singh:** Will the Honourable Member for Food please state:

(a) whether the report of the last food debate in this House was sent to His Majesty's Government;

(b) whether any form of enquiry into the causes of Bengal famine was suggested by the Government of India, while submitting the report in question;

(c) what the reactions were of His Majesty's Government and whether any

enquiry into the causes of Bengal famine is contemplated now or in the near future; and

(d) if the answer to part (c) be in the affirmative, the nature of the personnel of the enquiry?

**The Honourable Sir Jwala Prasad Srivastava:** (a), (b), (c) and (d). A report of the last food debate was sent to His Majesty's Government, and the form, terms of reference and time of the enquiry contemplated are under discussion with His Majesty's Government. When a decision has been reached an announcement will be made.

**Sardar Mangal Singh:** Has the Government of India suggested any form of enquiry to His Majesty's Government?

**The Honourable Sir Jwala Prasad Srivastava:** I have already said that the matter is under discussion.

**Sardar Mangal Singh:** Is it under discussion with His Majesty's Government? I want to know whether the Government of India made any definite suggestion about an enquiry.

**The Honourable Sir Jwala Prasad Srivastava:** I am unable to give an answer at the present moment.

**Mr. N. M. Joshi:** Have the Government of India considered the suggestions made by the Members of this Legislature during the last food debate?

**The Honourable Sir Jwala Prasad Srivastava:** What suggestions?

**Mr. N. M. Joshi:** I made several suggestions regarding information to be given about the action taken on the report of the Food Committee and I want to know whether they have been considered.

**The Honourable Sir Jwala Prasad Srivastava:** Every suggestion has been considered and action has been taken where it was possible to do so.

**Mr. N. M. Joshi:** May I ask whether the Government of India propose to publish a report telling us which of the recommendations of the Gregory Committee have been given effect to?

**The Honourable Sir Jwala Prasad Srivastava:** Well, I shall be glad to lay a statement on the table.

**Mr. Govind V. Deshmukh:** Is the Government of India carrying out these suggestions on the basis of these discussions?

**The Honourable Sir Jwala Prasad Srivastava:** I have not said that we have not suggested any inquiry.

**Mr. Govind V. Deshmukh:** What is the suggestion? Is the Government of India carrying on this discussion without suggesting any basis for it? What is the basis?

**The Honourable Sir Jwala Prasad Srivastava:** I do not see how that arises from the question.

**Mr. N. M. Joshi:** May I ask whether the Central Advisory Committee suggested by the Gregory Committee has been appointed. I want to know whether the Government of India have appointed or propose to appoint a Central Advisory Committee.

**The Honourable Sir Jwala Prasad Srivastava:** That does not seem to arise out of the question on the order paper.

#### STARVATION DEATHS IN BENGAL.

3. \***Sardar Mangal Singh:** Will the Honourable Member for Food please state:

(a) the total number of starvation deaths in Bengal during the present famine including those who subsequently died of diseases; and

(b) whether Government are fully satisfied that the figures are correct?

**The Honourable Sir Jwala Prasad Srivastava:** (a) Figures of mortality in Bengal during 1943 are being collected by the Bengal Government, but are not yet complete.

(b) Does not arise.

**Sardar Mangal Singh:** Has the Government of India sent any report about the number of deaths in Bengal to the Secretary of State?

**The Honourable Sir Jwala Prasad Srivastava:** As I have stated we have no definite figures yet.

**Sardar Mangal Singh:** But the Secretary of State made a statement in Parliament that so many deaths have taken place. What was the basis of that statement?

**The Honourable Sir Jwala Prasad Srivastava:** Mortality statistics do not strictly speaking, belong to my Department; they belong to the Medical and Public Health Department.

**Sardar Mangal Singh:** Who sent this report to His Majesty's Government? Did you send it or was it sent by the Bengal Government?

**The Honourable Sir Jwala Prasad Srivastava:** I am unable to say with notice; but I can inform the Honourable Member that we do not know the figures given by the Secretary of State were arrived at.

**An Honourable Member:** Probably some American correspondent must have sent them.

**Pandit Lakshmi Kanta Maitra:** May I know if the Central Government regularly received from time to time figures of deaths from starvation and disease from the month of July last? Have they got regular periodical reports from the Government of Bengal?

**The Honourable Sir Jwala Prasad Srivastava:** As I have stated, the reports we received from the Bengal Government were very inaccurate; they have themselves admitted them to be wrong. That is why we have no reliable figures.

**Pandit Lakshmi Kanta Maitra:** I wanted to know whether the Government of India had been in receipt regularly of such reports from the Bengal Government.

**The Honourable Sir Jwala Prasad Srivastava:** I do not know whether we have received regularly but I made inquiries and the figures which were supplied to me appeared to me entirely wrong.

**Dr. Sir Zia Uddin Ahmad:** Is it not a fact that as regards these figures the Secretary of State is better informed than the Government of India?

**The Honourable Sir Jwala Prasad Srivastava:** The Honourable Member may draw what inference he likes.

**Sir Muhammad Yamin Khan:** What is the basis for the Honourable Member saying that the figures supplied by the Bengal Government have been found to be inaccurate? How did he come to know that they were incorrect?

**The Honourable Sir Jwala Prasad Srivastava:** They have themselves admitted it; they themselves say that the figures supplied are not reliable.

**An Honourable Member:** Have they given any reliable figures at all?

**The Honourable Sir Jwala Prasad Srivastava:** Not they are collecting reliable figures which they will give us this month some time, they say.

**Maulana Zafar Ali Khan:** Can the Honourable Member tell us definitely what was the basis for the definite announcement in the House of Commons by the Secretary of State that the number of deaths was one million?

**The Honourable Sir Jwala Prasad Srivastava:** The question had better be addressed to the Secretary of State.

#### "GROW MORE FOOD" CAMPAIGN IN THE PUNJAB.

**4. \*Sardar Mangal Singh:** Will the Secretary for Education, Health and Lands please state:

(a) what measures Government have taken to encourage the "Grow more food" campaign in the Punjab;

(b) how far they have helped the growers of the Punjab to supply material such as coal, iron, cement, etc., on controlled rates to sink more wells; and

(c) how much extra land has been brought under cultivation as a result of "Grow more food" campaign in the Punjab?

**Mr. J. D. Tyson:** (a) By "Government" the Honourable Member presumably means the Central Government. A statement showing the measures

taken by the Government of India in support of the Provincial Government's "Grow More Food" Campaign in the Punjab is laid on the table.

(b) Licences have been issued by the Steel Controller (Civil Supplies) to the Government of the Punjab for about 100 tons of all categories of iron during the first two quarters of 1944 for sinking of tube wells. It is not possible to give statistics of demands for iron and steel received from applicants other than Government Departments as in the vast majority of cases they have been referred to the Deputy Iron and Steel Controller concerned and have been dealt with by him. No other request for the supply of materials for the sinking of wells has been received from the Provincial Government. So far as coal is concerned it is for the Provincial Government to allot such quantities as they deem desirable from the Provincial quota.

(c) About 2 million acres in 1942-43; no figure is available for 1943-44.

#### Statement.

1. The Government of India sanctioned a grant of Rs. 3 lakhs during the current financial year for the extension of cultivation to riverain areas, to the extent of 50,000 acres, by means of a subsidy at an average rate of Rs. 6 per acre for clearance. Of this only 1/3rd is expected to be spent in this year. For 1944-45 Government have sanctioned a subsidy at the same rate for bringing one lakh acres of riverain area under cultivation at a total cost of Rs. 6 lakhs inclusive of this year's saving of Rs. 2 lakhs.

2. The Government of India are assisting the Provincial Government in securing plant and equipment for 120 power operated tubewells for pumping subsoil water into the Lower Chenab Canal along canal banks in areas of high spring level. The project is estimated to bring under cultivation during the *rabi* of 1944-45 and the *kharif* of 1945, 63,000 acres of food crops in a commanded area of 84,000 acres of Crown Waste land.

**Sardar Mangal Singh:** May I know whether any steel has been made available to the Punjab Government to make agricultural implements? The amount of steel which the Honourable Member referred to is for sinking of wells only.

**Mr. J. D. Tyson:** I am afraid the Honourable Member's question related to "material such as coal, iron, cement, etc., at controlled rates to sink more wells", and I have not come prepared to answer his fresh question.

**Mr. Lalchand Navalrai:** May I know if the same materials have been supplied or made available for the other provinces also, including Sind?

**Mr. J. D. Tyson:** That does not arise.

#### INDIANS IN BURMA, MALAYA STATES, ETC.

**5. \*Sardar Mangal Singh:** Will the Honourable Member for Indians Overseas please state:

(a) the total number of Indians, approximately, in Burma, Malaya States and other Eastern Islands;

(b) which neutral power looks after their interests?

(c) how many Indians there are in the Andamans and Nicobar Islands; and

(d) whether it is a fact that the administration of these two islands has been transferred to the "Provisional Government of Free India" at Shonan (Singapore)?

**The Honourable Dr. N. B. Khare:** (a) The total number of Indians in Burma, Malaya and other countries in the Far East under enemy occupation is estimated at 13,25,000 approximately.

(b) The Government of Switzerland looks after the British and Indian interests in Japan, occupied China, French Indo-China and Thailand. The Japanese Government have not so far recognised any neutral power for the other countries under their occupation.

(c) The total population of the Islands in 1941 was 33,768. No information is available about the number of Indians who are now there.

(d) Government have no information.

**Dr. Sir Zia Uddin Ahmad:** With reference to part (a), may I ask whether these 13½ lakhs of Indians in these states are interned or are they treated as free citizens?

**The Honourable Dr. N. B. Khare:** I have no information.

# INDIAN EVACUEES EMPLOYED BY GOVERNMENT OR GIVEN MAINTENANCE ALLOWANCE.

6. \*Sardar Mangal Singh: Will the Honourable Member for Indians Overseas please state:

- how many Indian evacuees have been employed by Government;
- how many Indian evacuees are being given maintenance allowances by Government; and
- the rate of allowance per head for (i) Indian evacuees, and (ii) European British Subject evacuees?

The Honourable Dr. N. B. Khare: (a) Information is being collected and will be laid on the table of the House in due course.

(b) Accurate information is not available at present. The results of the Asiatic British Evacuees Census held in November, December, 1943 are being tabulated and are not yet ready. Provincial authorities who are in administrative charge of the scheme of financial assistance to evacuees have been requested to furnish the necessary figures, and a statement will be laid on the table of the House as soon as information has been collected.

(c) I lay on the table of the House a copy of the Press Communique, dated the 17th August, 1943, indicating the scales of revised allowances sanctioned by the Government of India with effect from the 1st September, 1943. These allowances are payable to all evacuees, irrespective of race or nationality and are based on the estimated pre-evacuation income and present needs of applicants for assistance.

## PRESS COMMUNIQUE.

### FINANCIAL ASSISTANCE TO EVACUEES.

The Government of India have sanctioned the continuance up to the end of February, 1944 of their scheme of financial assistance to evacuees and dependants of Indians and other British subjects detained in enemy occupied territories. The revised scales of allowances (in rupees per mensem), effective from September 1, 1943, are as follows:

| Estimated normal income or remittance. | Single adult earner or person in receipt of remittance. | Allowance for wife or each adult dependant. | each child. |
|----------------------------------------|---------------------------------------------------------|---------------------------------------------|-------------|
| Unskilled labour                       | 10                                                      |                                             |             |
| 15—25                                  | 12                                                      | 4                                           | 2           |
| 25—50                                  | 15                                                      | 6                                           | 3           |
| 50—100                                 | 30                                                      | 10                                          | 5           |
| 100—150                                | 35                                                      | 15                                          | 6           |
| 150—200                                | 45                                                      | 20                                          | 8           |
| 200—300                                | 55                                                      | 25                                          | 9           |
| 300—400                                | 65                                                      | 30                                          | 11          |
| 400—500                                | 80                                                      | 35                                          | 12          |
| 500—600                                | 90                                                      | 40                                          | 13          |
| 600—750                                | 100                                                     | 50                                          | 14          |
| 750 and over                           | 150                                                     | 70                                          | 16          |
|                                        |                                                         | 100                                         | 20          |

For the three lowest groups (unskilled labourers and those getting a normal monthly income of Rs. 50 or less) these scales will be adhered to provided that no family group gets more by way of maintenance than its pre-evacuation income. For the other groups the scales fixed above are the maximum amounts payable and in no case may any family group receive more than 75 per cent. of their normal income or Rs. 350 per mensem, whichever is less.

The allowances for children prescribed above are maintenance allowances only, and above which school allowances may be granted up to a maximum of Rs. 10 per mensem for a child attending an Indian school and Rs. 20 per mensem for a child attending a European school.

A special non-recurring allowance equal to 1½ times the monthly stipend may be granted once a year to an evacuee for unavoidable expenses such as buying clothes and special medical treatment.

In deserving cases, instead of monthly allowances, advances may be granted payable capital advances not exceeding Rs. 350 per head to set up their own business or trade.

All these allowances are granted generally only against undertakings to repay. Applications for assistance, should, as in the past, be made to the district authorities. *Indians Overseas Department, New Delhi, August 17, 1943.*

Mr. Lalchand Navalrai: With regard to clause (a) may I know if new posts are being created for these evacuees or posts belonging to Indians which are available for Indians are being given to them?

The Honourable Dr. N. B. Khare: It does not arise from this question.

Mr. Lalchand Navalrai: Why does it not arise? I asked how many Indian evacuees have been employed and I am now asking in what posts. I think I should have a reply to this.

Mr. President (The Honourable Sir Abdur Rahim): He is not prepared to answer it at present.

Mr. Lalchand Navalrai: Let him say "I am not bound".

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has put his question and has got his answer.

Mr. Lalchand Navalrai: I have not got an answer.

Mr. H. A. Sathar H. Essak Sait: With reference to the answer to part (c) of the question, may I know whether the Government of India are now considering any scheme for restricting the allowances that are being granted to these evacuees?

The Honourable Dr. N. B. Khare: This again does not arise out of this question at all.

Mr. Hooseinbhoj A. Lalljee: May I know what is the total sum that has been allotted by the Finance Department for allowances?

The Honourable Dr. N. B. Khare: I cannot answer that question.

Pandit Lakshmi Kanta Maitra: Will the Honourable Member kindly enlighten the House whether these allowances are paid by His Majesty's Government or by the Government of India?

The Honourable Dr. N. B. Khare: That also does not arise out of this question.

Mr. Hooseinbhoj A. Lalljee: Is the Honourable Member being consulted as to the amount that is being given as allowance to the evacuees?

The Honourable Dr. N. B. Khare: The Government acts as one corporate body.

Mr. Hooseinbhoj A. Lalljee: Are you being consulted or not?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has given the answer. Next question.

## RULES TO ENFORCE RECIPROCITY ACT.

7. \*Mr. Govind V. Deshmukh: Will the Honourable Member for Indians Overseas please state, with reference to the answer to starred question No. 33 regarding framing of rules to enforce the Reciprocity Act given on the 9th November, 1943:

(a) what matters are covered by the Reciprocity Act regarding which draft rules have been prepared;

(b) whether these rules will be laid on the table;

(c) when Government intend giving effect to these rules;

(d) why the enforcement of these rules is delayed; and

(e) whether the rules on other matters covered by the Reciprocity Act which were not ready by the 9th November, 1943, are now ready; if not, why not?

The Honourable Dr. N. B. Khare: (a) and (c). For possible application to South Africa draft rules have been prepared in respect of immigration, acquisition, holding and disposal of property and franchise other than political. As regards the other matters covered by the Reciprocity Act no statutory rules are proposed at present as in their case on practical considerations statutory action is either unnecessary or inappropriate.

(b), (c) and (d). The rules already framed will be published in the official gazette and given effect to as soon as it is decided to issue a direction under Section 3 of the Act against a particular British possession; Government have not yet taken a final decision on the question.

**Mr. Govind V. Deshmukh:** May I know whether rules have not been ruled as regards employment of colonials in the services of the Government of India?

**The Honourable Dr. N. B. Khare:** As regards employment there are no statutory rules against Indians in the Union, and statutory action on our part would only urge the South African Government to take similar action against Indians in the Union.

**Mr. N. M. Joshi:** May I know whether the Honourable Member will consult the Standing Advisory Committee for Emigration as regards the draft rules?

**The Honourable Dr. N. B. Khare:** No.

**Mr. N. M. Joshi:** May I ask why he is not pleased to consult a body which has been created to give him advice on the matter?

**The Honourable Dr. N. B. Khare:** It is not necessary.

**Mr. Govind V. Deshmukh:** May I know when the Government of India will come to a decision for making these rules applicable? What is the hitch in making these rules applicable now?

**The Honourable Dr. N. B. Khare:** The Government are having the whole question in all its aspects under their consideration and it is not yet complete.

**Mr. Govind V. Deshmukh:** May I know what are those aspects?

**The Honourable Dr. N. B. Khare:** A reply cannot be given in the course of an answer to a question.

**Mr. N. M. Joshi:** How long will the Government of India take to finish their consideration of these matters?

**Sir Syed Raza Ali:** It should be, how much longer will the Government of India take?

**The Honourable Dr. N. B. Khare:** I cannot give you any period.

**Mr. Hoesseinbhoj A. Lallie:** Is it under active consideration?

**The Honourable Dr. N. B. Khare:** Yes.

**Mr. Govind V. Deshmukh:** Will that activity be stimulated?

(No answer.)

#### PREVENTION OF SLAUGHTER OF PRIME CATTLE.

8. \***Mr. Govind V. Deshmukh:** Will the Secretary for Education, Health and Lands please state, with reference to starred question No. 437 put on the 13th November, 1943, in respect of slaughter of young and prime cattle and the reply thereto:

(a) the system of inspection enforced by the Defence Services to carry out the recommendations and restrictions suggested by the Central Food Advisory Council on slaughter of prime cattle;

(b) the number of cattle in the year near about the commencement of the war and in the years 1942 and 1943;

(c) the reasons for replying 'No' to part (c) of my question about enacting legislation to prohibit the slaughter of prime cattle; and

(d) whether Government cannot issue an order prohibiting the slaughter of prime cattle and providing punishment for the breach of such an order?

**Mr. J. D. Tyson:** (a) Prior to acceptance, cattle tendered for slaughter are inspected by officers of the Royal Indian Army Service Corps, who are specially trained in these duties and in cases of doubt, a Veterinary Officer is called in, if such an officer is available.

(b) The information asked for is not available for 1942 and 1943 as the last cattle census was held in 1940. In that year the figures for British India, omitting the United Provinces and Orissa, and for States for which figures are available aggregate about 170 million cattle and buffaloes.

(c) and (d). Provincial Governments have had the responsibility and the power to take such action, in the light of the local situation, as they deem necessary for the protection of prime cattle in their territories. Four Provincial Governments have already issued notifications under the Defence of India Rules prohibiting the slaughter of certain categories of cattle, whether for civilian or Army consumption. So far as the Central Government is concerned, the military authorities have issued the necessary instructions to the various Commands prescribing the categories of cattle which may be purchased for slaughter.

**Mr. Govind V. Deshmukh:** Will Government think of the advisability of employing non-military agency for inspection before cattle are slaughtered?

**Mr. J. D. Tyson:** Yes, we will consider that.

**Mr. Lalchand Navarai:** May I know whether other provinces than these four have also been asked to pass legislation in this respect?

**Mr. J. D. Tyson:** We addressed all the provinces bringing to notice what we had asked the military to do.

**Mr. Govind V. Deshmukh:** I take it that there are no statistics available of the cattle for the year 1941-42. Then would it be justifiable to make a statement that cattle are surplus in India?

**Mr. President** (The Honourable Sir Abdul Rahim): The Honourable Member is correct. Next question.

#### SCHEME FOR ESTABLISHMENT OF CENTRAL NURSING COUNCIL.

9. \***Sir F. E. James:** Will the Secretary for Education, Health and Lands be pleased to state, with reference to his reply to question No. 243 given on the 17th November, 1943, whether the scheme for the establishment of a Central Nursing Council at an early date has been completed? If so, has it been circulated to the Provincial and State Governments concerned for their opinion?

**Mr. J. D. Tyson:** A draft scheme has been prepared and is under consideration. It will be forwarded to Provincial Governments for opinion shortly.

**Sir F. E. James:** I do not want to hurry the Honourable Member or his Department, but as the recommendation was made nearly two years ago, I would like to know what is the meaning of the term "shortly"?

**Mr. J. D. Tyson:** It means what it says.

#### MANUFACTURING MINERAL OIL BY SYNTHETIC PROCESSES.

10. \***Mr. K. C. Neogy:** (a) Will the Honourable Member for Commerce be pleased to state whether the question of manufacturing mineral oil by synthetic processes has been under the active consideration of Government? If so, does he propose to make a comprehensive statement indicating the present position in the matter?

(b) Has the Honourable Member's attention been drawn to certain statements made by Dr. H. K. Sen, Director, Indian Lac Research Institute, Nanpukur, Ranchi, and Chairman of the Fuel Research Committee of the Board of Industrial and Scientific Research, in the course of a series of lectures delivered in December as the Sukh Raj Ray Readership lecturer of the Patna University, in which he referred to a type of low temperature carbonisation plant devised by him and his co-worker Mr. K. L. Roy, five of which were working in different educational institutions to supply the gas required with appropriate yields of tar and petrol, and stated that he had no doubt that the present need for tar and petrol could be met by the erection of units of this type capable of handling 50 to 60 tons of coal per day? If so, what action is proposed to be taken by Government for the purpose of encouraging this experiment and expanding the manufacture of motor fuel by this process?

**The Honourable Sir M. Azizul Haque:** (a) Yes. Research schemes have been inaugurated by the Council of Scientific and Industrial Research; before these schemes can proceed further, and research experts are being consulted as regards the properties of different types of Indian coal.

(b) Government have not yet seen the statements attributed to Dr. Sen though they are aware that he has carried out considerable preliminary work on the utilisation of bituminous coal. Information has been called for. A scheme has, however, been started under the auspices of the Council of Scientific and Industrial Research for the production of tar oils from coal but it is at present too early to indicate results. Mineral oils produced from low-temperature carbonization of coal are known to be generally uneconomical.

**Mr. K. C. Neogy:** May I tell the Honourable Member that a very full report of these lectures appeared in the newspapers about the 21st December last.

The Honourable Sir M. Anisul Huque: That may be so.

# STATEMENT ON FAMINE CONDITIONS IN BENGAL.

11. \*Mr. K. C. Neogy: (a) Will the Honourable the Food Member be pleased to make a comprehensive statement on the famine conditions in Bengal, particularly referring to:

- (i) the adequacy and actual availability of supplies of foodstuffs in each district during December, 1943, and January, 1944;
- (ii) the effectiveness of price control measures and actual levels of prices of foodgrains in each district during the above two months;
- (iii) the nature and extent of gratuitous relief provided by Government in each district so far;
- (iv) the nature and extent of prevalence of epidemics in each district and adequacy of measures taken by Government for medical relief and supply of suitable dietary to the people affected by such epidemics; and
- (v) the schemes adopted by Government for the rehabilitation of different sections of the affected population, and financial assistance, if any, proposed to be given by the Central and Provincial Governments, respectively, towards the execution of such schemes?

(b) Were any complaints brought to the notice of the Honourable Member during his visits to certain places in Bengal in December, 1943, regarding procurement, supply, price-control and quality of foodgrains, as also inadequacy of medical and other relief? If so, to what effect were these complaints, and what action has been taken to remove them?

The Honourable Sir Jwala Prasad Srivastava: (a) The information required for each district of Bengal is not available to the Government of India, but I place on the table of the House a general statement of the position.

(b) I received a number of representations touching various aspects of Food supply and other relief measures for Bengal, and I have had an opportunity of discussing these fully with the Bengal Government and with my colleagues in the Government of India. Every effort is being made to remove short-comings and improve relief measures.

## Statement.

Thanks to a bountiful harvest, the supplies arranged by the Central Government, the relief measures of the Government of Bengal and the assistance of the Army, conditions of widespread and acute shortage no longer exist in Bengal. But the confidence of the people has suffered a severe shock from which it will take time to recover.

**Supplies.**—During the last 3 months of 1943, 347,525 tons of foodgrains were despatched to Bengal and, out of the Bengal Government's stocks, over 141,000 tons were sent to the districts. The stocks in Calcutta are now nearly 100,000 tons. In spite of the general improvement, local shortages have been reported during the last two months from parts of the districts of Dacca, Noakhali, Chittagong, Tippera, Nadia, Patna and Midnapore, but these have been met as far as possible by the despatch of supplies, with the assistance of the Army. District Officers have reported difficulty in disposing of imported foodgrains placed at their disposal, even at heavily subsidised prices. There is also a marked reduction, all over the province, of attendance at Relief Centres, Free Kitchens and Test Relief Works.

**Prices.**—The prices of rice have fallen, but they are still about 3 to 4 times the pre-war level, and local shortages combined with speculative buying which Government has not yet been able to eliminate, have caused local and, it is hoped, temporary fluctuations. While in the Burdwan and Rajshahi Divisions coarse rice is available below the controlled level at Rs. 12 to Rs. 14 per maund, and at about the controlled level in the Presidency Division, in East Bengal prices are higher and vary from Rs. 15 to Rs. 16 per maund.

**Relief.**—Expenditure on relief operations up to the end of December was Rs. 37.67 million on gratuitous relief, over Rs. 13.65 million on Test Relief Works and over Rs. 20.11 million on agricultural loans. At the beginning of December the peak period of relief—6,625 Relief Kitchens were functioning of which 4,469 were run by Government, 1,605 subsidised by Government and 551 were private. These centres fed over 23 million people daily, but attendance has now greatly decreased. Patients of venereal and skin diseases had also decreased by the first week of January, from nearly 30,000 to 16,000 and attendance at Relief Works has decreased from 150,000 to 20,000. Further substantial decreases have since taken place.

**Epidemics and Medical Relief.**—Impoverishment and under-nutrition have rendered the people of Bengal easy victims to epidemic diseases, malaria, small pox, cholera and dysentery, and bowel complaints generally. The incidence of these diseases has been widespread throughout the province but they are now on the decline. 71,000 lbs. of quinine have been sent to local officers and dispensaries since July. 7.2 million cubic centimeters of anti-

cholera vaccine were also despatched during the same period. Rural Public Health Staff has been considerably reinforced. About 991 additional Public Health staff has now been engaged in preventive measures. This excludes 56 military Medical Officers in charge of Preventive Medical Relief in the 56 most affected subdivisions and eight hygiene specialists for supervisory duties. 2,080,000 persons have been inoculated against cholera and 1,582,000 vaccinated during November and December. Military Mobile Medical Units have also been helping in preventive measures.

As regards Curative Medical Relief, 444 Relief Hospitals with 14,000 beds had been started by the end of January. 133 more hospitals with 2,000 beds have been planned to be opened. This excludes 18 hospitals opened by the military with 2,000 beds. 112 extra doctors have been engaged with necessary equipment. 50 mobile treatment centres are also being worked by the Army and 50 by the civil authorities in the villages. The total cases treated by military up to 28th January was 320,000. The military units had also given 322,654 cholera inoculations and 163,628 vaccinations.

As regards suitable dietary, full information is not available but Milk Canteens have been established in the districts, with the assistance of the Indian Red Cross Society, and special supplies of milk, including imports from overseas, have been arranged. This is intended for the sick, nursing mothers and children.

Proposals and estimates for rehabilitation of destitute persons are under the consideration of the Bengal Government, and these include opening and continuing of Hospitals and Dispensaries, Children's Homes, Orphanages, Homes for Women and other destitutes, Milk Canteens, Work Centres, to provide cottage industry type of work to destitutes in the centres and at their homes. Also special assistance to fishermen, potters and other artisans, and the financing of cattle purchase, house-building, and redemption of lands sold in all seriously distressed areas. Pending final decisions, the Bengal Government has already started work on the above lines.

Mr. K. C. Neogy: I have not got specific replies to the specific points that I have raised in part (b) of the question.

The Honourable Sir Jwala Prasad Srivastava: As I have stated, I have discussed all these things with the officials of the Bengal Government and my colleagues in the Government of India.

Mr. K. C. Neogy: But then I do think that the House is entitled to know what exact points were brought to the notice of the Honourable Member and what action has been taken for the purpose of removing those complaints.

The Honourable Sir Jwala Prasad Srivastava: Complaints largely centred round the inadequacy of the medical arrangements, and we are doing what we can in that respect.

Mr. K. C. Neogy: Is it not a fact that specific complaints were also brought to the notice of the Honourable Member regarding procurement, supply, price-control and quality of foodstuffs supplied?

The Honourable Sir Jwala Prasad Srivastava: -Yes, Sir. That was also raised in one place, at all events and we looked into the matter. I hope the supply has improved since.

Mr. K. C. Neogy: What were the complaints in regard to those points?

The Honourable Sir Jwala Prasad Srivastava: There were so many of these. I did not keep a catalogue of them all but the important ones were discussed with the people concerned and I hope we have been able to do something to improve matters.

Pandit Lakshmi Kanta Maitra: Was the Honourable Member informed that in certain parts of Bengal, the foodstuffs that were supplied to the people by the Military were all deteriorated foodstuffs?

The Honourable Sir Jwala Prasad Srivastava: That complaint was not made to me.

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The Honourable Sir Jwala Prasad Srivastava: I can tell my Honourable friend that at Dacca I was shown some samples of rice, which was not deteriorated, so far as I remember, but it was red rice, which the Dacca citizens cannot eat.

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**The Honourable Sir Jwala Prasad Srivastava:** Complaints largely centred round the inadequacy of the medical arrangements, and we are doing what we can in that respect.

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**Mr. K. C. Neogy:** When I visited Dacca, I was shown some of these samples and I was told that the Honourable Member was also shown some of these samples, which were not eatable.



**The Honourable Sir Jwala Prasad Srivastava:** Because they were not of the quality which is eaten by the citizens of Dacca.

**Mr. K. C. Neogy:** In the Calcutta Corporation, the employees were supplied with this type of rice and they refused to take that and the Analyst of the Calcutta Corporation pronounced that type of rice to be unfit for human consumption.

**The Honourable Sir Jwala Prasad Srivastava:** I have heard of that.

**Mr. K. C. Neogy:** It is not a question of hearing. It appeared in the newspapers.

**The Honourable Sir Jwala Prasad Srivastava:** I have seen it in the newspapers. I have taken up the matter and I think in future the quality will suit the tastes of the people.

**Pandit Lakshmi Kanta Maitra:** Is it a fact that in certain parts of Bengal, the Chairmen of Municipalities had sealed certain foodstuffs, which they declared unfit for human consumption and these were thereafter distributed outside the Municipalities?

**The Honourable Sir Jwala Prasad Srivastava:** I am not aware of that.

**Mr. N. M. Joshi:** In view of the fact that Members are interested in the Bengal situation, will the Honourable Member read the statement which he has laid on the table. As we do not know what the statement is, we have no opportunity of asking questions.

**The Honourable Sir Jwala Prasad Srivastava:** It is a very long statement. It covers the entire field of the work being done.

**Mr. President (The Honourable Sir Abdur Rahim):** The Honourable Member will have another opportunity.

**Mr. N. M. Joshi:** May I ask whether the Honourable Member will circulate this statement?

**The Honourable Sir Jwala Prasad Srivastava:** I will.

**Mr. K. C. Neogy:** Has the Honourable Member's attention been drawn to a statement made by Mr. Suhrawardy, the Minister in Charge in Bengal, in which he said:

"We have rejected quite a lot of the stock we had in hand. But you must realise (He was speaking at a Press Conference), that the Government of India have been sending these food-grains and complaints, if any, should be made to the Government of India."

What does the Honourable Member think of that statement?

**The Honourable Sir Jwala Prasad Srivastava:** Well, Sir. I do not know what to think of it but the fact of the matter is that this was not brought to our notice when the rice actually reached Bengal. This rice might have been lying there for some time and it is very difficult to determine where it came from. We do not supply any rice ourselves from Delhi. This rice is supplied by various Provincial Governments and now, at this late stage, it is not possible to trace the origin of the rice.

**DIRECTIVES ISSUED TO BENGAL GOVERNMENT FOR COPING WITH FAMINE IN BENGAL.**

**12. \*Mr. K. C. Neogy:** (a) Will the Honourable the Food Member be pleased to state the substance of the "directives" so far issued to the Government of Bengal under section 126A of the Government of India Act, in respect of measures to cope with the famine conditions in Bengal?

(b) Has the attention of the Honourable Member been drawn to the statement made by the present Chief Minister of Bengal at the meeting of the Muslim League held at Karachi on the 26th December last, in the course of which he observed that it was the Government of India that had so far been the "supporters and protectors of vested interests", that the Central Government were advocating a policy which might frustrate the object of getting hold of the "aman" crop in Bengal this year, that the Bengal Ministry had gone on with their scheme in this connection but "objections were raised by a Member of the Government of India only a few days ago", and that if those objections were not quickly withdrawn there might be great difficulty in the procurement of the "aman" crop? If so, does the Honourable Member propose to explain in detail the point of view of the Government of India in regard to each of the above allegations?

(c) What are the outstanding differences, if any, between the Central Government and the Government of Bengal, in regard to measures for the procurement of foodstuffs and the control of supply and prices thereof, including details of rationing schemes?

(d) Are Government fully assured that their formal "directives" or informal advice and instructions have been or will be carried out by the Government of Bengal in their true spirit?

**The Honourable Sir Jwala Prasad Srivastava:** (a) One direction only has been issued to the Government of Bengal to set up by the 31st of January in Calcutta at least 1,000 centres for the distribution of rationed foodstuffs, of which not more than 450 should be Government shops, the remainder being licensed private retail shops. Of the latter, 400 were to be situated within the city of Calcutta itself.

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

(c) It is not in the public interest to answer this part of the question.

(d) I regret that I cannot follow the Honourable Member into the realms of speculation. Means for securing that a direction under 126A is carried out are provided in the Act and will be applied if necessary.

**Mr. K. C. Neogy:** Has the Honourable Member's attention been drawn to certain Press comments in regard to the statement made by Mr. Suhrawardy at the Press Conference? I am referring to an article which appeared in the *Amrita Bazar Patrika* of the 27th January, in the course of which it was stated:

"The Food Minister's views make it clear that the collaboration between the Centre and Bengal in respect of tackling the food problem is likely to be half-hearted."

This is with reference to the Honourable Member's reply to part (d) of the question.

(No reply.)

**Mr. N. M. Joshi:** May I ask why the Government of India gave a direction to the Bengal Government that not more than 400 shops will be Government shops. Why were Government so partial to private shopkeepers?

**The Honourable Sir Jwala Prasad Srivastava:** There is no question of being partial. We felt that in order to expedite the introduction of rationing it was necessary to enlist the support of these shops.

**Mr. N. M. Joshi:** May I ask whether the Government direction in this matter has been fully given effect to? Have one thousand centres been opened?

**The Honourable Sir Jwala Prasad Srivastava:** Yes.

**Mr. N. M. Joshi:** May I know whether rationing has been introduced in the Calcutta city?

**The Honourable Sir Jwala Prasad Srivastava:** Yes.

**Mr. K. C. Neogy:** I have not got a reply to my question yet.

(No reply.)

**STARVATION DEATHS IN BENGAL.**

**13. \*Mr. K. C. Neogy:** (a) Will the Honourable Member for Food be pleased to state whether complete official statistics are now available of deaths from (i) starvation, and (ii) diseases resulting from starvation, in the different districts of Bengal? If so, will all such statistical statements be laid on the table?

(b) With reference to the Honourable Member's answer to a supplementary question arising from starred question No. 36 on the 9th November, 1943, to the effect that the Government of India tried to impress upon the Government of Bengal the necessity of getting accurate information in this matter, will the Honourable Member please indicate the different times when Government made enquiries on such points from the Government of Bengal, and the result of the enquiries on each occasion?

(c) Has the attention of the Honourable Member been drawn to various reports that have appeared in the Press in Bengal from time to time giving estimates of the number of deaths from starvation and diseases resulting from starvation and malnutrition in different local areas?

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(d) If the answer to (c) above be in the affirmative, have enquiries been made by the Government of India from the Government of Bengal regarding the general accuracy of such Press reports, and, if so, what replies have been received to such enquiries?

**The Honourable Sir Jwala Prasad Srivastava:** (a) No: the mortality statistics of Bengal for 1943 are expected to be available during this month, and will be laid on the table of the House when received.

(b) Enquiries were made on numerous occasions, and reports were received, but these were known to be neither complete nor accurate. Improvement has now been effected in the system of reporting, by eliminating certain links in the chain of reporting agencies.

(c) Yes.

(d) As I have already stated, enquiries have been made as to the facts on numerous occasions but not with special reference to newspaper reports.

**Mr. Lalchand Navalrai:** May I know why this delay? Does the Honourable Member propose to wait and see till more deaths take place?

**The Honourable Sir Jwala Prasad Srivastava:** We have been pressing the Government of Bengal to supply us with figures and they stated that they were unable to obtain reliable figures under the system which prevailed. Now, in consultation with us, they have improved that system. They have eliminated certain links in the chain and we hope that the information will now be readily available.

**Mr. Hooseinbhoj A. Lalljee:** The Bengal Government have no figures regarding the deaths in their province?

**The Honourable Sir Jwala Prasad Srivastava:** No.

#### STATEMENT BY MR. HUTCHINGS RE BENGAL FAMINE.

14. **\*Mr. K. C. Neogy:** (a) Will the Honourable the Food Member be pleased to state whether Mr. Hutchings, Secretary of the Food Department, gave an interview to Press correspondents sometime in December, 1943, as reported in the London Press in the third week of December, to the effect that "famine no longer exists in Bengal which has passed out of the stage of acute food shortage. Some people, only comparatively few, are still going hungry, but even in normal times some people go hungry"? If so, to which period does this statement relate?

(b) If the above statement correctly represents the opinion of the Government of India, does the Honourable Member propose to make a detailed statement of facts of the situation in each of the Bengal districts on the basis of which this opinion may have been formulated by Mr. Hutchings?

(c) Did Mr. Hutchings visit the *mufossil* centres of Bengal before making the above statement? If so, which centres did he visit, and when?

**The Honourable Sir Jwala Prasad Srivastava:** (a) The extracts quoted from the London Press do not correctly represent the information given to the correspondent by the Food Secretary. The interview related to the situation in the first half of December 1943.

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

**Mr. K. C. Neogy:** Will the Honourable Member be pleased to lay on the table an authenticated version of the statement which was made by Mr. Hutchings in this connection?

**The Honourable Sir Jwala Prasad Srivastava:** I do not know whether the Secretary retained a copy of what he said.

**Mr. K. C. Neogy:** Then, how does the Honourable Member know that he has not been correctly reported?

**The Honourable Sir Jwala Prasad Srivastava:** That I have from the Secretary himself.

**Mr. K. C. Neogy:** But the Honourable Member can depend upon the memory of his Secretary and try to put together all the things that he said in the course of the interview?

**The Honourable Sir Jwala Prasad Srivastava:** I have asked the Secretary and he said that the interview lasted for half an hour. He did not keep any notes of it but when he saw the reports in the London newspapers, he asked the correspondent for a copy of the message which was sent and the correspondent offered to take any further action which may be necessary and I suppose the correspondent corrected his first report.

**Dr. P. M. Banerjee:** If he corrected his first report, is he prepared to circulate the corrected report now?

**The Honourable Sir Jwala Prasad Srivastava:** That rests with the correspondent. We have not got a copy of the second report or the first report.

**Pandit Lakshmi Kanta Maitra:** May I ask whether the Secretary published a contradiction of the alleged press report in connection with this matter?

**The Honourable Sir Jwala Prasad Srivastava:** Secretaries do not generally indulge in newspaper controversies.

**Mr. N. M. Joshi:** May I ask whether the Government of India will publish weekly or at least fortnightly reports on the food situation in Bengal and other places in view of the fact that there is so much public interest and also in view of the fact that so many contradictory statements are published?

**The Honourable Sir Jwala Prasad Srivastava:** I shall consider that matter.

#### DISCRIMINATION BETWEEN RAILWAY AND OTHER CENTRAL GOVERNMENT SERVANTS STATIONED IN BENGAL AS REGARDS SUPPLY OF FOODGRAINS AT CONCESSION RATES.

15. **\*Mr. K. C. Neogy:** With reference to his answer to part (a) of starred question No. 55 of the 9th November, 1943, on the subject of supply of foodgrains at concessional prices to certain employees of the Central Government, etc., will the Honourable the Food Member be pleased to state the grounds on which the Central Government decided to discriminate between Railway servants and all Central Government civil servants stationed in Bengal, in regard to the admissibility of the concession, in so far as all Railway servants and their families are entitled to the benefit of this concession while those Central Government civil servants who are in receipt of Rs. 300 per month or less are entitled to it only for themselves?

**The Honourable Sir Jwala Prasad Srivastava:** The Railways had an all-India scheme, designed to secure that foodgrains were available to all classes of their servants, which was in operation before the system of concessional sales to Central Government servants came into force. In view of the comparatively small extra cost involved, it was decided not to deprive Railway servants in any category of a privilege which they had been enjoying, even though this carried with it the benefit of concessional sales, which in the case of other Central Government servants was governed by salary limits prescribed by Provincial Governments.

There is no discrimination as regards families between Railway and other Central Government servants.

#### STEPS FOR IMPROVEMENT OF AGRICULTURAL STATISTICS.

16. **\*Mr. Akhil Chandra Datta:** (a) Will the Secretary for Education, Health and Lands be pleased to state, what steps, if any, have been taken or are proposed to be taken to implement the recommendations of the Foodgrains Policy Committee made for the improvement of agricultural statistics?

(b) If any steps have been taken, on what dates were they taken?

(c) If no steps have yet been taken, when are they proposed to be taken?

**Mr. J. D. Tyson:** The Foodgrains Policy Committee recommended that the proposals for the improvement of agricultural statistics which were then before this Department should be implemented. A statement showing the progress made is laid on the table.

*Statement showing steps taken or proposed to be taken on the proposals for the improvement of agricultural statistics.*

The whole question of the improvement of agricultural statistics relating to production, distribution, exports, consumption and stocks was considered at an Inter-departmental Committee meeting held on the 3rd March, 1943.

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



The Committee noted *inter alia* that information was lacking for about 44 per cent. of the total area covered by the Indian States and that the annual statistics of area in the permanently settled parts of British India were not reliable except in the case of tea and possibly jute and sugarcane. In April 1943 the Indian States were invited to furnish specified particulars of their surveyed and unsurveyed areas and the statistics supplied by them are being collected.

As for the collection of more reliable statistics from the permanently settled areas of Bengal, Madras, Bihar, Orissa, Assam and the United Provinces, the Provincial Governments concerned were asked on the 31st March, 1943, to examine the question urgently and were informed that any concrete proposals for financial assistance submitted by them to implement the recommendations of the Committee would receive very careful consideration of the Government of India. In response the Madras Government reported the appointment of a Special Staff for the collection of statistics in their permanently settled areas. The Bihar and the Bengal Governments have under consideration schemes for undertaking sampling surveys of areas under paddy. Information from other provinces has not been received so far.

2. The next recommendation of the Inter-departmental Committee related to the improvement of statistics of yield per acre which, like area, is an important factor in the estimation of production of different crops.

A series of important experiments on better methods of judging cotton yields which can be applied on a large scale in place of the present uncertain methods is being carried on at the Institute of Plant Industry, Indore. The Imperial Council of Agricultural Research have also with a grant from the Government of India undertaken an inquiry for working out better methods of assessing yields of grains per acre in two selected districts, one in the Punjab and the other in the Central Provinces but the work may be held up owing to the non-availability of trained staff. If these methods prove successful the intention is to apply them on a large scale.

A scheme for the determination of yield per acre of wheat in the provinces of Sind, Punjab, United Provinces and Central Provinces by crop cutting experiments according to methods of random sampling is under the active consideration of the Government of India.

3. Action taken on other recommendations of the Committee is summarised below:

(a) It is considered that the list of foodgrains for which statistics of acreage are at present published in the *Agricultural Statistics of India*, should be amplified and the Provincial Governments and Indian States were asked on the 17th December, 1943, to state if it would be possible for them to furnish statistics in the amplified form.

(b) It has been decided that the areas included in each trade block should be more clearly specified than at present in the publication 'Accounts relating to the Inland (Rail and River-borne) Trade of India'. A list of British Indian districts and Indian States included in each trade block has been drawn up and is being examined for inclusion in the publication referred to above.

(c) At present the statistics of coastal trade are registered for the five maritime provinces, viz., Bengal, Orissa, Bombay, Sind and Madras and represent the total imports into and the total exports from each of these provinces. The question of improving these statistics is under consideration.

(d) The weekly arrivals and despatches of commodities included in the 'Accounts relating to the Inland (Rail and River-borne) Trade of India' are recorded at 35 railway stations situated in different parts of the country. Proposals to revise this list of stations are being considered.

(e) The Industrial Statistics Act empowers the Provincial Governments to obtain periodical returns from the factories of the raw material used and the finished goods made by them. Preliminary details in connection with the enforcement of the Act are under the active consideration of the Government of India.

(f) As regards the improvement of statistics of stocks it is considered that under existing conditions it is not feasible to obtain any reliable direct statistics. Arrangements have, however, been made to obtain from two reliable banks fortnightly reports regarding crop and stock holding tendencies in the principal producing areas.

(g) It has been decided to publish equivalents of different kinds of 'candy' in terms of lbs. side by side with actual units of prices published in the *Indian Trade Journal*.

4. It may also be mentioned that at present all-India forecasts of acreage and production are issued in respect of two food crops only, viz., rice and wheat. The views of the Provincial Governments and Indian States have been received on the proposal to issue forecasts of *kharij* food crops other than rice and are being considered by the Government of India. The question of publishing all-India forecasts of *rabi* food crops other than wheat will be taken up shortly.

#### STEPS FOR BUILDING UP OF CENTRAL FOODGRAINS RESERVE, ETC.

17. \*Mr. Akhil Chandra Datta: Will the Honourable the Food Member be pleased to state:

(a) whether any step has been taken to build up a Central Foodgrains reserve of five lakh tons, as recommended by the Foodgrains Policy Committee;

(b) whether the Government of India have already pressed the United Nations to arrange for an annual import for the current consumption of about one million tons of foodgrains; if so, when and with what result;

(a) whether an investigation has been made of the impact on the food situation in India of the strategic plans of the war, in so far as they concern the presence of large overseas forces in India; if so, the conclusions and decisions reached in consequence of the said investigation; and

(b) whether there has been any export from India of rice after March, 1943; if so, the quantity thereof, and the countries to which it was exported?

The Honourable Sir Jwala Prasad Srivastava: (a) Yes.

(b) The need for imports has been strongly and repeatedly represented to His Majesty's Government since the middle of 1942, and the scale recommended by the Foodgrains Policy Committee has been supported by the Government of India. Over 3,60,000 tons of grains were imported during 1943-44 and more are expected.

(c) Yes. The conclusion arrived at is that India needs more imports, and His Excellency the Commander-in-Chief has given an assurance that additional troops brought into India will not be allowed to become a drain on the country's food resources.

(d) Yes. A statement is placed on the table.

Statement showing exports of rice from India with destinations from 1st April, 1943 to 31st December, 1943.

| Destination.                                         | (In tons.) | Quantity.                               | Particulars. |
|------------------------------------------------------|------------|-----------------------------------------|--------------|
| United Kingdom . . . . .                             | 190        | for ships' stores upto August, 1943.    |              |
| Aden and Dependencies . . . . .                      | 55         | upto May, 1943.                         |              |
| Arabia . . . . .                                     | 212        | Do.                                     |              |
| Bahrain Islands . . . . .                            | 101        | upto April, 1943.                       |              |
| Ceylon . . . . .                                     | 25,905     | all but 1,202 * tons before July, 1943. |              |
| Union of South Africa . . . . .                      | 637        | for ships' stores upto August, 1943.    |              |
| British West India Islands (excluding Bahamas)       | 5          | for ships' stores upto April, 1943.     |              |
| Miscellaneous Destinations (ships' stores) . . . . . | 538        |                                         |              |
| Total . . . . .                                      | 27,643     |                                         |              |

\*This represents quantities permitted to be exported to Ceylon prior to July, 1943, of which shipment was delayed for various reasons.

Mr. N. M. Joshi: May I ask during what period did the Government of India import 300,000 tons of grains? Did it take six months to import this quantity or twelve months? May I ask the period during which 300,000 tons of grains were collected?

The Honourable Sir Jwala Prasad Srivastava: I will give you the figures roughly. 126,000 tons were imported from January to April, 1943, and 238,000 tons were imported during October to January 1943-44.

Mr. N. M. Joshi: In view of the fact that the Government of India could import only 300,000 tons during thirteen months, may I ask what period will the Government of India take to import the million and a half tons which the Gregory Committee has said should be imported into India?

The Honourable Sir Jwala Prasad Srivastava: That exactly is the point which we are pressing on His Majesty's Government.

Mr. Akhil Chandra Datta: Has the Government of India pressed this point on the United Nations because that was the recommendation of the Gregory Committee and not merely His Majesty's Government?

The Honourable Sir Jwala Prasad Srivastava: I think we can go as far as His Majesty's Government for the present.

## MAL-ADMINISTRATION OF THE SALT SUPPLY SCHEME IN BIHAR.

18. \*Mr. Kailash Bihari Lall: Will the Honourable the Food Member be pleased to say:

(a) if it is a fact that the Government of India, Finance Department (Central Revenues), in their letter No. 41-Salt/42, dated the 20th October, 1942, to the Secretary to the Government of Bihar, Commerce Department, promulgated a scheme for checking profiteering in salt and ensuring regular supply of salt;

(b) if it is a fact that in the said scheme the District Magistrates were required to nominate reliable persons or firms to place indents, and to arrange the distribution of salt in each district;

(c) if it is a fact that, in pursuance of the said scheme of the Government of India, the Government of Bihar, stated in paragraph 8 of their circular letter No. 1970 P. C., dated Patna, the 11th/14th November, 1942, addressed to all District Magistrates, that "In order to work this scheme it will be necessary to select one or two reliable merchants in each district or in each important district market who may be authorised to place direct orders for salt wagons which will be cleared out of turn and will be free from Sambhar lake 'Orders Profits'. These merchants of firms must be of good repute, well established and experienced in the salt trade"; and

(d) if the Government of India are aware that the Government of Bihar have not administered the scheme either in the spirit of the Government of India letter referred to above or in accordance with their own circular letter quoted above?

The Honourable Sir Jwala Prasad Srivastava: (a), (b) and (c). Yes.

(d) No such complaint has been received.

Mr. Kailash Bihari Lall: With reference to the answer to part (d) of my question, may I ask whether there is no scope for people to approach the Government of India with regard to any complaints in these matters?

The Honourable Sir Jwala Prasad Srivastava: They have got the Posts and Telegraphs Department.

Mr. Kailash Bihari Lall: I did not mean through the Postal Department, but whether the public can approach the Government of India directly or through the Bihar Government and whether the Bihar Government is to forward such a petition to the Government of India or it can summarily dispose it of without sending it to the Government of India?

The Honourable Sir Jwala Prasad Srivastava: Without going into the constitutional position, I receive a number of letters and telegrams every day and I try to remove the grievances of the people.

Pandit Lakshmi Kanta Maitra: Is there no regular machinery for redressing the grievances of the people in this respect?

The Honourable Sir Jwala Prasad Srivastava: The whole machinery of the Government of India is meant for this kind of work, namely, to remove the complaints of the people.

Pandit Lakshmi Kanta Maitra: Has the Government of India any specific agency to deal with such matters?

The Honourable Sir Jwala Prasad Srivastava: In my own Department, when I receive complaints, I pass them on to the Department. They are dealt with in the Department first. They make inquiries and then we try and do something.

Mr. Lalchand Navalrai: May I ask whether the Government of India actually overrides and overrules the matter which the Provincial Government says belongs to it finally?

The Honourable Sir Jwala Prasad Srivastava: That requires a discussion of the constitutional position.

Mr. Lalchand Navalrai: I am only asking what the practice is, whether the Provincial Governments are overruled or not?

The Honourable Sir Jwala Prasad Srivastava: They generally accept our wishes.

## MAL-ADMINISTRATION OF THE SALT SUPPLY SCHEME IN BIHAR.

19. \*Mr. Kailash Bihari Lall: Will the Honourable the Food Member be pleased to say:

(a) if the Government of India are aware:

(i) that representations from old and reputed firms dealing in salt have been made to the Government of Bihar alleging about the mal-administration of the scheme in which new firms have been selected in preference to firms of good repute, well established and experienced in the salt trade; and

(ii) that taking advantage of the scheme and authorisation of powers to the District Officials, such officials have acted more in the spirit of distributing favours and patronage than with any regard for justice and fair administration;

(b) if the Government of India have reserved any power of safeguard against the mal-administration of the Salt Department by the Provincial Government; and

(c) if the answer to (b) be in the affirmative, if Government propose to look into the grievances of the firm that alleges serious charges of mal-administration with regard to the selection of firms?

The Honourable Sir Jwala Prasad Srivastava: (a) (i) No.

(ii) No.

(b) No, but in the capacity of the rule making authority, the Government of India have the power to investigate all matters of mal-administration and to amend the rules or orders if necessary.

(c) Representations made by individual firms to the Government of Bihar regarding the selection of persons nominated by District Officers to receive salt under the Salt (Emergency Distribution) Order, 1942, have been dealt with by the Provincial Government who are responsible for the local distribution of salt and there is no ground for the Government of India to interfere in the matter.

Mr. Kailash Bihari Lall: May I know if the Government have satisfied themselves that there have been no grounds for enquiry because of any enquiry made into the complaints of the people?

The Honourable Sir Jwala Prasad Srivastava: We made enquiries from the Bihar Government and we gather that only persons who were reliable and well established in the salt trade were selected.

Mr. Kailash Bihari Lall: In how many cases were enquiries made?

The Honourable Sir Jwala Prasad Srivastava: I am unable to say off-hand, but we are generally satisfied that there is nothing wrong with the selection of these dealers.

Mr. Kailash Bihari Lall: May I know what is the basis of this general satisfaction that there have been no grounds for any grievance on the part of the people?

The Honourable Sir Jwala Prasad Srivastava: We have got eyes and ears.

Maulvi Muhammad Abdul Ghani: What are the standards by which well reputed firms are judged to be capable of dealing in these things?

The Honourable Sir Jwala Prasad Srivastava: It is difficult to lay down a yard stick, but as I have said we have satisfied ourselves that the selection was not wrong.

Maulvi Muhammad Abdul Ghani: May I know whether it is a fact that in Bihar the only criterion for selecting these people is nothing but the purchase of National Savings Certificates?

The Honourable Sir Jwala Prasad Srivastava: That is not correct, Sir.

DIRECTIVE ISSUED TO BENGAL GOVERNMENT IN THE MATTER OF DISTRIBUTION CENTRES IN CALCUTTA.

20. \*Mr. H. A. Sathar H. Essak Salt: Will the Honourable Member for Food be pleased to state:

(a) the reasons that led to his issuing a directive under section 126A of the Government of India Act to the Bengal Government in the matter of the distribution centres to be established in Calcutta under the Rationing Scheme:

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(b) if it is a fact that in the said scheme the District Magistrates were required to nominate reliable persons or firms to place indents, and to arrange for the distribution of salt in each district;

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(d) if the Government of India are aware that the Government of Bihar have not administered the scheme either in the spirit of the Government of India letter referred to above or in accordance with their own circular letter quoted above?

The Honourable Sir Jwala Prasad Srivastava: (a), (b) and (c). Yes.

(d) No such complaint has been received.

Mr. Kailash Bihari Lall: With reference to the answer to part (d) of my question, may I ask whether there is no scope for people to approach the Government of India with regard to any complaints in these matters?

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(a) the reasons that led to his issuing a directive under section 126A of the Government of India Act to the Bengal Government in the matter of the distribution centres to be established in Calcutta under the Rationing Scheme:

(b) whether any written advice was tendered to the Government of Bengal before issuing the directive;

(c) whether the Government of Bengal refused to accept such advice; and, if so, for what reasons; and

(d) whether he proposes to place on the table copies of such parts of the correspondence on the subject as are not confidential?

**The Honourable Sir Jwala Prasad Srivastava:** (a) The direction was issued in pursuance of Recommendation No. 56 of the Foodgrains Policy Committee, that in the administration of urban rationing schemes, every use should be made of the normal machinery of the retail trade, and in order to avoid any factor which might delay or prejudice the operation of an efficient rationing scheme for Calcutta.

(b) No. All discussions between the Government of India and the Government of Bengal on this subject had been personal or through the Regional Food Commissioner.

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

**Mr. Lalchand Navalrai:** What is the answer to this specific question in part (c), "whether the Government of Bengal refused to accept such advice"?

**The Honourable Sir Jwala Prasad Srivastava:** Yes, they refused to accept the advice and then we issued the directive.

**Mr. Lalchand Navalrai:** Did the Bengal Government accept then?

**The Honourable Sir Jwala Prasad Srivastava:** Yes, the directive was carried out.

**Mr. Govind V. Deshmukh:** What were the reasons for refusing to take the advice?

**The Honourable Sir Jwala Prasad Srivastava:** It is very difficult to enter into all the reasons. I myself went into the matter in Calcutta with the Bengal Government. I had a long talk with the Members of the Government there.

**Nawabzada Muhammad Liaquat Ali Khan:** Did I understand the Honourable Member aright that he said 'no' in answer to part (b)?

**The Honourable Sir Jwala Prasad Srivastava:** Yes, I said 'no'.

**Nawabzada Muhammad Liaquat Ali Khan:** The question was "whether any written advice was tendered to the Government of Bengal before issuing the directive". The Honourable Member replied 'no', and then later on the Honourable Member says that because they had refused to accept the advice, therefore, the Government were compelled to issue a directive. How does the Honourable Member reconcile these two statements?

**The Honourable Sir Jwala Prasad Srivastava:** The discussions between the Government of India and the Government of Bengal on this subject had been personal or through the Regional Food Commissioner. That is a much more satisfactory way of dealing with these matters.

**Nawabzada Muhammad Liaquat Ali Khan:** Was any record kept of the discussions?

**The Honourable Sir Jwala Prasad Srivastava:** Yes, there are records of these discussions.

**Nawabzada Muhammad Liaquat Ali Khan:** Why did not the Government of India advise the Government of Bengal before issuing the directive?

**The Honourable Sir Jwala Prasad Srivastava:** Yes, I did advise personally.

**Nawabzada Muhammad Liaquat Ali Khan:** Why not in writing?

**The Honourable Sir Jwala Prasad Srivastava:** It is not necessary.

**The Honourable Sir Jwala Prasad Srivastava:** Was it intended to issue the directive only to show the authority of this mighty Government?

**Nawabzada Muhammad Liaquat Ali Khan:** Certainly not.

**The Honourable Sir Jwala Prasad Srivastava:** Certainly not.

**Sir Muhammad Yamin Khan:** The Honourable Member said in reply to parts (c) and (d) that they do not arise, but he is now making a different statement.

**The Honourable Sir Jwala Prasad Srivastava:** If the Honourable Member will read the question and the answer, he will find that there is no inconsistency.

**Sir Muhammad Yamin Khan:** Did the Honourable Member in his original reply say that parts (c) and (d) do not arise?

**The Honourable Sir Jwala Prasad Srivastava:** What I suppose the questioner meant was whether the Government of Bengal refused to accept 'such' advice, that is advice in writing. The word 'such' is there. We did not advise them in writing. I have admitted that fact and so there is no inconsistency in my answer so far as I can see.

**Sir Muhammad Yamin Khan:** Was it or was it not the reply that parts (c) and (d) do not arise?

**The Honourable Sir Jwala Prasad Srivastava:** That was the reply.

**Sir Muhammad Yamin Khan:** How was it based?

**Mr. President (The Honourable Sir Abdur Rahim):** Mr. Essak Sait.

**Mr. H. A. Sathar H. Essak Sait:** The Honourable Member said just a short while ago that the Bengal Government gave reasons. He has mentioned only one side of the argument as to why the Government of India issued the directive. He never gave the reasons which the Bengal Government brought forward. Will the Honourable Member mention some of the reasons which led the Government of Bengal to refuse. This question is in part (c).

**The Honourable Sir Jwala Prasad Srivastava:** I was asked for our reasons as to why we issued the directive. If you want to know the reasons why the Government of Bengal refused, I will give you some of them. They thought that trade was dishonest, they thought that black markets would be created as a result of trade being interested in the distribution of food grains. Well, we could not accept that line of argument for the simple reason, as I have stated in my answer that the Foodgrains Policy Committee after going into the whole matter at great length came to the conclusion that in order that rationing may be a success, we must make use of the normal trade channels. This practice has met with success in Bombay and elsewhere where rationing has been introduced.

**Mr. H. A. Sathar H. Essak Sait:** The Honourable Member said that certain things have gone on record. May I ask whether the Honourable Member will publish such portions which are not confidential?

**The Honourable Sir Jwala Prasad Srivastava:** I do not propose to go further into the matter. The question has been settled. Our directive was accepted by the Government of Bengal cheerfully and rationing has been introduced in Calcutta. It is no use discussing the matter now.

**Mr. H. A. Sathar H. Essak Sait:** I am asking about the publication of such parts of the correspondence on the subject as are not confidential?

**The Honourable Sir Jwala Prasad Srivastava:** They are all confidential, I think, in that sense.

#### QUININE POSITION.

**21. \*Dr. P. N. Banerjee:** (a) Has the attention of the Secretary for Education, Health and Lands been drawn to the following telegraphic message dated the 9th December, 1943, published in the *Amrita Bazar Patrika*, dated the 11th December, 1943, "Answering a question in the House of Commons to-day why shipping space was used to consign a cargo of Whisky to Bombay when it was not found possible to send badly needed supplies of quinine", Mr. Amery said: "The ban which had previously been maintained on shipment of spirits was lifted in September. This has certainly not been at the expense of quinine. Quinine is produced in India and supplies there are adequate"?

(b) If so, on whose information was the Secretary of State's statement that the supplies of quinine are adequate, based?

(c) Is it a fact that supplies of quinine in India are adequate, and is quinine available in India at reasonable prices?

**Mr. J. D. Tyson:** (a), (b) and first part of (c). Attention is invited to the reply just given by me to starred question No. 1 by Mr. Akhil Chandra Datta.

2nd part of (c). Quinine is distributed at reasonable prices by Provincial Governments.

**Dr. F. N. Banerjee:** With regard to part (a), is it a fact that whisky has been given preference over quinine in the matter of imports?

**Mr. J. D. Tyson:** No, Sir.

**Dr. P. N. Banerjee:** With regard to part (c), will the Honourable Member kindly tell us how the present prices compare with the prices in 1939?

**Mr. J. D. Tyson:** I have not got a schedule of the prices here but I think the price of Government quinine is probably fifty per cent. higher now than it was in 1939.

**Dr. P. N. Banerjee:** One thousand per cent. higher.

### (b) WRITTEN ANSWERS.

#### GRIEVANCES OF INDIANS IN SOUTH AFRICA.

**22. \*Mr. Lalchand Navalrai:** (a) Will the Honourable Member for Indians Overseas be pleased to state if he has received representation from Indian Nationals in South Africa with regard to their conditions and grievances, since the Reciprocity Bill was passed by this House? What steps has the Honourable Member taken to remove those grievances, and to improve their conditions there?

(b) Is the Pegging Act in force in the Union of South Africa? If so, what attempts have the Government of India made to get it repealed?

(c) Have any retaliatory measures been taken against the Government of South Africa under the provisions of the Reciprocity Act?

**The Honourable Dr. N. B. Khare:** (a) No, Sir. But though no representations have been received direct by the Government of India, since the last Summer Session of the Legislature matters affecting the Indian community in the Union of South Africa continue to engage their attention as well as that of their High Commissioner in the Union.

(b) The answer to the first part is in the affirmative. As regards the second part it is the constant endeavour of the High Commissioner for India in South Africa to urge the repeal of the Pegging Act.

(c) The attention of the Honourable Member is invited to the reply just given by me to Mr. Deshmukh's question No. 7.

#### FOOD CONDITION IN CALCUTTA.

**23. \*Mr. Lalchand Navalrai:** (a) Will the Honourable the Food Member be pleased to state the present food condition in Calcutta? How much food has been supplied to Calcutta since the last meeting of the Assembly, and from which places was it imported?

(b) How many destitutes were removed from Calcutta since the meeting of the last Assembly, and to which places, and what arrangements exist for their living and maintenance?

**The Honourable Sir Jwala Prasad Srivastava:** (a) Conditions have much improved. Rationing of rice, wheat, wheat products and sugar have been introduced.

A statement showing despatches of foodgrains from different areas to Bengal from the 1st of October to the 20th of January is placed on the table of the House. Figures of despatches to Calcutta alone are not available.

(b) About 42,351 persons were removed from Calcutta under the Bengal Destitute Persons (Repatriation and Relief) Ordinance, 1943. Most of these destitutes were repatriated to their respective villages when the harvest was beginning, so that all could obtain work. They were provided with free passages as well as some money or rations for the journey and ration cards enabling them to obtain food at their villages from free kitchens. Some are reported to have returned to Calcutta after repatriation, but these are stated to be mostly

professional beggars, or persons unable to work, who are being kept in Relief Centres until they can be dealt with under the Rehabilitation Scheme.

*Despatches of different foodgrains from surplus areas to Bengal including Calcutta during the period from 1st October, 1943, to 20th January, 1944.*

| Supplying areas.             | (In tons.)                        |               |                |                  | Total.         |
|------------------------------|-----------------------------------|---------------|----------------|------------------|----------------|
|                              | Wheat<br>(including<br>products). | Gram.         | Rice.          | Other<br>grains. |                |
| Punjab . . . . .             | 148,356                           | 11,020        | 30,622         | 6,442            | 196,440        |
| Sind . . . . .               | 1,913                             | 2,007         | 13,608         | ..               | 17,528         |
| Punjab States . . . . .      | 765                               | 13,317        | 630            | ..               | 14,712         |
| Bahawalpur . . . . .         | 14,963                            | 2,737         | 560            | ..               | 18,260         |
| W. I. States . . . . .       | ..                                | ..            | ..             | 2,700            | 2,700          |
| Bihar . . . . .              | 1,272                             | 1,572         | 6,880          | ..               | 9,524          |
| U. P. . . . .                | 26,086                            | 4,653         | 2,206          | 6,314            | 39,259         |
| Rewa . . . . .               | 2,002                             | 1,625         | 2,199          | ..               | 5,826          |
| C. P. & Berar . . . . .      | ..                                | 344           | 16,004         | ..               | 16,348         |
| E. States . . . . .          | ..                                | 250           | 27,897         | ..               | 28,147         |
| Assam . . . . .              | ..                                | ..            | 6,370          | ..               | 6,370          |
| Orissa . . . . .             | ..                                | ..            | 6,740          | ..               | 6,740          |
| Gwalior . . . . .            | ..                                | ..            | ..             | 4,642            | 4,642          |
| Baluchistan . . . . .        | ..                                | ..            | 73             | ..               | 73             |
| <b>Total</b> . . . . .       | <b>196,357</b>                    | <b>37,525</b> | <b>113,589</b> | <b>20,098</b>    | <b>366,569</b> |
| Foreign imports . . . . .    | 71,055                            | ..            | ..             | 27,969           | 99,024         |
| <b>GRAND TOTAL</b> . . . . . | <b>266,412</b>                    | <b>37,525</b> | <b>113,589</b> | <b>48,067</b>    | <b>465,593</b> |

#### IMPORT OF AGRICULTURAL TRACTORS.

**24. \*Khan Bahadur Nawab Makhdum Murid Hossain Qureshi:** Will the Secretary for Education, Health and Lands be pleased to state:

(a) if he is aware of the large demands for agricultural tractors in the country, and the very meagre number imported by the Government of India;

(b) the number of agricultural tractors coming out in the year 1944; and

(c) the steps he is taking to import tractors to meet full demands?

**Mr. J. D. Tyson:** (a), (b) and (c). The number of tractors required during 1944 for replacement of existing machines was estimated by a joint conference of importers, distributors and indigenous manufacturers of agricultural implements and machinery held last year and licences for import up to that number will be granted to the trade on the basis of priority determined by Government. For tractors required during 1944 for new projects designed to bring cultivable but uncultivated land under cultivation, the demands of Provincial and State Governments have been ascertained and steps to obtain the number necessary from the United States of America have been taken. It is impossible in present conditions to state even approximately how many tractors of either category will be shipped during 1944.

#### STEPS FOR MEETING DEFICIENCY OF AGRICULTURAL BULLOCKS.

**25. \*Khan Bahadur Nawab Makhdum Murid Hossain Qureshi:** Is the Secretary for Education, Health and Lands aware of the fact that bullocks are not readily available, and how he proposes to meet the deficiency of bullocks for ploughing?

**Mr. J. D. Tyson:** Government are aware that in some parts of the country plough bullocks are not readily available. Owing to the difficulty of importing cattle from abroad in present conditions and the absence of any scientific technique practicable in the circumstances of the country by which the cattle population can be rapidly increased, the efforts of Government have perforce been concentrated on the preservation of working bullocks from slaughter to the maximum extent possible. Instructions have been issued by the military authorities to all Commands in India that cows in milk, pregnant cows or working bullocks (both plough cattle and cattle used for transport) should not be



accepted for slaughter and cattle tendered for slaughter are inspected from this point of view. Provinces have been invited to adopt and enforce similar restrictions and certain Provincial Governments have issued notifications under the Defence of India Rules which prohibit the slaughter of certain important categories of cattle whether for civilian or army consumption.

#### IMPORT OF AGRICULTURAL TRACTORS.

26. \*Khan Bahadur Nawab Makhdam Murid Hossain Qureshi: Will the Secretary for Education, Health and Lands be pleased to state whether he is aware that large tracts of land in the Central India and Central Provinces can be brought under cultivation with the help of agricultural tractors; if so, what arrangements he is making for the import of suitable tractors?

Mr. J. D. Tyson: (a) There are possibilities of extending the cultivated area in certain parts of the Central India with the help of tractors.

(b) The Honourable Member is referred to my answer to question No. 24. A substantial proportion of the tractors which are being imported for new projects are intended for the part of the country the Honourable Member has in mind.

#### POWER ALCOHOL FACTORIES.

27. \*Mr. B. R. Gupta: (a) Will the Honourable Member for Industries and Civil Supplies be pleased to state the number of Power Alcohol Factories already working in India?

(b) How many more factories are expected to be set up, and when?

The Honourable Sir M. Azizul Huque: (a) and (b). Government would in present circumstances prefer not to broadcast the information.

#### RECOMMENDATIONS OF THE ECONOMISTS CONFERENCE.

28. \*Mr. B. R. Gupta: (a) Will the Honourable the Commerce Member be pleased to make a statement regarding the deliberations of the Economists Conference held at New Delhi in November, 1943, with particular reference to their tentative recommendations and the Government's decision thereon?

(b) Will the Conference have further sittings? If so, when?

The Honourable Sir M. Azizul Huque: (a) The third meeting of the Consultative Committee of Economists was held in New Delhi on the 12th and 13th November, 1943. I am not in a position to make a statement regarding their conclusions. Piecemeal publication of opinions expressed by the Consultative Committee is not desirable. Moreover, the Committee is only one among several bodies which Government have to consult, and these other bodies have not yet expressed their views.

(b) Yes. The date of the next meeting has not yet been settled.

#### UNSTARRED QUESTIONS AND ANSWERS.

##### COMMUNAL COMPOSITION IN THE OFFICE OF THE CONCILIATION OFFICER (RAILWAYS) AND SUPERVISOR OF RAILWAY LABOUR.

1. Mr. Muhammad Hussain Choudhury: Will the Honourable Member for Labour be pleased to state:

(a) how many office clerks there are in the office of the Conciliation Officer (Railways) and Supervisor of Railway Labour;

(b) how many Inspectors of Railway Labour have been appointed temporarily or permanently from December, 1942, up to the second week of February, 1944; and

(c) out of these appointments, how many were recruited from (i) depressed classes, (ii) caste Hindus, (iii) Muslims, and (iv) members of other communities?

The Honourable Dr. B. R. Ambedkar: (a) Eleven including a Stenographer.

(b) Five temporary Inspectors only have been appointed from December, 1942, upto January, 1944.

- (c) (i) Three.  
(ii) and (iv). None.  
(iii) Two.

#### MUSLIM INSPECTORS OF RAILWAY LABOUR.

2. Mr. Muhammad Hussain Choudhury: (a) Will the Honourable the Labour Member please state the number of persons who served temporarily as Inspectors of Railway Labour and who were trained hands at the time of the first appointment of Mr. Jhadev, Conciliation Officer (Railways)?

(b) How many of these Inspectors were Muslims, and how many of the Muslims who had served temporarily as Inspectors were given chance of appointment to permanent or quasi-permanent vacancies?

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

(b) Both were Muslims. One has secured appointment elsewhere and the other at present officiating as an Inspector of Railway Labour.

#### DEPRESSED CLASS APPOINTMENTS OF INSPECTORS OF RAILWAY LABOUR.

3. Mr. Muhammad Hussain Choudhury: (a) Will the Honourable the Labour Member please state if it is true that five Inspectors of Railway Labour posted respectively at Dacca, Tatanagar, Ajmer, Asansol and Jalpaiguri went on deputation to the Central Civil Supplies Department or as Civilian Labour Welfare Officers in the Military Department?

(b) Is it true that all these five long standing officiating vacancies which will continue up to the duration of the War, were filled up by five depressed class Hindu Inspectors who have been appointed arbitrarily by the Conciliation Officer (Railways) and Supervisor of Railway Labour, superseding the claims of two Muslims who have served temporarily for more than six months and who are trained hands?

The Honourable Dr. B. R. Ambedkar: (a) Yes, but all deputations were not to the Civil Supplies Department or as Civilian Labour Welfare Officers.

(b) No, as will be clear from the reply to part (c) of question No. 1 of the same member.

#### DEPRESSED CLASS APPOINTMENTS OF INSPECTORS OF RAILWAY LABOUR.

4. Mr. Muhammad Hussain Choudhury: Will the Honourable the Labour Member please state if it is a fact that five long standing officiating vacancies of Inspectors of Railway Labour occurred because of the deputation of two Muslims, viz., Mr. A. Hamid and Mr. A. Karim, one Sikh, Mr. T. Singh, and two caste Hindus?

The Honourable Dr. B. R. Ambedkar: It is true that the vacancies arose because of the deputations.

#### DEPRESSED CLASS APPOINTMENTS OF INSPECTORS OF RAILWAY LABOUR.

5. Mr. Muhammad Hussain Choudhury: Will the Honourable the Labour Member please state if it is a fact that five depressed class appointments of Inspectors of Railway Labour were made without any advertisement and without selection by the Selection Board?

The Honourable Dr. B. R. Ambedkar: No. Only three Scheduled Class candidates were appointed. Recruitment was not made by advertisement or by a Selection Board.

#### DEPRESSED CLASS APPOINTMENTS OF INSPECTORS OF RAILWAY LABOUR.

6. Mr. Muhammad Hussain Choudhury: (a) Will the Honourable the Labour Member please state if the Conciliation Officer (Railways) and Supervisor of Railway Labour was justified in appointing all the five new depressed class Inspectors without any selection? Are they from amongst relatives of his own province of Bombay?

(b) Was the Conciliation Officer (Railways) and Supervisor of Railway Labour justified in appointing his relations and his own community people as clerks and Inspectors? Is the Honourable Member aware that there were qualified depressed class candidates from other provinces also?



(c) Why did he not consider the claims of those who once served creditably in officiating vacancies as Inspectors?

(d) Why did the Supervisor of Railway Labour appoint Inspectors without consulting the Selection Board?

**The Honourable Dr. B. R. Ambedkar:** (a), (c) and (d). I would refer to my reply to the previous question. The candidates appointed are not related to the Conciliation Officer (Railways) and Supervisor of Railway Labour.

(b) I have given the information relating to Inspectors. As regards clerks, out of eleven only one belongs to the Scheduled Caste whom the present Conciliation Officer (Railways) has appointed.

#### DEPRESSED CLASS APPOINTMENTS OF INSPECTORS OF RAILWAY LABOUR.

**7. Mr. Muhammad Hussain Choudhury:** Is the Honourable Member for Labour prepared to consider the desirability of filling up the five vacancies of Inspectors of Railway Labour by forming a Selection Board so that the legitimate claims of all communities may not be jeopardized?

**The Honourable Dr. B. R. Ambedkar:** The question of filling of vacancies in the grade of Inspectors is under examination of Government.

#### BENGAL INSPECTORS IN THE OFFICE OF THE CONCILIATION OFFICER (RAILWAYS) AND SUPERVISOR OF RAILWAY LABOUR.

**8. Mr. Muhammad Hussain Choudhury:** (a) Will the Honourable Member for Labour please state how many Bengalee Inspectors there are in the office of the Conciliation Officer (Railways) and Supervisor of Railway Labour? If there is only one Bengalee, why are not more Bengalees appointed?

(b) Is it not a fact that there are sufficient number of qualified Bengalees, both amongst Hindus and Muslims, who are awaiting chances?

**The Honourable Dr. B. R. Ambedkar:** (a) Two.  
(b) There may be sufficient and suitable Bengalees available for appointment but the presumption behind the question that the appointments are made with any reference to the province of a candidate is not correct.

#### QUALIFICATIONS OF MR. D. G. JHADEV, CONCILIATION OFFICER (RAILWAYS) AND SUPERVISOR OF RAILWAY LABOUR.

**9. Mr. Muhammad Hussain Choudhury:** (a) Will the Honourable the Labour Member state if it is true that Mr. D. G. Jhadev is at present the Conciliation Officer (Railways) and Supervisor of Railway Labour, Government of India? If so, what are his qualifications? Was he in Government service or in Railway service before?

(b) Will the Honourable Member please state if it is a fact that Mr. Abdur Rahman Puri, the Head Clerk of the Office of the Conciliation Officer (Railways) and Supervisor of Railway Labour has been degraded to the post of an Inspector? If so, what are the reasons?

**The Honourable Dr. B. R. Ambedkar:** (a) Yes. Mr. D. G. Jhadev at present holds the post.

Mr. Jhadev was an elected member of the Bombay Legislative Assembly prior to his present appointment. Besides being an elected member of the Backward Class Board, Bombay, he had served on many Select Committees, Development Boards, Advisory Committees and was an arbitrator of Co-operative Societies in the District of East Khandesh. He is a B.A., LL.B., having graduated in 1934 and taken his law degree in 1940. He has not been in Government or Railway Service before.

(b) The Honourable Member is presumably referring to Mr. Abdul Hamid Puri. He reverted to his substantive post of an Inspector on expiry of his tenure of appointment as Head Clerk.

#### CONCILIATION OFFICERS (RAILWAYS) AND SUPERVISORS OF RAILWAY LABOUR.

**10. Mr. Muhammad Hussain Choudhury:** (a) Will the Honourable Member for Labour be pleased to state who were the Conciliation Officers (Railways) and Supervisors of Railway Labour since its creation?

(b) Does he consider it desirable to post an I. C. S. Officer or otherwise an experienced officer as Conciliation Officer (Railways) and Supervisor of Railway Labour?

**The Honourable Dr. B. R. Ambedkar:** (a) The combined post of Conciliation Officer (Railways) and Supervisor of Railway Labour was held only by Mr. Khaleeli, I.C.S., before Mr. Jhadev was appointed to it.

(b) I do not consider it necessary that the post should be held only by an I.C.S. Officer or some other person who has had experience as an Officer of Government.

#### FIXATION OF WHOLESALE AND RETAIL PRICES BY GOVERNMENT OF BENGAL FOR PADDY AND RICE.

**11. Mr. K. C. Neogy:** With reference to his reply to starred question No. 54 on the 9th November, 1943, stating that an enquiry had been made from the Government of Bengal in regard to the actual result achieved by the fixation of wholesale and retail prices for paddy and rice, does the Honourable the Food Member propose to make a statement giving the necessary reply to the original question on the subject?

**The Honourable Sir Jwala Prasad Srivastava:** The following is a summary of the information received from the Government of Bengal:

(a), (b) and (c). The Bengal Government's Order dated the 10th November, 1943, controlling the wholesale and retail prices had the effect of bringing out stocks of rice in certain districts and enabling Government to purchase substantial quantities at or below the controlled rates. It also brought down the black market prices for rice within a short time by Rs. 10 to Rs. 15 a maund. There was some anticipated dislocation of the retail markets in urban areas immediately after control was imposed, which was met by sales from Government controlled shops at statutory retail prices and by requisitioning, wherever necessary and possible. It is not possible without an unjustifiable expenditure of labour to prepare a detailed statement of the actual prices of the principal foodgrains ruling at the relevant periods in Calcutta and the districts.

#### SUPPLY OF FOODGRAINS AT CONTROLLED OR CONCESSIONAL PRICES TO NON-MILITARY EMPLOYEES OF BENGAL GOVERNMENT.

**12. Mr. K. C. Neogy:** With reference to his answer to part (d) of starred question No. 55 on the 9th November, 1943, stating that information regarding supply of foodgrains at concessional prices to Bengal Government employees and official and semi-official organisations such as the A. R. P. Services and Civic Guards, had been called for from the Bengal Government, does the Honourable the Food Member propose to place on the table the reply of the said Government on this subject?

**The Honourable Sir Jwala Prasad Srivastava:** The information received from the Government of Bengal is as follows:

The following categories of employees of the Bengal Government are entitled to concessional supply of foodgrains:

- (1) Gazetted Officers in receipt of dearness allowance.
- (2) Non-Gazetted employees drawing less than Rs. 300 per month.
- (3) All ranks of the Police up to and including the rank of an Inspector.
- (4) All personnel of the Calcutta Firebrigade and Auxiliary Fire Service upto and including the rank of an Engineer.
- (5) Jail menials and Warders upto and including the rank of Chief Head Warder.

About 44,000 employees of the Bengal Government, members of the A. R. P. Services and Civic Guards enjoy concession in Calcutta. The amount of foodgrains supplied in each month has varied with the supply position but the monthly quota during 1943 never exceeded 12,600 maunds of rice and 9,500 maunds of *atta*. Figures regarding employees outside Calcutta are not readily available. District Magistrates in the districts and the Civil Supplies Department in Calcutta are responsible for issuing these supplies.

## STOCKS OF FOODGRAINS HOARDED BY EMPLOYERS IN BENGAL.

13. **Mr. K. C. Neogy:** (a) Will the Honourable the Food Member be pleased to refer to his answer to part (d) of starred question No. 56 on the 9th November, 1943, on the subject of stocks of foodgrains hoarded by employers in Bengal, and give a complete reply to the question?

(b) Where employers actually required by the Government of Bengal under the authority granted to them under an amendment of the Foodgrains Control Order, dated the 29th May, 1943, to submit returns of stocks that they held for distribution to their employees or to take out a licence for the maintenance of such stocks? If so, will the Honourable Member be pleased to indicate the time when such action was taken and the statistical position of stocks thus disclosed at the time?

(c) Does the Honourable Member propose to make a statement, giving the statistical results of the Food Drives that were undertaken by the Government of Bengal in different areas of the Province?

**The Honourable Sir Jwala Prasad Srivastava:** (a) and (b). Returns furnished under the Foodgrains Control Order by large employers of labour in the Calcutta and industrial area show that they held on 31st July, 1943, the following stocks:

Rice—540,886 maunds.

Wheat and Wheat products—79,860 maunds.

Dals—97,368 maunds.

Relatively smaller stocks were held by employers of labour in the districts, information of which is not readily available. The stocks given above represented four weeks' requirements of the labour.

Employers were required to submit returns by the Amendment to the Government of India's Order, dated 22nd May, 1943, which was brought to their notice by the Government of Bengal.

(c) A statement showing the stocks found in the districts and Calcutta during the Government of Bengal's Food Drives in June, 1943, and August, 1943, is attached.

A statement showing the stocks found in districts during the Food Drive in June, 1943.

| Districts.  | Stocks found on 16.6.43 (in terms of rice). | Districts. | Stocks found on 16.6.43 (in terms of rice). |
|-------------|---------------------------------------------|------------|---------------------------------------------|
| Burdwan     | 2,116                                       | Jalpaiguri | 756                                         |
| Birbhum     | 1,060                                       | Rangpore   | 468                                         |
| Bankura     | 852                                         | Bogra      | 651                                         |
| Midnapore   | 1,707                                       | Pabna      | 351                                         |
| Hooghly     | 894                                         | Malda      | 607                                         |
| Howrah      | 235                                         | Dacca      | 828                                         |
| 24 Parganas | 1,802                                       | Mymensingh | 2,399                                       |
| Nadia       | 1,041                                       | Faridpore  | 438                                         |
| Murshidabad | 688                                         | Bakarganj  | 1,397                                       |
| Jessore     | 878                                         | Tipperah   | 602                                         |
| Khulna      | 1,637                                       | Noakhali   | 257                                         |
| Rajshahi    | 1,152                                       | Chittagong | 378                                         |
| Dinaipore   | 1,893                                       |            |                                             |

Stocks found in Calcutta and Howrah during the August, 1943, Food Drive.

|                          | Maunds.  |
|--------------------------|----------|
| Rice                     | 8,22,743 |
| Paddy                    | 81,105   |
| Wheat and wheat products | 2,36,226 |
| Dal                      | 5,07,655 |

## REPATRIATION OF DESTITUTE PERSONS FROM CALCUTTA.

14. **Mr. K. C. Neogy:** With reference to his answer to starred question No. 57 of the 9th November, 1943, on the subject of repatriation of destitute persons from Calcutta, that an enquiry had been made from the Government of Bengal, will the Honourable the Food Member be pleased to make a statement in reply to the question?

**The Honourable Sir Jwala Prasad Srivastava:** An inquiry was made which reveals that the Bengal Destitute Persons (Repatriation and Relief) Ordinance, 1943, was promulgated on 26th October, 1943. The Ordinance was not the subject of consultation with the Government of India before promulgation. The Government of Bengal estimate that approximately 62,351 persons have been dealt with under this Ordinance. Most of these destitutes were repatriated when the harvest was beginning, so that all could obtain work. They were provided with free passages as well as some money or rations for the journey and ration cards enabling them to obtain food at their villages from Free Kitchens. Some are reported to have returned to Calcutta after repatriation, but these are mostly professional beggars, or persons unable to work, who are being kept in Relief Centres until they can be dealt with under the Rehabilitation Scheme.

## FEEDING OF LABOUR ENGAGED ON MILITARY WORKS IN BENGAL BY MILITARY AUTHORITIES.

15. **Mr. K. C. Neogy:** With reference to his answer to starred question No. 62 of the 9th November, 1943, on the subject of the responsibility of the Government of Bengal for feeding labour engaged on military works, will the Honourable the Food Member be pleased to give a complete reply to parts (a) and (b) of the question, and indicate the final decision that may have been reached with regard to the arrangements referred to in the question?

**The Honourable Sir Jwala Prasad Srivastava:** The following statement shows the allotments made by the Bengal Government to the Central Public Works Department for civil labour engaged on military works during 1943, the price per maund charged for these quantities and the average pooled price at which the foodgrain was procured during the months in question:

|       |                 | Price charged |     | Average Pooled Price   |            |
|-------|-----------------|---------------|-----|------------------------|------------|
|       |                 | Rs. A. P.     |     | Rs. A. P.              |            |
| March | 3,000 mds. Rice | 15            | 6 0 | per md. including bag. | 15 15 0    |
| April | 17,000 do.      | 15            | 6 0 | Do.                    | 16 0 0     |
|       | 5,000 mds. Atta | 18            | 8 0 | Do.                    | Not known. |
| May   | 3,000 mds. Rice | 19            | 6 0 | Do.                    | 19 7 0     |

Quantities supplied from districts are not known but are believed to be small.

The Government of Bengal did not make any special arrangements to acquire and maintain stocks for this purpose.

Before March, 1943, purchases were made for this labour in the open market and after May, 1943, some assistance was given by the Central Government's Regional Food Commissioner out of imported grain placed at his disposal.

The final arrangement for supply to this labour is still under consideration.

## RECOMMENDATIONS OF THE FOODGRAINS POLICY COMMITTEE.

16. **Mr. K. C. Neogy:** (a) Will the Honourable the Food Member be pleased to place on the table a statement summarising the recommendations of the Foodgrains Policy Committee (Gregory Committee Report) indicating—

(i) which of them have already been accepted by Government, and are being carried out;

(ii) which are still under consideration of Government; and

(iii) which have been rejected by Government?

(b) In the case of the third category of recommendations indicated above, what are the reasons for the non-acceptance of each of the recommendations concerned?

**The Honourable Sir Jwala Prasad Srivastava:** (a) and (b). A full statement is placed on the table.

*Report on the Progress of the recommendations of the Foodgrains Policy Committee.*

The Foodgrains Policy Committee's Report contained 56 recommendations for action and 37 conclusions or statements of fact or opinion. Two recommendations only have not been fully accepted, these are No. 91 the Export Arbitration Committee, which was rejected by the Fourth Food Conference, and No. 66 Pooled Prices, the situation about which is discussed at the appropriate place in this report. 39 of the former are the direct concern of the Food Department, and the remainder of other departments of the Government of India; the Food Department has undertaken the 'progressing' of all of them. They include both long-term and short-term recommendations and cannot, therefore, all be implemented immediately, but work has started on each one; on some of them action is complete and, on many others considerable progress has been made.

The note below examines the progress made, taking the operative chapters of the Report in order.

*Statistical Position—(Chapter 2).*

The improvement of agricultural statistics was one of the first matters taken up by Food Department, early in 1943. An inter-departmental committee consisting of the representatives of the E. H. & L., Commerce, Food, Finance and Political Departments and the Economic Adviser, was set up under the chairmanship of the Vice-Chairman, Imperial Council of Agricultural Research, to investigate possible improvements in agricultural statistics. Provinces and States were addressed and a scheme was prepared for the consideration of the Committee.

The improvement of the agricultural statistics involves:

(a) the setting up of machinery for the collection of reliable figures of actual acreage and yield of principal crops from year to year in the 'permanently settled' areas, similar to the revenue machinery in the ryotwari tracts, and

(b) measures to improve estimates of yield.

As regards the first, the possibility of collecting the primary data about acreage and yield in the 'permanently settled' areas, viz., Bengal, Bihar and parts of Orissa, and such Indian States as do not maintain statistics, was considered in detail, but it was decided that the task could not be undertaken satisfactorily during the war owing to the difficulty of securing or training sufficient staff for the purpose. As regards the improvement in the yield estimates, the Committee decided that a scheme drawn up by the Statistician of the Imperial Council of Agricultural Research should be implemented in respect of next wheat crop, which is expected to result in considerable improvement. In addition, the governments of Bengal and Bihar have entrusted the task of formulating independent estimates of their current crops to Professor Mahalanobis, and the results of his enquiry are awaited.

*Grow More Food Campaign—(Chapter 3).*

In their third chapter the Committee made 13 recommendations, on various important aspects of Government's drive to produce more food in the country. The rate at which progress can be made on some of these recommendations is limited by war conditions.

(1) *Distribution of improved seed.*—For 1943-44 substantial sums (Rs. 1,55,32,810 in all to date) have been made available: in grants from Central Revenues and from the Cotton Fund (Rs. 31,50,683), and as loans to provinces for various schemes designed to promote the distribution and multiplication of improved seeds and manure at concession rates (Rs. 1,23,82,167).

For 1944-45, similar schemes have been prepared by provincial governments, some of which have already been accepted for assistance from the Centre. Grants on this account already approved at present amount to Rs. 18,74,717 and loans (Rs. 50,04,200). Distribution of improved seed is one of the most important factors in increasing the yield of food crops. Undertaken on a country-wide scale it is a colossal task, but it has been for some time consistently urged on provinces and States, who are co-operating well.

(2) *Compost of town refuse.*—As noted by the Committee, a scheme for training staff in what is known as the 'Bangalore Process' is already in hand. Wide publicity has been given to it in almost all leading newspapers, and by means of illustrated articles and the cinema. The first stage in a training schedule which will cover 18 months is the training of bio-chemists deputed by the most important provinces and States, and that is now complete; the bio-chemists have been given a good practical grounding in routine methods of compost manufacture on a large scale, and the trained men have, in turn, taken up the training of their assistants, who will then have to train the required number of municipal staff. Results may begin to appear by the end of the present year.

(3) *Chemical fertilizers.*—The combined Raw Material and Food Board, Washington have allocated to India certain quantities of chemical fertilizers for the 12 months ending June, 1944. These will be distributed under the control of the Government of India so as to get the best value from them. The question of production in India of synthetic ammonia was examined in consultation with industrialists in September, last. The production of all the chemical fertilizers which India could profitably use is a long term project, but, as a short term 2-year policy, the Government of India's aim is to establish manufacturing capacity for an output of 350,000 tons annually of ammonium sulphate or ammonium nitrate. This will involve the importation of manufacturing units from the U. K., Canada or the U.S.A., and enquiries to that end have been cabled to the Indian Purchasing Mission, as well as to the U.K. The question of technical advice and training is also in hand.

(4) *Irrigation and Drainage Schemes.*—A number of schemes designed to irrigate or drain about 200,000 acres of land have already been initiated, with assistance from the Centre, and numerous other short-term schemes are being explored e.g., tube-well irrigation, river-pumping, embankments, tanks, contour bunding. The early completion of some of these schemes depends on importing machinery from abroad and every effort is being made to secure early delivery. Certain other projects are in hand in the Bombay, C.P., and Bengal provinces, which do not involve importation of any plant, and these are expected to add appreciably to India's foodgrains resources. Provincial Governments and administrations have been asked to furnish progress reports on all projects, whether power-operated or otherwise, sanctioned since April, 1942.

(5) *Depletion of India's milch and draught cattle.*—Restrictions on slaughter of certain categories of cattle, were recommended by the C.F.A.C. in order to prevent permanent damage to the cattle wealth of the country. The War Department and the Provinces have readily accepted the restrictions, which are enforced by a proper system of inspection. On the advice of the Central Government Provinces have also passed orders to prevent indiscriminate slaughter. The position is constantly under review and further measures to tighten control and inspection will be taken, if necessary.

(6) *Iron and steel for agricultural implements.*—Provinces and States have been asked to submit their requirements of 'good' (or standard) iron and steel during 1944-45, for the manufacture of country implements in common use. When requirements are known the priority authority will be approached for the allotment of a special quota for this purpose. Provinces have also been informed how they may obtain cuttings and defective steel suitable for agricultural implements from the Iron & Steel Controller. The supply of tools for manufacture and repair of agricultural machinery and the import of such machinery required during the next two years has been arranged. The question of reducing prices of agricultural implements is also in hand.

(7) *Supply of Fuel and Lubricating Oil to agriculturists.*—Provinces and States have been informed of the procedure for obtaining supplies of lubricants and fuel oil for agricultural machinery. The system of distribution of the available supplies is reported to be working satisfactorily. Every effort will however be made to increase supplies and improve distribution.

(8) *Regulation of crop production.*—The necessary powers have been given to Provincial Governments by the new Defence of India Rule 80B. Powers have been taken to bring culturable waste under cultivation and to control the cultivation of specified items of crops.

(9) *Land settlement in Assam.*—The Central Government are keeping a close watch on the progress of the Assam Government's measures for opening up land for settlement, and monthly reports have been called for.

(10) *Under-milling of rice.*—Most provinces have followed the example of the Madras Government, and have issued orders making compulsory the under-milling of rice. The effect of the orders and the extra outturn are now the subject of enquiry. This method of making more (and more nutritive) rice available is being strongly urged on Government and States that have not so far adopted it.

(11) *Stores for rice-mills.*—Information is being collected about the requirements of the rice mills. When that is known arrangements will be made to supply them, as far as possible.

*Imports and Exports—(Chapter 4).*

The export of foodgrains from India had been stopped 3 months before the Report of the Foodgrains Policy Committee. The only exception permitted is in the case of small quantities required for provisioning ships sailing from Indian ports or for the use of Indian seamen, or the merchant-navy in Indian Ocean ports. Correspondingly smaller quantities are permitted similarly in the case of passenger-carrying aircraft. The embargo on exports of foodgrains is effective, and is very strictly and scrupulously observed, under the personal scrutiny of the Hon'ble Food Member. A small monthly export of 2,000 tons of pulses, has been permitted to Ceylon which is otherwise cut off from all supplies of foodgrains from India, and therefore needs pulses to supplement protein deficiency; and 250 tons a year to the Persian Gulf.

As regards imports, the Government of India are constantly pressing upon His Majesty's Government the urgency of foodgrains imports on the scale recommended by the Foodgrains Policy Committee, for the purpose of reserve, current consumption and military requirements. Since October, 1943, 232,402 tons have been received.

*Army Purchases—(Chapter 5).*

The Food Department is in close touch with the War Department, and, through them, with the military authorities over the supply of the Army's requirements, and have constantly before them the effect of the Army's demands on the available food supplies of the country. The procurement of the Army's requirements out of indigenous resources is entrusted to the Food Department and can thus be co-ordinated with the supply of civilian requirements.

As regards the direct or indirect effect upon available food supply and upon prices, of supplying the requirements of the additional armed forces arriving in the country, H. E. the Commander-in-Chief has declared that these will not be allowed to be a drain on the country's resources of foodgrains. The necessity for this has also been made amply clear to H. M. G.

As regards other foodstuffs other than the principal foodgrains as large a quantity as possible is being imported. Local purchase is restricted to those items which cannot with advantage be imported. In case of vegetables, fish, meat and poultry the impact of Army demand on prices and supplies available for civilian consumption is being minimised by planning and co-ordinating purchase on behalf of local commands and the Food Department. It has been decided to set up Co-ordination Committees consisting of the Military Commands, Food Department and the Provincial Governments. These committees will work on the basis of surveys of the available resources and will determine the sources of supply. They will regulate purchase of supplies so as to prevent destruction of breeding stock and seed requirements and will also take necessary action to increase production in deficit areas.

*Procurement—(Chapter 6).*

The Government of India agreed with the Committee that a Central Government foodgrains monopoly is the ideal medium of procurement, but that for the time being it had to be ruled out of consideration by the time factor. They do not, however, rule out the possibility of establishing a Central monopoly at some future date, and are therefore studying, as recommended by the Committee, the operation of existing Provincial and State purchase systems, with that end in view.

A Central Foodgrains Reserve approximating to about 500,000 tons has been recommended by the Committee. So far as wheat is concerned, this will be built up as much as possible, by imports, from abroad (which are discussed under Chapter 4). A Depot at Karachi has already been established for the purpose.

The Committee recommended that if the functioning of the procurement organisation in a province is unsatisfactory, the Centre should insist on remedial measures, and, to this end, recommended that there should be set up an "enforcement" branch in the Secretariat. The Food Department has been reorganised and this function will be performed by the Division entrusted with the procurement and distribution of foodgrains assisted by the R.F.Cs. and their staff.

The points to which Food Department direct their attention most in the various local schemes, are the elimination of competitive buying; the control of movement and transport; employment of the trade under official supervision; limitation of numbers, prescription of purchasing areas and prohibition of private trade for purchasing agents; and the proper use of the Foodgrains Control Order, as the most effective supporting instrument. These features are already embodied in many local purchasing schemes and there have been important developments in these directions since the Foodgrains Policy Committee reported. Government monopoly purchase already exists, for practical purposes, in the Central Provinces, Orissa, Mysore, Travancore and Cochin, Baluchistan and other smaller areas. Madras and Bihar Official grain purchase officers direct purchases both for licensed traders and other large consuming interests, and movements between districts are strictly controlled according to quota. The U. P. have localised purchases and movements, and have largely eliminated competitive buying. Licensed agents operate under the orders of Regional Controllers and a large marketing staff. In Bombay the Revenue Department buys direct from producers a percentage of the crop. In Hyderabad a single Commercial Corporation and in Sind, two syndicates—one for wheat and the other for other grains—buy for export. In the Punjab 5 Purchasing Agents were appointed for export and one for Defence Services, but the Punjab Government who also receive offers direct from the trade or producers, and use their Agents to take delivery are now examining their present system in the light of experience gained with a view to improving or altering it before the Rabi crop comes to be marketed. In Bengal four trade agents purchase under the direction of Government assisted by an Advisory Board in defined areas for the requirements of deficit districts, for industrial and other heavy consumers and for the provincial reserve. In Assam, one firm purchases for large internal consumers export and the Army in the Assam Valley and two against private competition, the high priority previously given by Railways to all foodgrains has since July, 1943, been confined to movements made at the request of the Central and Provincial Governments.

The Food Department maintains a record which indicates the common factors—both of strength and of weakness in the various schemes, and will enable the experience of one area to be shared by others.

The Government of India are aware of the difficulties of requisitioning and are in general agreement with the Committee's conclusions in this matter. It is a weapon to be used sparingly, but without hesitation, at the appropriate seasons, if the situation in a particular area should demand it, and is being so used at present. The "freezing" of wheat stocks pledged to Banks in the Punjab with a view to requisitioning, is a good example of the use of this weapon to "loosen" the movement to stocks, and incidentally to prevent a rise of prices, though in that case requisitioning ultimately proved to be unnecessary.

The Government of India are, at the same time, not neglecting the important complementary recommendation of the Committee, that, for successful procurement, consumer goods should be made available in as great a volume as possible to the producer, and the appropriate departments all have measures in hand to this end; for instance considerable progress has been made in the distribution of Standard Cloth to the various Provinces. Arrangements have been made for the distribution of iron and steel (defectives and cuttings) for the manufacture of agricultural implements and other rural requirements through the Regional Deputy Iron and Steel Controllers.

The Indian Copper Corporation, under instructions from the Government of India, will shortly be releasing 400 tons of brass sheets per month for conversion into domestic utensils by manufacturers.

Under arrangements with the Government of India about 6 million canvas shoes with reclaimed-rubber soles and 1 million reclaimed-rubber soled shoes with leather uppers are going to be manufactured in the next 12 months by Messrs. Bata Shoe Co., and distributed at controlled prices through their Branches all over India. The price of canvas shoes will range from Rs. 1-13-0 to Rs. 2-2-0 per pair.

Roughly 50 per cent. of the prewar capacity of woollen mills in India will shortly be available for manufacturing woollen material for the civilian market. It has been decided by the Central Government to purchase the entire output, and to place it thereafter on the market through dealers. Each province will be allotted a certain quantity of each bit of material produced, based on its population, a slight weightage being given to North Indian Provinces. It is expected that the woollen material will become available to the public under the arrangements by the end of January, 1944.

Government are considering the question of securing the release of additional manufacturing capacity for meeting the requirements of the civilian consumer of cement, matches, paper, cutlery, crockery, plywood, enamel ware, electric fans and lamps and other electric goods, domestic holloware, steel for bazar sales, etc. Details are, however, still under discussion and will take some time to finalise.

The possibility of increasing the present available supplies of kerosene is also being actively pursued. If our proposals materialize, we may hope to get in the not distant future, kerosene supplies equal to 60 per cent. of the 1941, consumption as against the 50 per cent now being supplied.

Action is at the same time being taken to import from the U. K. and U. S. A. larger quantities of consumer goods of the type required generally in urban areas, and it is hoped that by the end of June, 1944, a large quantity of these goods will have arrived in India.

As regards prices the Hoarding and Profiteering Prevention Ordinance 1943 has made the charging of more than 20 per cent. profits on cost of production or landed cost in case of imported articles a crime. Prices of various articles like leather, cigarettes, fountain-pens, cycles, polishes, photographic goods, razor blades, sports, goods, etc., have been statutorily fixed.

*Distribution and Consumption (Including Rationing)—(Chapter 7).*

Such transport difficulties as have occurred in the distribution of foodgrains, have usually been quickly solved with the help of Regional Controllers of Railway Priorities, set up by War Transport Department, with whom provincial Governments and the Food Department's Regional Food Commissioners have been encouraged to keep in close touch. A senior Railway official has been appointed Director of Movements, with the Food Department, who advises on all questions of transport policy affecting foodstuffs, and assists in removal of practical difficulties.

Coastal shipping, country-craft, river and canal traffic and road transport—all play a vital part in the movement of foodgrains, especially in local movement, and none of these methods of transport have been neglected. The Coastal Shipping Committee at Bombay is responsible for the co-ordinated movement of all available tonnage on the coast, and acts under the general direction of War Transport Department which consults the Commerce Department, under whose formal control coastal shipping remains. A country-craft organisation has been set up by the War Transport Department and country-craft are used, particularly on the West Coast, for the carriage of foodgrains.

"This form of transport of foodgrains by country-craft, to begin with, was not very popular owing to the risks of pilferage and damage. The War Transport Department have however, recently entered into an arrangement with the Bombay Steam Navigation Company to run organised country-craft services between Karachi and Bombay, Mormagao, Cochin, Alleppey and Trivandrum at fixed rates subject to certain conditions, which provide *inter alia* that the Company will (1) be liable for pilferage and (2) provide either decked crafts or suitable tarpaulins to cover the cargo."

Inland water transport is a provincial responsibility, but the War Transport Department have addressed various provincial Governments and this method is likely to be used increasingly for local carriage of foodgrains. The same applies to road transport and arrangements have been made by the War Transport Department for the special supply of motor vehicles to those producing areas where their use can most greatly assist the extraction of marketable surpluses. The use of Army motor transport has proved invaluable in the distribution of foodgrains in Bengal.

The Government of India regard the introduction of individual food rationing in all large cities and towns as fundamental to a co-ordinated food plan. In this a considerable measure of success has been achieved in a short time and, as a result of careful publicity and actual experience, the public are beginning to understand that rationing is not something to fear as a hardship but an instrument of confidence and an assurance of fair distribution of available supplies at reasonable prices. The Government of India arranged for a series of courses of instruction for Food Controllers in rationing in Bombay during September, 1943, which were attended by senior officers from almost all provinces and States.

## LEGISLATIVE ASSEMBLY

[7TH FEB. 1944]

34 Practically every government in the country has now accepted the need for food rationing of towns. Rationing schemes covering one or more of the staple foodstuffs are now in force in 20 cities or towns with a population of 1 lakh and over; in 17 towns with a population of half a lakh or over, and in 66 smaller towns 103 in all. Of these, 82 are in British India and 21 in Indian States. Bombay City has provided a model for most rationing scheme, and the most rapid development has been in Madras where 59 municipal areas and talukas have already been rationed. In Travancore, an ambitious extension of rationing to the whole State has been undertaken. In addition to the figures given above, the U. P. Government has partially rationed 20 of its largest towns, and proposes to extend this to 60 more towns in the near future. Combined with strict movement control, the U. P. scheme provides individual rations for 60 to 75 per cent. of the population and allows the trade to look after the rest. The U. P. Government have agreed to expand their system to full urban rationing as may be deemed necessary and desirable in consultation with the Government of India.

The Government of India also attach importance to the use of individual ration cards as opposed to family ration cards, and, although many towns prefer to start their rationing schemes with family cards, there is taking place, as a result of the Government of India's advice, and a lead given by the Government of Bombay, a transition to individual ration cards.

Rationing has been introduced in Calcutta with effect from the 31st January and it will be introduced in Karachi before the middle of February; the Punjab proposes to ration Lahore, Amritsar and Rawalpindi by March; Delhi will be rationed by April; and plans for the rationing of Hyderabad (Sind), Hyderabad (Deccan), Nagpur, Jubbulpur and numerous other smaller towns, are well advanced.

According to the Foodgrains Policy Committee the basic ration of foodgrains should not be allowed to fall, except in the case of temporary breakdown below 1 lb. per adult per day. In most cases the basic ration has been fixed at or slightly above 1 lb. of foodgrains per adult per day. It has not yet been possible to conform to this standard in the heavily deficit areas of Travancore and Cochin though every attempt is being made to increase supplies to these areas.

Instructions in pamphlet form on food control and rationing have been prepared by the Rationing Adviser to the Government of India, and have been issued to all the local governments, covering the need for the greatest possible uniformity in administration, the proper enforcement of legal sanctions, the setting up of Advisory Committees and the important place of publicity in the preparation and execution of rationing schemes, as well as other advice on numerous details, based on administrative experience. Most provinces have, in order to anticipate hoarding by consumers, issued an "Essential Articles (Restricted Acquisition) Order".

The Rationing Adviser's instructions are to be followed up by a more detailed manual which is now in the press, which will have the effect of encouraging uniformity in rationing administration. It will also stress the importance of the nutritional aspect of rationing. The nutrition booklets published by the Nutrition Research Laboratories, have been widely circulated to all provinces, and they have been advised to avail themselves of expert advice on nutritional feeding and welfare, through Food Advisory Committees.

In addition, the nutritional possibilities for the use of groundnuts have been examined and the results will be communicated to provincial governments.

The Foodgrains Control Order, and in most cases Provincial Governments' Foodgrains Movement Control Orders already exist and operate as checks on hoarding and smuggling.

The advice and information issued by the Food Department is personally reinforced by the Rationing Adviser and other officers, who are almost continually on tour.

The steps taken by the Government of India to secure the improvement of the procurement machinery of provinces is dealt with under another chapter. The special importance of this in its relation to the introduction of rationing has been emphasised.

The Government of India accept the recommendation of the Committee regarding the employment of the normal machinery of the retail trade in rationing schemes. In Calcutta as well as elsewhere, the existing systems of food distribution devised by employees of industrial labour have been adapted or incorporated in the rationing schemes.

There is much to be learnt about food rationing and methods of food distribution in the best interests of the public. The Food Department have under close study, many other relevant matters, including those brought to their notice by the Committee such as rationing of sugar and milk, the function of industrial canteens, cooked food shops. As practical experience of rationing develops, it will be the function of Food Department to see that experience is shared by every town and administration in India.

One of the greatest advantages of rationing is that it limits the consumption of food to what is necessary, and helps to prevent waste. India cannot afford to waste food, and, the recent appeal by the Hon'ble Food Member to the more prosperous members of the community, for the avoidance of waste and excess in the consumption of food has echoed the last recommendation of the Committee in this chapter, on the need for greater austerity, and at least one local administration has, by order, given practical effect to this.

## Basic Plan.—(Chapter 9).

Government have accepted both of the main recommendations of the Committee on this subject. The Food Department intend to proceed with the preparation of the Basic Plan by two stages: first, a plan of distribution is drawn up as between the deficit areas from the beginning of the relative crop year. The actual movements of grain are adjusted with the harvesting period. This is, in fact, in the nature of a 'budget estimate' calculated on the basis of the best information then available. The preliminary plan is thus circulated to the Provinces and States, and movements begin in accordance with the provisional allocations made.

At the second stage, the formula proposed by the Committee for calculating deficits and surpluses of the provinces and the States is to be used as a basis for discussion between the Centre and the Provinces or States concerned. In applying the formula also in the discussions, regard will be had to all relevant factors such as, for instance, actual crops, harvesting periods, abnormal increase in population, or the statistics, if such exist, of past exports and imports. The first Edition of the new plan, known as "Preliminary Kharif Plan", has already issued and has been operative since the 1st November. The information on which to check the first stage in the light of the formula, and other relevant factors, are now available and consultations with the Provinces and States are about to take place. The revised or final Edition of the Kharif Plan will be issued in April, to be operative from the beginning of May, and will coincide with the preliminary edition of the rabi plan.

The study of a more appropriate formula, as recommended by the Policy Committee, is continuously in hand. Much material for this is likely to be obtained at the stage of consultation with local governments and the revision of the preliminary kharif plan.

The Committee also recommended, under Chapter 12 of their Report, that in the case of any difference of opinion between the Centre and a local government over target figures, the matter should be dealt with by the Arbitration Committee; but the Fourth All-India Food Conference by majority rejected the proposal for an expert arbitration committee, and recommended that the decision of the Central Government should be accepted as final. The Government of India have accepted the views of the majority of the Conference on this matter and contemplate that consultations between the Centre and the Provinces or States will normally be conducted between the Centre and the administration concerned, but Government will invoke in any case presenting peculiar difficulties, such expert opinion as may be mutually agreed upon between the governments concerned.

It is of interest to record that under the original Basic Plan, operative from the 1st December, 1942, (in respect of kharif grains) and the 1st April, 1943, (in respect of rabi grains) upto the 15th July, 1943, the total quantity of foodgrains moved from surplus areas was 1,254,200 tons. Since the 15th July, under the revised Basic Plan and the new Kharif plan upto the end of January, 1944, the total quantity moved on civil and Defence account has been nearly 1:4 million tons.

## Prices.—(Chapter 8).

The Government of India have announced their intention of bringing provincial and regional prices of foodgrains into parity with each other, with a view to eliminate the wide local variations which now exist, and, eventually, to establishing all-India statutory control of foodgrain prices, which would be maximum prices fixed for the respective crop season, based on a fair return to the cultivator and related to the prices of other commodities and to the needs of the consumer.

The Foodgrains Policy Committee consider that the minimum conditions precedent to the establishment of statutory price control are: (a) adequate procurement machinery, (b) the establishment of statutory price control Order and anti-hoarding measures, and (c) control of enforcement of the Foodgrains Control Order and the maximum chance of success, statutory price transport. They also consider that for the maximum chance of success, statutory price control requires the existence of Central and Provincial foodgrains reserves. These are all matters the importance of which, so far as the local governments are concerned, had previously been emphasised repeatedly by the Central Government, and attention to them forms a great part of the daily work of the Food Department. They are dealt with further under other chapters of this Report.

As regards control of the prices of non-agricultural commodities necessary to the cultivator and anti-inflationary measures generally, these are receiving the close attention of other departments of the Central Government, and the successful result of the steps which have already been taken to reduce the prices of various essential commodities, are generally apparent. This process will continue.

The principle that statutory prices should not be fixed or altered without the consent of the Central Government, but that pending statutory control of prices throughout India local control, whether by statute or by conducting purchases at "ceiling-prices", should be allowed subject to the approval of the Central Government, has been accepted, and local governments have been asked to discuss questions of price control with each other on regional basis, in consultation with the Regional Food Commissioners.

It has been decided to set up a small expert Price Advisory Committee, consisting of representatives of the trade and producers, sitting with experts of the Central Government. The invitations have already issued, including the Federation of Indian Chambers of Commerce and Industry, the Associated Chamber of Commerce.



During December, discussions were held with the main wheat producing provinces, and it was decided, and has been announced, that statutory control of wheat prices will be introduced at the time of the next rabi harvest at levels which will be determined before the harvest commences.

In January, a Conference was held to consider what steps could be taken now to implement the Government of India's policy in respect of the prices of the principal kharif grains, viz., rice and millets. After considering the recommendations of the Conference the Government of India decided that maximum prices in primary wholesale markets throughout British India should be fixed by statute for *bajra* and *jowar*. These have been notified by provincial Governments, the accepted levels being Rs. 7 for *jowar* and Rs. 7-8 for *bajra*. Differentials are admitted from these prices in the markets of deficit areas of producing provinces.

In the case of rice, while there was a considerable measure of agreement as regards the proper level for price control in the provinces and States of Southern and Central India, price differences in Northern India are still too wide to announce coordinated price levels. Steps will be taken to reduce current prices in those areas to levels which we consider appropriate, preparatory to fixing statutory maximum prices in parity with each other throughout India.

A start has therefore been made on a systematic implementation of the policy recommended by the Committee and accepted by the Government of India, and this will be steadily pursued, together with development of all the pre-requisite conditions, until food-grain prices throughout India are all firmly under control.

The Committee recommended, as a step towards the levelling of existing price differences, the re-introduction of the system of "pooled prices" for grain imported by deficit from surplus areas. Since, in accordance with another recommendation of the Committee, procurement has now been entrusted to provincial agencies, it is not feasible to introduce the system of Central pooled prices which was in force up to the middle of July, 1943. The accounts of the Central Purchasing Agency up to that date were examined and as they disclosed a profit, a rebate was passed to the recipient administrations who were asked to pass on the benefit to consumers. A similar benefit resulting in the reduction of prices of wheat to the consumer, is expected to accrue from imported Australian wheat, which is landed in India at a lower cost than the prevailing market prices of wheat in India. The possibility of working out export prices from various surplus areas, averaged over a given period and closely related to each other, which will approximate to a pooled price system is under examination.

#### Food Department.—(Chapter 10).

The Food Department has now been reorganised on lines corresponding to the recommendations of the Committee and final orders on the subject are under issue. The Department is divided into three Divisions, the senior officers of which meet daily, and work as much as possible through personal discussion. There are already, among the officers of the Department, experts experienced in the grain trade, and the number of these is likely to be increased. The Statistical, and Information Branch has been specially strengthened and has been placed in charge of an Economist-Statistician of repute. The Food Advisory Council is about to be reconstructed and strengthened and an announcement will issue shortly.

#### General Administrative Aspects of the Food Problem.—(Chapter 11).

The Central Food Administration will have the benefit of the advice of three main bodies, the Central Advisory Committee of the Legislatures consisting of 15 members, the Central Food Advisory Council and the Price Advisory Committee. A meeting of the first of these bodies took place early in January. As observed in the last paragraph the C. F. A. C. is an existing body which is about to be reconstituted and strengthened. The constitution of the Price Advisory Committee has been decided, and invitations have been issued to the members selected who include experts in the grain trade and representatives of producers.

A Manual, dealing particularly with the distribution and nutritional aspects of Food Control Administration is in the Press.

The Foodgrains Control Order has been amended from time to time and is now being further examined in the light of a large number of suggestions received, including those in the F. P. C. report. Provincial Governments are about to be addressed.

Government have accepted the recommendation of the Committee regarding the retention of R. F. C.'s. Their functions are being reviewed in the light of present circumstances and their staffs will be reorganised and strengthened as necessary.

#### Relations between the Provinces and States and the Central Government in matters relating to Food.—(Chapter 12).

The Fourth All-India Food Conference which considered the recommendations of the Foodgrains Policy Committee, by a majority rejected the proposal that an expert arbitration committee should resolve differences of opinion between the Centre and the provinces, and recommended that the decision of the Centre should be accepted as final. The Government of India accepted the views of the majority of the Conference in this matter, and contemplate that consultations between the Centre and the provinces or States will normally be conducted direct between the Government of India and the administration concerned or through the Central Government's Regional Food Commissioners. The Government of

India have declared their willingness to invoke in any case presenting particular difficulties, such expert advice as may mutually be agreed upon between the governments concerned.

Differences of opinion have, inevitably, from time to time, arisen in recent months and, in some cases, after full consideration of the local government's point of view, the Government of India have had to direct certain action to be taken under its statutory powers; in other cases, after discussion, the local governments have agreed to comply with the Central Government's advice; and in yet other cases the Central Government have been able to meet the local government's point of view.

#### FOODGRAINS POSITION.

17. **Mr. K. C. Neogy:** (a) Will the Honourable the Food Member be pleased to refer to the statistical statement of exports of foodgrains from Bengal from April, 1943, to September, 1943, laid by him on the table of this House in reply to starred question No. 134 on the 13th November, 1943, and state whether the figures of export include exports on Government account?

(b) Have figures of such exports on Government account been included in all his statements made in connection with the food situation in the country, dealing with the export of foodgrains from India?

**The Honourable Sir Jwala Prasad Srivastava:** (a) and (b). Yes. There were, in fact, no exports from Bengal on Government account during the period in question.

#### "CRIPPS OFFER" AND ACTIVITIES OF THE REFORMS OFFICE.

18. **Mr. Kailash Bihari Lal:** (a) Since the British Government are now committed to the "Cripps offer" will the Honourable the Leader of the House be pleased to say what preliminary steps have been taken to facilitate the transfer of power to the representatives of the people?

(b) Does the Reforms Office still function? If so, what are its activities?

**The Honourable Sir Sultan Ahmed:** Part (a) The policy of the Government with regard to the Cripps proposals was explained in the Council of State by the Honourable the Leader of that House in the course of debate on a resolution moved by the Honourable Mr. G. S. Motilal on the 24th November, 1943. I invite attention to that speech to which I have nothing to add.

Part (b) I invite the Honourable Member's attention to the reply given by the Honourable the Home Member in the Council of State on the 10th April, 1940, in reply to question No. 107 on the same subject by the Honourable Pandit Hriday Nath Kunzru. The functions of the Secretariat of the Governor General (Reforms) were explained by the present Reforms Commissioner in the course of evidence before the Public Accounts Committee in August, 1942. I reproduce below the relevant paragraph from the Committee's Report:

"It was explained that the functions of this Secretariat briefly stated were to advise the Governor-General on constitutional matters, to interpret the Government of India Act on its constitutional, as distinct from its legal, aspects—a duty which this Secretariat was particularly fitted to perform in view of its association with the drafting and implementation of the Government of India Act (1935)—and to serve as a nucleus office in preparation for a post-war revision of the Constitution".

#### OUTPUT, ETC., OF COAL IN BRITISH INDIA AND THE STATES.

19. **Mr. K. C. Neogy:** Will the Honourable the Labour Member be pleased to state:

(a) the output of coal in British India and in the States, separately, for the years 1941, 1942 and 1943;

(b) the stocks of coal in British India and in the States as on the 31st December of 1941, 1942 and 1943; and

(c) the despatches of coal, including the colliery consumption, from collieries in British India and in the States during the years 1941, 1942 and 1943?

**The Honourable Dr. B. R. Ambedkar:** (a) The output of coal in British India and the States during 1941 and 1942 was:

|               | 1941       | 1942       |
|---------------|------------|------------|
| British India | 26,088,600 | 25,949,800 |
| States        | 3,260,400  | 3,385,100  |



(b) Stocks of coal in British India on the 31st December, 1941, were 2,767,500 tons. Stocks on 31st December, 1942, were estimated by the C.I.M. to have been 2,521,600 tons. The figures reported by collieries were found to be greatly exaggerated when they were checked by the C.I.M. Stock figures of States are not available.

(c) The despatches of coal including the colliery consumption from collieries in British India during the years 1941 and 1942 were 24,257,700 tons and 22,695,800 tons, respectively. The despatches of coal excluding colliery consumption from collieries in the States during 1941 and 1942 were 3,243,200 tons and 3,370,500 tons, respectively. Figures of colliery consumption in the States are not available.

It is not in the public interest to disclose figures for 1943 at present.

#### COAL POSITION.

**20. Mr. K. C. Neogy:** (a) Will the Honourable the Labour Member please state to what extent the present output of coal is below the requirements of the country?

(b) Is it a fact that recently the Department of the Chief Inspector of Mines measured the stocks of the different collieries as reported to him by the respective collieries, and found a large shortage? If so, what was the quantity of shortage, and how was it explained?

**The Honourable Dr. B. R. Ambedkar:** (a) It is not in the public interest to disclose to what extent the present output of coal is below the requirements of the country.

(b) Coal stocks were checked at the end of May, 1943, and a shortage of over 2 million tons was found. During 1942 a number of collieries had given fictitious figures of raisings probably in order to obtain a better wagon allotment. Proceedings have been taken against a number of collieries for submitting incorrect returns. Periodical checks are now made.

#### WAR TIME IRRIGATION PROGRAMME FOR INDIA.

**21. Mr. R. R. Gupta:** Will the Secretary for Education, Health and Land kindly state:

(a) if his attention has been drawn to an article which appeared in the *Hindustan Times*, dated the 19th December, 1943, page 4, column 5, under the caption 'War time irrigation development in U. S. S. R.' by Professor Alexei Kosyakov;

(b) if the Government of India, in collaboration with Provincial Governments, contemplate planning or have already planned any 'war time irrigation programme' for India;

(c) if any irrigation project has already been carried out during the war period; if not, why not; if so, how much culturable waste land in British India, and how much in Indian States, has been brought under irrigation during the last four years;

(d) how much more culturable waste land is proposed to be brought under irrigation in 1944 and 1945;

(e) how much culturable waste land there is in British India and in Indian States at present;

(f) what steps the Government of India have taken to implement recommendation No. 11 of the Foodgrains Committee regarding expediting of such irrigation and drainage schemes as promise quick results; and

(g) if Government are prepared to consider the desirability of launching upon such irrigation schemes at once as may bring all the possible culturable waste land under irrigation while the war is on, partly by themselves and partly by encouraging private enterprise in setting up hydro-electric plants in suitable places; if not, why not?

**Mr. J. D. Tyson:** (a) Yes.

(b) Yes; programme of irrigation schemes designed to assist the "Grow More Food Campaign" is under preparation and execution.

(c) and (d). Irrigation being a provincial subject, full information is not available; but so far as the Government of India are aware, projects for bringing under irrigation about 850,000 acres of land by the year 1945 are under consideration by Provincial Governments and some of these are in process of execution. Information is not available as to the extent to which this figure includes land classified as culturable waste land.

(e) The latest available figures are those given in "Agricultural Statistics" for 1937-38, viz.,

|               |     |                   |
|---------------|-----|-------------------|
| British India | ... | 91,969,000 acres. |
| Indian States | ... | 19,298,000 acres. |

There are, however, reasons for believing that these figures represent an area much in excess of that which can be economically cultivated.

(f) The Irrigation Adviser to the Government of India is constantly touring the provinces and States for the purpose referred to by the Honourable Member. In respect of projects which have been scrutinised by the Irrigation Adviser, the Central Government have already offered subsidies to provinces to the extent of about Rs. 33 lacs and have secured priority of release for the plant, equipment and materials required. Similar assistance will be forthcoming as further projects are approved.

(g) Government are making all efforts to bring the maximum possible area of culturable waste land under cultivation during the War. The establishment of hydro-electric plants at suitable places is also under consideration.

#### HELP OF THE MILITARY IN FAMINE RELIEF OPERATIONS IN BENGAL.

**22. Mr. K. C. Neogy:** (a) Will the Honourable the Food Member be pleased to make a statement giving a list of centres in Bengal where the Military have been helping in the famine relief operations, and the available details of the quantities of foodstuffs, clothing, and medical assistance provided through them at each centre?

(b) Have any reports been received from the Military Authorities regarding the extent of distress yet prevailing in the areas served by them, including the number of deaths that have already taken place from starvation or diseases resulting from starvation, the adequacy or otherwise of relief measures so far taken, the period for which these measures should be continued in future, and schemes of rehabilitation that may have been or should be adopted in the respective areas? If so, does the Honourable Member propose to give summaries of such reports under these various heads?

**The Honourable Sir Jwala Prasad Srivastava:** (a) The Military units which are operating in Bengal, assist the civil administration to convey relief supplies to 30 main distributing centres in the civil districts of Midnapore, Hooghly, 24 Parganas, Howrah, Pabna, Bakarganj, Khulna, Dacca, Mymensingh, Faridpur, Tippera, Noakhali and Chittagong. Military units also assist the District Magistrates in the distribution of the supplies in the interior of the districts. Military Medical and Hygiene units are operating throughout the affected area.

Up to the 28th January, military units had handled 1,330,000 tons of foodgrains, and medical units had treated 320,645 cases, given 322,654 cholera inoculations and 163,628 vaccinations.

60,000 tons of clothing were distributed by military units up to 21st January, 1944.

(b) The military authorities send no such reports to Government of India.

#### AVERAGE RETAIL PRICES OF RICE IN BENGAL.

**23. Mr. K. C. Neogy:** (a) Will the Honourable the Food Member be pleased to make a statement showing the average retail prices at which rice has been available in the different districts of Bengal during each week or fortnight since November, 1943, as compared with the prices that are authorised by Government for the respective periods, and the ruling market prices in the corresponding periods of the previous year?

(b) Is it a fact that in some cases the operation of the gradually reduced scale of controlled prices resulted in local shortages due to withdrawal of stocks from the market? If so, what action was taken by the authorities to counteract these tendencies, and with what results?

**The Honourable Sir Jwala Prasad Srivastava:** (a) The Honourable Member will find the information which he requires published in the *Calcutta Gazette*, copies of which are in the Library of the House.

(b) Yes. There was some dislocation of the retail markets in urban areas immediately after control was imposed which was met by sales from Government controlled shops at statutory retail prices and by requisitioning wherever necessary and possible. This had the effect of bringing out stocks of rice in certain districts and enabling Government to purchase substantial quantities at or below the controlled rates.

### FOODGRAINS SUPPLIED TO BENGAL.

**24. Mr. K. C. Neogy:** (a) Will the Honourable the Food Member be pleased to make a statement showing the quantities of different foodgrains which were supplied to Bengal from outside, during the months of November and December, 1943, and January, 1944, showing how much thereof represented imports from abroad, and how much represented supplies from different areas in British India?

(b) What is the quantity of each kind of foodgrains that represents the supply to be made by the Central Government to Bengal under the scheme for supplying Greater Calcutta with foodgrains from outside the Province on the responsibility of the Central Government?

(c) What are the approximate prices that will be charged to the Government of Bengal for the supplies made under the scheme referred to in part (b) above?

**The Honourable Sir Jwala Prasad Srivastava:** (a) A statement is placed on the table.

(b) The Central Government have provisionally undertaken to arrange for the supply of 6,46,000 tons of foodgrains to the Bengal Government composed of 3,40,000 tons wheat, 2,46,000 tons rice and 60,000 tons millets.

(c) The prices charged to the Bengal Government by the supplying administrations will normally be the purchase price of the foodgrains *plus* transport and handling charges and a surcharge to cover administrative expenses.

*Despatches of different foodgrains from surplus areas and abroad to Bengal during the months of November and December, 1943, and January (upto 20th), 1944.*

[illegible]

## STATEMENTS LAID ON THE TABLE.

Information promised in reply to supplementaries to Starred Question No. 441, asked by Mr. K. C. Neogy, on the 30th March, 1943.  
LICENCES FOR EXPLORATION AND SCIENTIFIC PROSPECTING OF POTENTIAL OIL SOURCES.  
ASSAM.

| Name of the Company.                                                          | Name of Area.                        | Area under Lease or Licence. | Period.                                     | Acreage fee per annum.                                                          | Royalty.                                                                                                                                                         | Remarks. |
|-------------------------------------------------------------------------------|--------------------------------------|------------------------------|---------------------------------------------|---------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| Sq. miles.                                                                    |                                      |                              |                                             |                                                                                 |                                                                                                                                                                  |          |
| 1. Mining lease granted for 30 years in 1938.                                 |                                      |                              |                                             |                                                                                 |                                                                                                                                                                  |          |
| The Assam Oil Co., Ltd.                                                       | Kharijan area                        | About 9                      | 30 years with effect from 1st August, 1938. | Surface rent at Rs. 1-11-0 per acre per annum and dead rent at Rs. 1 per annum. | At the rate of 5 p. c. on the well-head value of 8 as. per 40 gallons which ever shall be greater of all natural petroleum and at the rate of 5% on natural gas. |          |
| 2. Renewal of P/L granted in Lakhimpur District for 1 year in 1940.           |                                      |                              |                                             |                                                                                 |                                                                                                                                                                  |          |
| The Assam Oil Co., Ltd.                                                       | 1. West Digboi area                  | 8                            | 1 year with effect from 30th March, 1940.   | Re. 1-0-0                                                                       | As above.                                                                                                                                                        |          |
|                                                                               | 2. Colai area                        | 0-923                        | 1 year from 1st July, 1940.                 | Do.                                                                             | Do.                                                                                                                                                              |          |
| 3. Renewal of P/L granted in Sylhet and Cachar for 1 year on 6th April, 1940. |                                      |                              |                                             |                                                                                 |                                                                                                                                                                  |          |
| The Burma Oil Co., Ltd.                                                       | 1. Masimpore area                    | 9-64                         | 1 year from 6th April, 1940.                | Do.                                                                             | Do.                                                                                                                                                              |          |
|                                                                               | 2. Chhatrachura extension area.      | 3-22                         | Ditto.                                      | Do.                                                                             | Do.                                                                                                                                                              |          |
|                                                                               | 3. Kanchanpore, Chhatrachura area.   | 4-69                         | Ditto.                                      | Do.                                                                             | Do.                                                                                                                                                              |          |
|                                                                               | 4. Inner line reserve                | 1-7                          | Ditto.                                      | Do.                                                                             | Do.                                                                                                                                                              |          |
|                                                                               | 5. Kanchanpore extension area.       | 2-375                        | Ditto.                                      | Do.                                                                             | Do.                                                                                                                                                              |          |
|                                                                               | 6. Chhatrachura 2nd extension area.  | 8-84                         | Ditto.                                      | Do.                                                                             | Do.                                                                                                                                                              |          |
|                                                                               | 7. Masimpore Western extension area. | 4-88                         | Ditto.                                      | Do.                                                                             | Do.                                                                                                                                                              |          |
|                                                                               | 8. Masimpore extension area.         | 8-46                         | Ditto.                                      | Do.                                                                             | Do.                                                                                                                                                              |          |
|                                                                               | 9. Singla Reserve area               | 4-9                          | Ditto.                                      | Do.                                                                             | Do.                                                                                                                                                              |          |
|                                                                               | 10. Chhatrachura area                | 4-84                         | Ditto.                                      | Do.                                                                             | Do.                                                                                                                                                              |          |
|                                                                               | 11. Petharia area                    | 14-54                        |                                             | Do.                                                                             | Do.                                                                                                                                                              |          |

## 4. Renewal of P/L granted in Sibsoagar District for 2 years on 4th July, 1940.

|                         |                                             |               |          |     |     |          |                                                                                                                     |
|-------------------------|---------------------------------------------|---------------|----------|-----|-----|----------|---------------------------------------------------------------------------------------------------------------------|
| The Assam Oil Co., Ltd. | Barsilla (revised) area<br>1. Harspung area | 3.5           | 2 years  | Do. | Do. | As above | The lease has been approved but a copy of the lease executed has not been received from Commissioners of Divisions. |
|                         |                                             | $\frac{1}{2}$ | 25 years | Do. | Do. | Do.      |                                                                                                                     |
|                         |                                             |               |          |     |     |          |                                                                                                                     |
|                         | 2. Digboi area No. 1                        | 4             | Do.      | Do. | Do. | Do.      |                                                                                                                     |
|                         | 3. Digboi area No. 9                        | 4             | Do.      | Do. | Do. | Do.      |                                                                                                                     |
|                         |                                             | 4             |          |     |     |          |                                                                                                                     |

## STATEMENTS LAID ON THE TABLE

| Name of the Company.    | Area.                                                                                          | Lease or Licence.   | Period.                     | Royalty.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Rents.                                                                                                                                       | Remarks.                                                                                      |
|-------------------------|------------------------------------------------------------------------------------------------|---------------------|-----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| 1. Attock Oil Co., Ltd. |                                                                                                |                     |                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                              |                                                                                               |
|                         | 2,500 acres within the local limits of villages Khaur, Ahmdal and Bora in the Attock District. | Mining Lease        | 30 years from 1920          | The lessees shall during the first twelve months of the said term from the 1st January, 1920, to the 31st December, 1920, pay to the lessor the royalty of eight annas for every forty gallons or part of forty gallons of earth-oil which shall be extracted from the said oil-wells and shall during the remainder of the said term pay the said royalty for every forty gallons or part of 40 gallons of earth-oil which shall be extracted from the said oil-wells in any half-year of the said term over and above the quantity of earth-oil which the lessees are authorised to work or get in respect of the certain rent. | Certain yearly rent of Rs. 2,500 by equal half yearly payments.                                                                              |                                                                                               |
| 2. Attock Oil Co., Ltd. |                                                                                                |                     |                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                              |                                                                                               |
|                         | 8-75 sq. miles in Attock District.                                                             | Prospecting Licence | 1 year from July, 1940.     | 5% on the well-head value (convertible at the option of the Local Government to an equivalent charge per 40 gallons to be fixed annually), subject to the minimum of 0-8-0 for 40 gallons.                                                                                                                                                                                                                                                                                                                                                                                                                                        | Acreage fee at the rate of 0-1-0 per acre per annum (but 0-4-0 free of royalty during the second year and 0-8-0 per acre for the third year. | 200 gallons of mineral oil may be removed free of royalty during the currency of the licence. |
| 3. Burnah Oil Co., Ltd. |                                                                                                |                     |                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                              |                                                                                               |
|                         | 401-63 sq. miles in the Attock District.                                                       | Ditto               | 2 years from November 1939. | Ditto.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                              |                                                                                               |

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If sold by the licensee or lessee or if utilised by him for any other purpose than the production of natural petroleum or natural gas 5% on the well-head value. On gas converted into gasoline the well-head value shall be calculated on the volume of gasoline manufactured: it shall be deemed to be equivalent to the selling value of the gasoline less the cost of manufacture and the royalty shall be subject to minimum of 8 annas per 40 gallons of gasoline manufactured: Provided that the 5% royalty rate shall be convertible at the option of the Government to an equivalent charge per 40 gallons of gasoline (not being less than eight annas) or per 1,000 cubic feet of gas, as the case may be, to be fixed annually.

Burmah Oil 28-46 sq. miles in Rawalpindi District. Prospecting Licence 2 years from July, 1939.

This licence was not executed due to delay in local offices. On the request of the Company it has now been renewed for a period of 2 years in favour of their subsidiary Co., namely, the Burnah Oil (India Concessions) Ltd. The licence will be executed by the said company but will not actually be handed over to it during the period of the moratorium.

STATEMENTS SAID ON THE TABLE 45  
Information promised in reply to parts (a) and (b) of Starred Question No. 84, asked by Khan Bahadur Shaikh Fazl-i-Haq Piracha on the 28th July, 1943.

#### OFFICERS AND SUBORDINATES ON PILGRIM SHIPS.

(a) According to information received from Shipping Companies interested in pilgrim traffic the following are the different classes of officers and subordinates employed on pilgrim

##### Officers :

- (i) Masters.
- (ii) Navigating and Engineer Officers.
- (iii) Apprentice Navigating Officers.
- (iv) Medical Officers.
- (v) Other Officers.

##### Subordinates :

- (a) Medical staff.
- (b) Assistant clerks.
- (c) Tally clerks.
- (d) Deck crew (including sweepers).
- (e) Engine crew.
- (f) Saloon crew.
- (g) Pilgrim food supply staff.

(b) The posts of officers and staff referred to above, can be filled by Muslims without detriment to navigation of ships, provided men with requisite qualifications and experience are available.

Information promised in reply to Starred Question No. 181, asked by Sardar Sand Singh on the 4th August, 1943.

#### SIKHS IN HIGH SALARIED POSTS IN SUPPLY DEPARTMENT

(a) The number of posts on 1st September, 1943, carrying salaries of Rs. 400 per mensem and over was 1,850 and the number of Sikhs holding such posts was 13.

(b) The rules relating to communal representation in the services apply only to the filling of vacancies by direct recruitment and not by promotion. In respect of vacancies filled by direct recruitment, 8½ per cent. are reserved for 'other minority communities', which term includes Anglo-Indians, including domiciled Europeans, Indian Christians, Sikhs and Parsis. There is no separate quota fixed for Sikhs.

The Supply Department is a temporary war organization and most of the posts outside the Secretariat are of a specialised character. It is not therefore possible to adhere to any strict communal proportions. Every effort is, however, made to secure an adequate representation of the minority communities including Sikhs.

(c) The Selection Committees functioning in the Department of Supply are very small bodies and are composed mainly of officers holding certain specified posts. Their composition is not based on any communal consideration. A Sikh Superintendent who officiated as Assistant Secretary for two months became in virtue of his office a member of the Selection Committee of the Main Secretariat for that period.

Information promised in reply to Starred Questions Nos. 287 and 288, asked by Mr. Muhammad Azhar Ali, on the 12th August, 1943.

#### CONTEMPLATED RETURN OF CERTAIN LAND NEAR SHAHDARA RAILWAY STATION BRIDGE TO FORMER OWNERS.

No. 287.—(a) The Chief Health Officer, Delhi Province, last inspected the locality on the 2nd April, 1943. The drainage of this building like many others in the town of Shahdara is unsatisfactory. A drainage scheme for the town has been prepared, but its execution has been held in abeyance owing to war conditions.

(b) and (c). The land in question is private property but has lately been requisitioned by Government and is now in the possession of the Central Public Works Department.

(d) It is not proposed to return the land to the owner. The trees were cut at the request of the owner.

(e) The intention is to acquire the land for the widening of the road.

No. 288.—(a) to (c). The Honourable Member is referred to the reply given to parts (b) to (e) of Question No. 287.

Information promised in reply to Starred Question No. 294, asked by Mr. R. R. Gupta on the 12th August, 1943.

RESEARCH IN THE MANUFACTURE OF PAPER PULP, PLASTICS AND ARTIFICIAL SILK.  
Part (i).—The information is contained in the Indian Forest Bulletin No. 108, published by the Indian Forest Research Institute, Dehra Dun, a copy of which is available in the library of the House. Further research is in progress.

Part (ii).—A reference is invited to pages 11, 46-48, 54, 63-64 and 78-80 of the Annual Report on the Technical Work of the Board of Scientific and Industrial Research for the year 1941-42, a copy of which is in the library of the House.

Part (iii).—A reference is invited to pages 25-27 of the Report alluded to under part (ii) above.

Information promised in reply to Starred Question No. 12, asked by Qasi Muhammad Ahmad Kazmi on the 8th November, 1943.

**RACIAL DISCRIMINATION IN COMPILATION OF COMBINED SENIORITY LIST OF SUBORDINATE SUPERVISING STAFF AND DRAFTSMEN ON EAST INDIAN RAILWAY (MECHANICAL DEPARTMENT).**

(d) The reply is in the negative.

(e) Government have inquired into the qualifications of the two Foremen referred to and are satisfied that there is sufficient justification for their inclusion in the technically trained grades.

Information promised in reply to Starred Question No. 102, asked by Qasi Muhammad Ahmad Kazmi on the 12th November, 1943.

**PROMOTION TO SELECTION GRADE OF NON-TECHNICAL HANDS ON EAST INDIAN RAILWAY (MECHANICAL DEPARTMENT).**

(a) No.

(b) A junior man was appointed purely as a temporary measure and as being the only suitable man readily available. A properly constituted selection has since been held to fill the vacancy.

(c) A literate mistry was appointed again purely as a temporary measure. A Selection Board to fill the vacancy is being arranged.

(d) The answer to the first part is in the affirmative. As regards the second part, the promotions complained of were, as already explained, purely temporary.

(e) No, since there is no occasion for it.

Information promised in reply to Starred Question No. 106, asked by Mr. Ananga Mohan Dam on the 12th November, 1943.

**DISCHARGE OF MR. HALDER, OFFICIATING CHIEF CHEMIST AT KANCHRAPARA RAILWAY WORKSHOP.**

Parts (a) to (c).—It is not in the public interest to disclose the details concerning the removal from service of Mr. Halder.

Part (d).—Yes.

Part (e).—The Railway refused to spare Mr. Halder's service when an enquiry was received from an outside source.

Part (f).—No.

Part (g).—Does not arise.

Information promised in reply to Starred Question No. 117, asked by Bhai Parma Nand on the 12th November, 1943.

**FIXING OF PAY OF THE RETRENCHED STAFF RE-APPOINTED IN THE COMPILATION SECTION, NORTH WESTERN RAILWAY**

(a) The intention of para. 3 of Railway Board's letter No. 1635-E. G. of 30th October, 1942, was correctly understood by nearly all railway administrations and there was no occasion for a clarification thereof.

(b) The Compilation Section at the time of the retrenchment was under the General Manager, and not under the Accounts Office. The interpretation applied to the administrative departments was, therefore, correctly applied also to the staff in question.

(c) Because they were cases which were correctly dealt with directly the incorrect interpretation of the rules was discovered.

(d) No.

Information promised in reply to Unstarred Question No. 19, asked by Mr. Piare Lall Kureel, on the 12th November, 1943.

**COMMUNAL REPRESENTATION IN CERTAIN POSTAL OFFICES AT LUCKNOW.**

(a) It is presumed that by 'Superior' the Honourable Member refers to Gazetted Officers. The required statement is appended.

(b) and (c). Previously there was no specific reservations for Scheduled Castes. Provision, however, existed for nominating duly qualified members of these classes when available. Government have now reserved 8½ per cent. of all vacancies to be filled by direct recruitment for Scheduled Castes and have also granted certain concessions with regard to age limit and fees for examination, so as to attract sufficient number of candidates of these classes.

STATEMENTS LAID ON THE TABLE

Statement showing the Communal Composition of the Permanent Staff of various Offices in Lucknow under the P. and T. Department on the 1st November, 1943.

| Statement showing the Communal Composition of the Permanent Staff |                   |            |                                      |                    |          |                                        |        |                    |         |                    |        |
|-------------------------------------------------------------------|-------------------|------------|--------------------------------------|--------------------|----------|----------------------------------------|--------|--------------------|---------|--------------------|--------|
| Name of Office.                                                   | Class of Service. | Europeans. | Hindus other than Depressed Classes. | Depressed Classes. | Muslims. | Domiciled Europeans and Anglo-Indians. | Sikhs. | Indian Christians. | Parsis. | Other Communities. | Total. |
| Lucknow H. O.                                                     | Superior          | ..         | 1                                    | ..                 | ..       | 60                                     | ..     | ..                 | ..      | ..                 | 1      |
|                                                                   | Subordinate       | ..         | 206                                  | 3                  | ..       | 13                                     | ..     | 8                  | ..      | ..                 | 277    |
| Lucknow T. O.                                                     | Inferior          | ..         | 60                                   | 3                  | ..       | ..                                     | ..     | ..                 | ..      | ..                 | 76     |
|                                                                   | Superior          | ..         | ..                                   | ..                 | ..       | ..                                     | ..     | ..                 | ..      | ..                 | 1      |
|                                                                   | Subordinate       | ..         | 30                                   | 1                  | ..       | 12                                     | 26     | ..                 | ..      | ..                 | 68     |
|                                                                   | Inferior          | ..         | 19                                   | ..                 | ..       | 16                                     | ..     | ..                 | ..      | 1                  | 36     |
| Postmaster General's Office                                       | Superior          | ..         | 5                                    | ..                 | ..       | 3                                      | ..     | ..                 | ..      | ..                 | 12     |
|                                                                   | Subordinate       | ..         | 130                                  | ..                 | ..       | 35                                     | 3      | 3                  | ..      | ..                 | 171    |
| Dead Letter Office                                                | Inferior          | ..         | 45                                   | ..                 | ..       | 20                                     | ..     | ..                 | ..      | ..                 | 65     |
|                                                                   | Superior          | ..         | ..                                   | ..                 | ..       | ..                                     | ..     | ..                 | ..      | ..                 | ..     |
|                                                                   | Subordinate       | ..         | 29                                   | ..                 | ..       | 12                                     | ..     | ..                 | ..      | ..                 | 41     |
|                                                                   | Inferior          | ..         | 5                                    | ..                 | ..       | 1                                      | ..     | 1                  | ..      | ..                 | 7      |
| R. M. S., 'O' Division                                            | Superior          | ..         | 1                                    | ..                 | ..       | ..                                     | ..     | ..                 | ..      | ..                 | 1      |
|                                                                   | Subordinate       | ..         | 154                                  | 1                  | ..       | 48                                     | ..     | ..                 | ..      | ..                 | 203    |
|                                                                   | Inferior          | ..         | 56                                   | ..                 | ..       | 23                                     | ..     | ..                 | ..      | ..                 | 80     |
|                                                                   | Superior          | ..         | ..                                   | ..                 | ..       | ..                                     | ..     | 1                  | ..      | ..                 | 6      |
| Lucknow Engg. Division                                            | Inferior          | ..         | 77                                   | ..                 | ..       | 50                                     | ..     | ..                 | ..      | ..                 | 139    |
|                                                                   | Superior          | ..         | ..                                   | ..                 | ..       | 4                                      | ..     | ..                 | ..      | ..                 | 13     |
|                                                                   | Subordinate       | ..         | ..                                   | ..                 | ..       | 9                                      | 1      | 2                  | 1       | ..                 | 13     |
|                                                                   | Inferior          | ..         | 0                                    | ..                 | ..       | 4                                      | ..     | 1                  | ..      | ..                 | 1      |
| Lucknow Postal Division                                           | Superior          | ..         | 8                                    | ..                 | ..       | 1                                      | ..     | ..                 | ..      | ..                 | 10     |
|                                                                   | Subordinate       | ..         | ..                                   | ..                 | ..       | 2                                      | ..     | ..                 | ..      | ..                 | 3      |
|                                                                   | Inferior          | ..         | 2                                    | ..                 | ..       | 1                                      | ..     | ..                 | ..      | ..                 | 3      |



Information promised in reply to Starred Questions Nos. 164, 165, 166 and 167, asked by Nawab Siddique Ali Khan, on behalf of Qazi Muhammad Ahmad Kazmi, on the 15th November, 1943.

**PERCENTAGE OF AND QUALIFICATIONS FOR MUSLIM RECRUITMENT IN THE CENTRAL EXCISES AND SALT REVENUES, WESTERN DIVISION.**

Question No. 164.—(a) The Honourable Member is presumably referring to the constitution of a separate western division within the North-Eastern India Collectorate of Central Excises and Salt Revenue. This has not affected the percentage of posts reserved for Muslims, which continues to be 50 per cent. of the vacancies filled by direct recruitment in the various grades of the subordinate services, taking the Collectorate as a whole. No separate percentage for each division is fixed; but as far as possible recruitment is made from the various communities in the sanctioned proportion, province by province.

(b) Candidates for direct recruitment to posts of Inspector and Upper Scale Clerk must be graduates or hold the Senior Cambridge certificate.

Candidates for direct recruitment to post of Lower Scale Clerk must ordinarily be graduates or hold a Cambridge School certificate, but non-graduates may be appointed if they possessed good typewriting qualifications.

Candidates for the posts of Supervisor must possess at least a Matriculation certificate or its equivalent.

In the absence of any indication as to what is meant by the term "superior establishment", it is not possible to answer this part of the question.

(c) Candidates for appointment in the grades of Inspector and Upper Scale clerk are generally selected by the Collector, but the Assistant Collector is authorised to select candidates subject to the Collector's approval, where the exigencies of the public service demand that the appointment be filled without delay. Candidates for appointment in the grades of lower scale clerk and supervisor are selected by the Assistant Collector subject to the approval of the Collector.

(d) The selection of candidates by the Assistant Collector is made according to certain standards and tests prescribed by the Collector in respect of physique, education, age, and personal qualities.

**MINIMUM QUALIFICATION FOR RECRUITMENT OF HINDUS AS LOWER-GRADE CLERKS IN THE CENTRAL EXCISES AND SALT REVENUES, WESTERN DIVISION.**

Question No. 165.—(a) Yes. I would invite the Honourable Member's attention to the reply to part (b) of question No. 164. There is no difference in the minimum qualifications prescribed for candidates of different communities.

(b) A few posts of lower scale clerk have been given to Hindu undergraduates who have been trained in typewriting.

**MINIMUM QUALIFICATION FOR RECRUITMENT OF CANDIDATES AS UPPER DIVISION CLERKS IN THE CENTRAL EXCISES AND SALT REVENUES, WESTERN DIVISION.**

Question No. 166.—(a) and (b). All graduates of a recognised University, whether holding a degree in Arts, Science or Commerce, are eligible for appointment to the post of Upper Scale Clerk, but some preference is given to graduates in Commerce on account of their special training in general accounts and office procedure. This rule is applied equally in all Divisions.

**MUSLIM RECRUITMENT IN THE CENTRAL EXCISES AND SALT REVENUES, WESTERN DIVISION.**

Question No. 167.—(a) The Honourable Member's attention is invited to the reply given to part (a) of question No. 164.

(b) Since recruitment is made for the Collectorate as a whole it is not possible to state how many posts were available to Muslims in the Western Division. Out of the 305 posts filled by direct recruitment since the constitution of the Division, however, 136 were given to Muslims.

(c) No.

(d) No. So far, only one Muslim clerk has given such a reason for his resignation, and it is believed that his real reason was that he had secured a better appointment elsewhere. A number of clerks, both Hindu and Muslim, have resigned from time to time either because they were unable to cope with the work and were likely to be discharged as incompetent or because they had secured more lucrative or less onerous employment elsewhere.

(e) No. It appears to Government that the present system of recruitment is on the whole working quite satisfactorily and they do not consider any change necessary.

Information promised in reply to Starred Question No. 175, asked by Mr. Ananga Mohan Dam, on the 15th November, 1943.

**SELECTION BOARD FOR APPOINTMENTS IN THE OFFICE OF THE COMPTROLLER OF ASSAM.**

The registrar alluded to by the Honourable Member is maintained. The function of the Selection Board is, however, merely advisory, and my enquiries disclose no reason for believing

that the discretion of the Comptroller in dealing with their recommendations has been unwisely exercised.

Information promised in reply to Starred Question No. 230, asked by Maulvi Muhammad Abdul Ghani, on the 17th November, 1943.

**ADMINISTRATION OF THE DELHI RESTRICTION OF USES OF LAND ACT, ETC.**

|                                                  | Muslims. | Non-Muslims. | Total. |
|--------------------------------------------------|----------|--------------|--------|
| (a) Staff ordinarily appointed excluding menials | 1        | 6            | 7      |
|                                                  | Others   |              | 1      |
| (ii) Staff now employed                          | 1        | 3            | 4      |
|                                                  | Others   |              | 3      |

(b), (c) and (d). The Act, which is a measure for controlling the activities of private builders, does not contemplate the preparation of any development schemes and no officers have been employed for the preparations of such schemes.

In regard to the effect of the Act on religious buildings the attention of the Honourable Member is invited to clause (b) of section 16 of the Act. There is no question of employing any staff for the purpose of protections and exemptions of graves, etc.

Information promised in reply to Starred Question No. 244, asked by Mr. Muhammad Azhar Ali, on the 17th November, 1943.

**SUPERINTENDENT OF INDUSTRIES, DELHI.**

(a) The Superintendent of Industries performs duties similar to those of the Departments of Industries in the Governor's provinces; namely, the maintenance of statistics of trade and price movements, technical advice, marketing, industrial surveys, supervision of mines and minerals. The Superintendent of Industries acts also as a Labour Officer and as such supervises the enforcement of the provisions of the Workmen's Compensation Act, 1923 and the Indian Trade Unions Act, 1926. He also acts as Additional Inspector of Factories. He is further in charge of the Government Cottage Industries, the cost of Living Index Scheme and the Reclamation Colony.

(b) About Rs. 19,000 per annum.

(c) The usefulness of the office has been proved over and over again, especially during the period of economic unsettlement since the outbreak of the War. In a large city like Delhi, it is most useful for the Commercial Community to have an office to which they can refer in matters affecting their interests.

Information promised in reply to Starred Question No. 285, asked by Mr. N. M. Joshi, on the 18th November, 1943.

**TREATMENT METED OUT TO DELHI DETENUS IN PUNJAB JAILS.**

(a) Except in special cases such as, for instance, persons suffering from contagious diseases, prisoners of all classes and categories, and whether from Delhi or not, are, when sent to the Mayo Hospital, Lahore, as indoor patients, admitted into the general ward. The reason for this is the limited accommodation available in the Indian private ward at the Hospital. Nevertheless, such security prisoners as are prepared to meet the expenses of accommodation in a private ward are admitted into the Indian private ward and it is understood that persons so admitted have included certain security prisoners from Delhi.

(b) It is not, of course, possible to arrange for separate accommodation in the Hospital for security prisoners and the only way, therefore to secure the necessary segregation of each security prisoner from the public is to forbid all contacts with fellow patients.

Information promised in reply to Starred Question No. 304, asked by Sir Abdul Halim Ghuznavi, on the 18th November, 1943.

**QUESTIONNAIRE ISSUED BY INCOME-TAX DEPARTMENT TO INDIAN FIRMS OF AUDITORS.**

(a) and (b). The answers are in the affirmative. The questionnaire, the issue of which has since been discontinued, had not yet been sent to any European firm, because the stage at which the information could be utilized in any such assessment was not reached before the questionnaire was discontinued.

(c) No. The object of the questionnaire was to obtain by correspondence with the Auditors the information which the Department wanted and so to save the assessee the trouble of the Income-tax Officer's detailed investigation. But as this method of approach through the Auditors has been strongly objected to, the issue of the questionnaire has, as I have stated, been discontinued.

Information promised in reply to Starred Question No. 312, asked by Mr. Lalchand Navalrai, on the 19th November, 1943.

**FIXATION OF LOWER PAY FOR GRADE I GUARDS IN KARACHI DIVISION, NORTH WESTERN RAILWAY, ON ABOLITION OF THAT GRADE.**

(a) Some guards grade I were, on the abolition of their posts, appointed to stationary posts in the scale of Rs. 33-3-60 and their substantive pay fixed at Rs. 36. As regards the second part, this is in accordance with the rules on the subject.

(b) It is regretted that the reply to part (e) of the Honourable Members starred question No. 25, asked in the Legislative Assembly on the 31st January, 1938, was incorrect as the mileage earned by a guard is taken into consideration only in fixing his seniority and not in fixing his pay.

(c) No, for the reason explained in reply to part (b).

*Information promised in reply to Unstarred Questions Nos. 43 and 44, asked by Mr. Muhammad Azhar Ali, on the 19th November, 1943.*

#### RUNNING ROOM ARRANGEMENTS FOR DEPRESSED CLASSES STAFF ON STATE RAILWAYS.

No. 43.—No Special arrangements for Running Rooms have been made for the use of staff recruited from Depressed Classes as there are no restrictions against their using the existing facilities.

#### EYE TEST FOR TRAVELLING TICKET EXAMINERS ON EAST INDIAN RAILWAY.

No. 44.—The reply to the first part is in the affirmative. The Inspectors referred to, are treated like Transportation Inspectors, but the question of lowering the eye-sight qualification is under consideration.

### MOTIONS FOR ADJOURNMENT.

#### APPOINTMENT OF AN AUSTRALIAN AS THE GOVERNOR OF BENGAL.

**Mr. President** (The Honourable Sir Abdur Rahim): I have received notice of a motion of adjournment from Mr. A. C. Datta who wishes to discuss a definite and urgent matter of public importance, namely, the failure of the Government of India to protest against the appointment of an Australian to be Governor of Bengal.

I may inform the House that His Excellency the Viceroy and Governor General has disallowed the motion on the ground that the motion relates to a matter which is not primarily the concern of the Governor General in Council.

**Mr. President** (The Honourable Sir Abdur Rahim): The next motion stands in the name of Pandit Nilakantha Das who is not in the House.

#### DISPERSAL OF THE HINDU MAHASABHA PRESIDENTIAL PROCESSION AT AMRITSAR.

**Mr. President** (The Honourable Sir Abdur Rahim): The next motion is in the name of Sardar Mangal Singh who wishes to discuss "the dispersal of the presidential procession of the annual session of the Hindu Mahasabha on the 25th December, 1943, at Amritsar by indiscriminate lathi charge by the police".

I do not think the Government of India have anything to do with it; the motion is disallowed.

#### FAILURE TO GIVE PROTECTION AGAINST MOB VIOLENCE AT HARIPUR.

**Mr. President** (The Honourable Sir Abdur Rahim): The next motion is in the name of the same Honourable Member who wishes to discuss "the failure of Government to protect life and property of peaceful citizens at Haripur (N. W. F. P.) on 2nd January, 1944 when an unruly mob burnt the Gurdwaras and a temple including the holy Guru Granth Saheb, murdered innocent Granthies, and looted the shops in broad daylight while the police did not intervene".

In this case also the Government of India are not responsible for an occurrence like that; the motion is disallowed.

#### DISAPPEARANCE OF RICE FROM PATNA AND BHAGALPUR MARKETS CONSEQUENT ON PARTIAL RATIONING.

**Mr. President** (The Honourable Sir Abdur Rahim): The next adjournment motion is in the name of Mr. Kailash Bihari Lall who wishes to discuss "the disappearance of rice from the markets of Patna and Bhagalpur as a sequel to partial rationing resulting thereby in much hardship to the people, and the

failure of Government to put into operation the programme of rationing with due precautions and deal with the situation".

I should like to know what Government have to say about this.

**The Honourable Sir Jwala Prasad Srivastava** (Food Member): Sir, we are not aware of the facts in this connection. It is entirely a provincial matter, but since the receipt of notice of this motion we have made inquiries. We are still waiting for the report, though we have been told this much that the facts are not as stated. Rice is still to be found in sufficient quantities in these two places.

**Mr. Kailash Bihari Lall** (Bhagalpur, Purnea and the Sonthal Parganas: Non-Muhammadan): Sir, I may inform the Honourable Member that since I gave notice of this motion I went to Bhagalpur and made first-hand inquiries. The Adviser to the Governor of Bihar was also there, a deputation waited upon him and the fact is as I have stated. There is no rice to be had there.

**Mr. President** (The Honourable Sir Abdur Rahim): This is a local matter as to the facts of which the Government of India apparently are not aware. I understood the Honourable the Food Member to say that they are expecting a report on the subject from the Bihar Government. Therefore, I think the Honourable Member had better put down a question on the subject and elicit the information in possession of Government.

#### NOTICE SERVED ON "HINDUSTAN TIMES" AND "NATIONAL CALL" NOT TO PUBLISH CERTAIN STATEMENTS UNLESS PASSED BY SPECIAL PRESS ADVISER.

**Mr. President** (The Honourable Sir Abdur Rahim): The next motion is in the name of Sardar Mangal Singh who wishes to discuss "the issue of a notice to the *Hindustan Times* and the *National Call* by the Chief Commissioner, Delhi, asking them not to publish any statement made by or attributed to Mahatma Gandhi or any other member of any Congress Committee which has been declared an unlawful association, unless such statements have been passed by the Special Press Adviser".

I should like to know from Government whether this is in accordance with any law that has been passed.

**The Honourable Sir Reginald Maxwell** (Home Member): Yes, Sir; this order was passed under rule 41 of the Defence of India Rules.

**Mr. President** (The Honourable Sir Abdur Rahim): Then the order is covered by that rule?

**The Honourable Sir Reginald Maxwell**: Yes, Sir; certainly.

**Mr. President** (The Honourable Sir Abdur Rahim): Then I do not see how this can be a matter for an adjournment motion. The motion is disallowed.

#### ORDER SERVED ON MRS. SARAJINI NAIDU DIRECTING HER NOT TO PARTICIPATE IN PUBLIC MEETINGS, ETC.

**Mr. President** (The Honourable Sir Abdur Rahim): The next motion stands in the name of Mr. A. C. Datta who wishes to discuss "the order served on Mrs. Sarojini Naidu on behalf of the Government of India on 28th January, 1944, at Lahore directing her not to participate in public meetings and processions nor communicate with the press anywhere in India".

Is that not rather a wide and general order?

**The Honourable Sir Reginald Maxwell**: Sir, I submit that it is not a wide and general order. It applies only to one particular case which is a case of ordinary exercise of legal powers by the Government of India.

**Mr. President** (The Honourable Sir Abdur Rahim): Will the Honourable Member give me a reference to that law or rule which empowers such an order being made?

**The Honourable Sir Reginald Maxwell**: The order was passed in exercise of the powers conferred by clause (f) of sub-section (1) of section 3 of the Restriction and Detention Ordinance, 1944. That corresponds to the old Defence Rule No. 26.

**Mr. President** (The Honourable Sir Abdur Rahim): May I know what the rule is?

**The Honourable Sir Reginald Maxwell**: I have not got a copy of the rule itself here, but it empowers Government to restrict the conduct of any individual person.

**Mr. President** (The Honourable Sir Abdur Rahim): What is troubling is this: "Directing her not to participate in public meetings and processions. Such a prohibition would apply even if the object is perfectly innocent; it may have nothing to do with the war effort or any other matter affecting public tranquillity or peace, similar difficulty arises with respect to the order, communicate with press anywhere in India". Is there any objection to leave being granted?

**The Honourable Sir Reginald Maxwell**: Yes, Sir. As I have explained, it cannot be regarded as a matter of urgent public importance when it only refers to an order passed with regard to a particular individual.

**Mr. President** (The Honourable Sir Abdur Rahim): An objection has been raised to leave being granted. I hold that the motion is in order, those Members who are for leave being granted should rise in their places.

(More than 25 Members rose in their places.)

As more than 25 Members have risen in their places, leave is granted. The motion will be taken up at 4 O'clock or earlier, if the business of the House is finished before that time, unless the Member in charge has objection.

**The Honourable Sir Reginald Maxwell**: I have no objection.

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

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

1. The Victoria Memorial (Amendment) Act, 1943.
2. The Criminal Procedure (Amendment) Act, 1943.
3. The Code of Criminal Procedure (Amendment) Act, 1943.
4. The Code of Criminal Procedure (Second Amendment) Act, 1943.
5. The Indian Tea Control (Second Amendment) Act, 1943.
6. The Indian Companies (Amendment) Act, 1943.

#### AMENDMENTS TO CERTAIN MOTOR VEHICLES RULES.

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

(i) No. 1525/35-40-M.V., dated the 24th July, 1943, issued by the Chief Commissioner of British Baluchistan under Section 21 of the Motor Vehicles Act, 1939; and

(ii) No. F. 12(25)/43-General, dated the 15th November, 1943, issued by the Chief Commissioner, Delhi, under the Motor Vehicles Act, 1939.

#### CHIEF COMMISSIONER OF BRITISH BALUCHISTAN.

##### NOTIFICATION.

Quetta, the 24th July 1943.

No. 1525/35-40/M.V.—In exercise of the powers conferred by Section 21 of the Motor Vehicles Act 1939 (VI of 1939), the Chief Commissioner of British Baluchistan is pleased to direct that the following amendments shall be made to the British Baluchistan Motor Vehicles Rules, 1940 published in the Notification No. 347/M.V., dated the 1st April 1940, at pages 841 to 982 of the Gazette of India, part II-A, dated the 27th April 1940:—

1. After Rule 2.4(c) the following shall be added:

"(d) No fee shall be charged for the test if the applicant satisfies the licensing Authority that he previously held a license granted or renewed under any provision of law which was

force in British India at the time it was granted or last renewed, to drive a vehicle of the class to which the application refers and was prevented, by reason of absence out of India on service connected with the present war, from obtaining or renewing a license in accordance with the provisions of the Act, on the expiry of the previous license."

2. After Rule 2.19 add the following as Rule 2.20.

"2.20. A refund of Rs. 2 out of the license fee of Rs. 5 shall be granted if the applicant satisfies the Licensing Authority that he previously held a license granted or renewed under any provision of law which was in force in British India at the time it was granted or last renewed and was prevented, by reason of absence out of India on service connected with the present war, from obtaining or renewing a license in accordance with the Act, on the expiry of the previous license.

By order,

H. D. RUSHTON,

Secretary to the Agent to the Governor  
General in Baluchistan.

#### OFFICE OF THE CHIEF COMMISSIONER, DELHI.

##### NOTIFICATION.

Delhi, the 15th November 1943.

No. F. 12(25)/43-General.—In exercise of the powers conferred by clause (c) of sub-section (2) of section 41 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 amendments in the Delhi Motor Vehicle Rules, 1940, the same having been previously published with his notification No. F. 12(25)/43-General, dated the 11th September 1943.

##### Amendments.

I. The following proviso shall be added at the end of sub-rule (2) of rule 3.16, namely,—  
"Provided that if the certificate of registration has been lost while in the custody of a court or of any authority to which it has been submitted or surrendered in pursuance of the provisions of any of these rules or any other law in force, a duplicate certificate shall be issued free of charge."

II. The following proviso shall be added at the end of sub-rule (2) of rule 3.17, namely,—  
"Provided that if the certificate of registration and certificate of fitness have been lost while in the custody of a court or of any authority to which they have been submitted or surrendered in pursuance of the provisions of any of these rules or any other law in force, a duplicate certificate of registration and certificate of fitness shall be issued free of charge."

A. V. ASKWITH,  
Chief Commissioner, Delhi.

#### REVIEW OF IMPORTANT EVENTS RE INDIANS IN DIFFERENT PARTS OF THE BRITISH EMPIRE.

**The Honourable Dr. N. B. Khare** (Member for Indians Overseas): Sir, I lay on the table a copy of the Review\* of important events relating to or affecting Indians in different parts of the British Empire during the year 1942-43.

#### THE CENTRAL EXCISE BILL.

##### PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

**The Honourable Sir Jeremy Raisman** (Finance Member): Sir, I present the Report of the Select Committee on the Bill to consolidate and amend the law relating to central duties of excise.

#### THE INDIAN MERCHANT SHIPPING (AMENDMENT) BILL.

##### PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

**Khan Bahadur Shaikh Fazl-i-Haq Piracha** (North-West Punjab: Muhammadan): Sir, I present the Report of the Select Committee on the Bill further to amend the Indian Merchant Shipping Act, 1923.

#### PRESENTATION OF THE REPORT OF THE PUBLIC ACCOUNTS COMMITTEE.

**The Honourable Sir Jeremy Raisman** (Finance Member): Sir, I present the Report\* of the Public Accounts Committee on the Accounts of 1941-42.

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

## ELECTION OF A MEMBER TO THE STANDING COMMITTEE FOR ROADS.

**Sir Gurunath Bewoor** (Secretary, Posts and Air Department): Sir, I move: "That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, one member to serve on the Standing Committee for Roads during 1943-44 in place of Mr. B. L. Gray, who has resigned his membership of the Legislative Assembly."

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, one member to serve on the Standing Committee for Roads during 1943-44 in place of Mr. B. L. Gray, who has resigned his membership of the Legislative Assembly."

The motion was adopted.

## ELECTION OF MEMBERS TO THE DELHI UNIVERSITY COURT.

**Mr. J. D. Tyson** (Secretary, Department of Education, Health and Lands): Sir, I move: "That the elected Members of this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, four persons from among their own number to be members of the Court of the University of Delhi in pursuance of clause (xiv) of sub-section (1) of section 18 of the Delhi University Act, 1922 (VIII of 1922), as amended by the University (Amendment) Act, 1943 (XXIV of 1943), read with clause (5) of Statute 2 of the Statutes of the University set out in the Schedule to the latter Act, in place of the members whose three year period of office will expire on the 25th March, 1944."

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That the elected Members of this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, four persons from among their own number to be members of the Court of the University of Delhi in pursuance of clause (xiv) of sub-section (1) of section 18 of the Delhi University Act, 1922 (VIII of 1922), as amended by the University (Amendment) Act, 1943 (XXIV of 1943), read with clause (5) of Statute 2 of the Statutes of the University set out in the Schedule to the latter Act, in place of the members whose three year period of office will expire on the 25th March, 1944."

The motion was adopted.

**Mr. President** (The Honourable Sir Abdur Rahim): I may inform the Honourable Members that for the purpose of election of members for the Standing Committee for Roads and the Court of the University of Delhi, the Office will be open to receive nominations up to 12 O'clock on Wednesday, 9th February, 1944, and that the elections, if necessary, will be held on the 11th February, 1944. The elections, which will be conducted in accordance with the principle of proportional representation by means of the transferable vote, will be held in the Assistant Secretary's room in the House, New Delhi, between the hours of 10-30 A.M. and 1 P.M.

## NOMINATION OF THE PANEL OF CHAIRMEN.

**Mr. President** (The Honourable Sir Abdur Rahim): I have to inform the Honourable Members that under sub-rule (1) of rule 3 of the Indian Legislative Bill, I nominate Syed Ghulam Bhik Nairang, Mr. K. C. Neogy, Mr. Husein Ali Lalljee and Sir Henry Richardson on the Panel of Chairmen for the next Session.

## COMMITTEE ON PETITIONS.

**Mr. President** (The Honourable Sir Abdur Rahim): I have to announce 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. Govind V. Deshmukh (3) Sardar Sant Singh. (4) Mr. N. M. Joshi.

According to the provision of the same Standing Order the Deputy President will be the Chairman of the Committee.

## THE HINDU CODE, PART II (MARRIAGE).

**The Honourable Sir Asoka Roy** (Law Member): Sir, I move: "That the Bill to codify the Hindu Law relating to marriage be continued."

**Mr. President** (The Honourable Sir Abdur Rahim): Motion moved: "That the Bill to codify the Hindu Law relating to marriage be continued."

**Mr. Govind V. Deshmukh** (Nagpur Division: Non-Muhammadian): When will the next motion in connection with this Bill be made?

**The Honourable Sir Asoka Roy**: It will be made in the course of this Session.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That the Bill to codify the Hindu Law relating to marriage be continued."

The motion was adopted.

## THE COAL MINES SAFETY (STOWING) AMENDMENT BILL.

**The Honourable Dr. B. R. Ambedkar** (Labour Member): Sir, I beg to move for leave to introduce a Bill further to amend the Coal Mines Safety (Stowing) Act, 1939.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That leave be granted to introduce a Bill further to amend the Coal Mines Safety (Stowing) Act, 1939."

The motion was adopted.

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

## THE INDIAN COMPANIES (AMENDMENT) BILL.

**The Honourable Sir M. Azizul Huque** (Commerce Member): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Companies Act, 1913.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That leave be granted to introduce a Bill further to amend the Indian Companies Act, 1913."

The motion was adopted.

**The Honourable Sir M. Azizul Huque**: Sir, I introduce the Bill.

## THE INDIAN AIRCRAFT (AMENDMENT) BILL.

**Sir Gurunath Bewoor** (Secretary, Posts and Air Department): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Aircraft Act, 1934.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That leave be granted to introduce a Bill further to amend the Indian Aircraft Act, 1934."

The motion was adopted.

**Sir Gurunath Bewoor**: Sir, I introduce the Bill.

## THE INDIAN COCONUT CESS BILL.

**Mr. J. D. Tyson** (Secretary, Department of Education, Health and Lands): Sir, I beg to move for leave to introduce a Bill to provide for the creation of a fund for the improvement and development of the cultivation, marketing and utilisation of coconuts in India.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That leave be granted to introduce a Bill to provide for the creation of a fund for the improvement and development of the cultivation, marketing and utilization of coconuts in India."

The motion was adopted.

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

## THE COFFEE MARKET EXPANSION (AMENDMENT) BILL.

**The Honourable Sir M. Azizul Huque** (Commerce Member): Sir, I beg to move for leave to introduce a Bill further to amend the Coffee Market Expansion Act, 1942.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That leave be granted to introduce a Bill further to amend the Coffee Market Expansion Act, 1942."

The motion was adopted.

**The Honourable Sir M. Azizul Huque**: Sir, I introduce the Bill.

## THE CANTONMENTS (AMENDMENT) BILL.

**Mr. C. M. G. Ogilvie** (Secretary, Defence Department): Sir, I beg to move for leave to introduce a Bill further to amend the Cantonments Act, 1924.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That leave be granted to introduce a Bill further to amend the Cantonments Act, 1924." The motion was adopted.

**Mr. C. M. G. Ogilvie**: Sir, I introduce the Bill.

## MOTION FOR ADJOURNMENT.

ORDER SERVED ON MRS. SAROJINI NAIDU DIRECTING HER NOT TO PARTICIPATE IN PUBLIC MEETINGS, ETC.

**Mr. President** (The Honourable Sir Abdur Rahim): We shall now take up the adjournment motion. The discussion will last for two hours.

**Mr. Akhil Chandra Datta** (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, I move that the Assembly do now adjourn.

The order against which I want to protest is a most astounding and outrageous order. It is of a very reactionary and of a very sweeping character. Mrs. Naidu is prohibited from speaking and writing anywhere in India. I wonder if any more comprehensive and sweeping order of restriction was ever passed anywhere in the country. The Honourable the Home Member was pleased to say that it is a very simple thing. It is not of public importance because it is directed against one particular individual. My short answer to that is that it does not stand by itself. It is not an isolated order. It is part of a big programme.

I shall now explain what the underlying policy of this order is, but first let me give the facts.

Mrs. Naidu is one of the most gifted and talented ladies in the world. She was an ex-President of the Indian National Congress. She is a member of the Congress Working Committee and along with other members of the Working Committee she was in jail. She was released only about two months ago on the ground of ill-health.

Now, what is the immediate cause of this outrageous order? In this connection, Sir, two dates are very important. One is that there was a Press Conference here at Delhi on the 25th January which was addressed by Mrs. Naidu, and this order was passed within three days after that, viz., on the 28th January. Let us see what happened during the Press Conference on the 25th January. On that day, Sir, she answered on behalf of the Congress Working Committee, and Mahatma Gandhi and other leaders the case of the Government of India as against the Congress. The case of the Government of India against the Congress, against Mahatma Gandhi and against the Working Committee has always been that the Congress had a pro-Axis sympathy at the time when the leaders were arrested. The Government had another charge. It was that Congress is responsible for the disturbances of 1942. Now these are the two charges against the Congress. These charges have been formulated formally in the shape of reports and books.

Now, these Congress leaders are in jail. They cannot answer. The only member of the Working Committee that is out of jail now is Mrs. Naidu. Therefore she made it a point to answer these charges before the Press Conference of 25th January. She repudiated and denied all these charges; she said in so many words, from her own personal knowledge as a member of the working committee, and as being in intimate touch with Mahatma Gandhi before the arrest and after the arrest till her release, she said that it never was the intention of Mahatma Gandhi or of the Working Committee to take to any violent movement: it was never their intention. It was not their instruction. And she said, if any people still carry on that story, whether on behalf of the Government or from any other quarter, then they are mere propagandists and—a less polite word—they are liars. That was how the case

of the Government was answered by Mrs. Naidu on the 25th January, and the result has been that she is not allowed to open her lips after that anywhere in India. I say that this act of the Government is not isolated act: it is part of a big conspiracy on behalf of the Government of India against the people of India. You should also remember that along with this order the press has been practically muzzled in this country now. There is an order upon a few local papers of this city. Messages are not allowed to come in from outside into India and messages are not allowed to go out of India to other countries. The press is not allowed to make its comments on the internal situation in India. Responsible leaders are not allowed to express their opinion on the internal situation in India. No statement of Mahatma Gandhi is allowed to be published; even the Independence Day celebrations were banned this year. These celebrations have taken place all these years; but under the present reactionary policy of the Government, this has been prohibited.

I say this is all part of a general policy and is not an isolated act. What is that policy? It is important for us to consider what is that policy in pursuance of which this extraordinary order was passed on Mrs. Naidu. I say that policy is a policy of separating the people from their leaders, a policy of crushing the leadership of India, a policy of suppressing facts and truth, a policy of suppressing the ordinary and primary rights of citizens, a policy of frightfulness and terrorism as a definite weapon of war against the people of India who want to fight their battle of independence by non-violence. When she is asked not to speak, if she wants to speak, on which side is the violence? Is it not a fight for freedom in a non-violent way? So, even this constitutional agitation is prohibited by the Government. That is their policy. It is a policy of continuing the deadlock. It is said that for putting an end to the deadlock the initiative must come from the people, not from the Government: How on earth can they take the initiative if you do not allow them to come together? If you do not allow the leaders to speak, if you do not allow even an interview with Mahatma Gandhi on this very question of deadlock—nobody is allowed to see Mahatma Gandhi; and after all, it is for him to deliver the goods. How can any initiative be taken by the people on this question of the deadlock unless you allow them to obtain the advice of the Leaders? He will not be allowed to see the Viceroy and yet it is for him.

**Mr. President** (The Honourable Sir Abdur Rahim): There is no mention of Mr. Gandhi in this motion; I think the Honourable Member is going rather wide of the mark, he might stick to the motion.

**Mr. Akhil Chandra Datta**: My point is this; an order has been passed.

**Mr. President** (The Honourable Sir Abdur Rahim): There is a lot of background, I have no doubt; but the Honourable Member must make his speech relevant to the motion before the House.

**Mr. Akhil Chandra Datta**: I said that one of the objects of this order is to continue the deadlock. It is also really a case of might against right. The order says she cannot open her lips anywhere in this vast continent on any question. Look at the absurdity of the order. She cannot appeal to people outside or at home for relief of famine in Bengal. I can understand this order, even from the standpoint of the Government, if it was of a restricted character—that you cannot talk of politics or something like that; even though that would have been improper. But the order covers all manner of subjects, even social matters and humanitarian questions and famine questions—she cannot speak on anything whatever. That really shows the absurd character of the order. I say it is absolutely unjustified and the Government should not seek to perpetuate their policy of crushing the elementary rights of the people, but should revise their ideas. It is high time they did so. It would not do for any length of time to go on like this with the help of lathis and bayonets; lathis cannot always be the arbiter of the destinies of a people. Sir, I move.

**Mr. President** (The Honourable Sir Abdur Rahim): Motion moved: "That the Assembly do now adjourn."



## THE CANTONMENTS (AMENDMENT) BILL.

**Mr. C. M. G. Ogilvie** (Secretary, Defence Department): Sir, I beg to move for leave to introduce a Bill further to amend the Cantonments Act, 1924.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That leave be granted to introduce a Bill further to amend the Cantonments Act, 1924." The motion was adopted.

**Mr. C. M. G. Ogilvie**: Sir, I introduce the Bill.

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ORDER SERVED ON MRS. SARAJINI NAIDU DIRECTING HER NOT TO PARTICIPATE IN PUBLIC MEETINGS, ETC.

**Mr. President** (The Honourable Sir Abdur Rahim): We shall now take up the adjournment motion. The discussion will last for two hours.

**Mr. Akhil Chandra Datta** (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, I move that the Assembly do now adjourn.

The order against which I want to protest is a most astounding and outrageous order. It is of a very reactionary and of a very sweeping character. Mrs. Naidu is prohibited from speaking and writing anywhere in India. I wonder if any more comprehensive and sweeping order of restriction was ever passed anywhere in the country. The Honourable the House Member was pleased to say that it is a very simple thing. It is not of public importance because it is directed against one particular individual. My short answer to that is that it does not stand by itself. It is not an isolated order. It is part of a big programme.

I shall now explain what the underlying policy of this order is, but first let me give the facts.

Mrs. Naidu is one of the most gifted and talented ladies in the world. She was an ex-President of the Indian National Congress. She is a member of the Congress Working Committee and along with other members of the Working Committee she was in jail. She was released only about two months ago on the ground of ill-health.

Now, what is the immediate cause of this outrageous order? In this connection, Sir, two dates are very important. One is that there was a Press Conference here at Delhi on the 25th January which was addressed by Mrs. Naidu, and this order was passed within three days after that, viz., on the 28th January. Let us see what happened during the Press Conference on the 25th January. On that day, Sir, she answered on behalf of the Congress Working Committee, and Mahatma Gandhi and other leaders the case of the Government of India as against the Congress. The case of the Government of India against the Congress, against Mahatma Gandhi and against the Working Committee has always been that the Congress had a pro-Axis sympathy at the time when the leaders were arrested. The Government had another charge. It was that Congress is responsible for the disturbances of 1942. Now these are the two charges against the Congress. These charges have been formulated formally in the shape of reports and books.

Now, these Congress leaders are in jail. They cannot answer. The only member of the Working Committee that is out of jail now is Mrs. Naidu. Therefore she made it a point to answer these charges before the Press Conference of 25th January. She repudiated and denied all these charges; she said in so many words, from her own personal knowledge as a member of the working committee, and as being in intimate touch with Mahatma Gandhi before the arrest and after the arrest till her release, she said that it was the intention of Mahatma Gandhi or of the Working Committee to take to any violent movement; it was never their intention. It was not on instruction. And she said, if any people still carry on that story, whether on behalf of the Government or from any other quarter, then they are more than gandhists and—to use a less polite word—they are liars. That was how the

of the Government was answered by Mrs. Naidu on the 25th January, and the result has been that she is not allowed to open her lips after that anywhere in India. I say that this act of the Government is not isolated act: it is part of a big conspiracy on behalf of the Government of India against the people of India. You should also remember that along with this order the press has been practically muzzled in this country now. There is an order upon a few local papers of this city. Messages are not allowed to come in from outside into India and messages are not allowed to go out of India to other countries. The press is not allowed to make its comments on the internal situation in India. Responsible leaders are not allowed to express their opinion on the internal situation in India. No statement of Mahatma Gandhi is allowed to be published; even the Independence Day celebrations were banned this year. These celebrations have taken place all these years; but under the present reactionary policy of the Government, this has been prohibited.

I say this is all part of a general policy and is not an isolated act. What is that policy? It is important for us to consider what is that policy in pursuance of which this extraordinary order was passed on Mrs. Naidu. I say that policy is a policy of separating the people from their leaders, a policy of crushing the leadership of India, a policy of suppressing facts and truth, a policy of suppressing the ordinary and primary rights of citizens, a policy of frightfulness and terrorism as a definite weapon of war against the people of India who want to fight their battle of independence by non-violence. When she is asked not to speak, if she wants to speak, on which side is the violence? Is it not a fight for freedom in a non-violent way? So, even this constitutional agitation is prohibited by the Government. That is their policy. It is a policy of continuing the deadlock. It is said that for putting an end to the deadlock the initiative must come from the people, not from the Government: How on earth can they take the initiative if you do not allow them to come together? If you do not allow the leaders to speak, if you do not allow even an interview with Mahatma Gandhi on this very question of deadlock—nobody is allowed to see Mahatma Gandhi; and after all, it is for him to deliver the goods. How can any initiative be taken by the people on this question of the deadlock unless you allow them to obtain the advice of the Leaders? He will not be allowed to see the Viceroy and yet it is for him. . .

**Mr. President** (The Honourable Sir Abdur Rahim): There is no mention of Mr. Gandhi in this motion; I think the Honourable Member is going rather wide of the mark, he might stick to the motion.

**Mr. Akhil Chandra Datta**: My point is this; an order has been passed. . .

**Mr. President** (The Honourable Sir Abdur Rahim): There is a lot of background, I have no doubt; but the Honourable Member must make his speech relevant to the motion before the House.

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**Mr. President** (The Honourable Sir Abdur Rahim): Motion moved: "That the Assembly do now adjourn."



**Sir Muhammad Yamin Khan** (Agra Division: Muhammadan Rural): Sir, I must explain my position as well as why our Party is in favour of supporting this. We have got nothing to do with Mrs. Sarojini Naidu's politics; we have nothing to do with what she was going to say and why she should be stopped from saying anything on politics. That is not our position. We think by this order Mrs. Sarojini Naidu is being stopped from saying anything on social matters; she is a poetess and she cannot speak on that line too. She is stopped from taking any part in social reconstruction by this order. She cannot communicate on those matters which may be quite harmless and she cannot go and address a university on literature; she cannot take part in any procession which may be required for the uplift of the people who are depressed. She cannot ask for subscriptions for giving any food relief to the distressed people. All these things are covered by this order and I think the order is sweeping that we cannot support it. If her politics were bad, if she was a dangerous woman, and if her being at large was dangerous to the society as a whole, then the Government should have kept her in jail. But after having released her and after finding that she can go about, to put restrictions of this nature is not consistent from our point of view. We think that if Mrs. Naidu can go and agitate the people in the country, which in the opinion of the Government is not desirable or might destroy the peace of the country or hinder the war efforts, then certainly the Government should keep her inside the jail and not allow her outside. Or even if they had thought that she could go and they should have restricted her activities as far as war efforts were concerned, and we would have supported Government if that had been the position of the Government. But now we find that the position of the Government is absolutely different. They have exceeded the limits of what is at present required and we cannot be a party to supporting any such sweeping order, which is neither necessary nor in the interests of the safety of the country, which is not logical but arbitrary, and which we believe is putting up a bad precedent restricting the liberties of the individual and citizen of this country. That is our position and we cannot support the order of the Government on account of these reasons.

**Mr. D. K. Lahiri Chaudhury** (Bengal: Landholders): After a long time we have come into this House with the definite object of ventilating before the House and the country our grievances, as we have no forum outside. It is with that principle in mind that I stand on my legs today to throw some light over this motion as it has come up before the House. I was rather surprised to hear the objections which were raised by the Honourable Sir Reginald Maxwell that it is an individual case and as such no permission should be given to discuss the motion. But I am glad that you, Mr. President, overruled the objection and allowed the motion to be discussed on the floor of this House. Is there any legitimate ground in opposing this motion? No man with any grain of common sense can realise it. Whatever the Honourable the Home Member may have in his mind or whatever methods or policy he may pursue—he can do it at the point of the bayonet—we on this side of the House, however oppressed we may be outside the precincts of this House, have our conscience clear; our blood is boiling; no human being with a conscience can tolerate this autocracy of the particular Government which is now running here. They have lost their dignity, they have lost their prestige.

**An Honourable Member:** Had they any?

**Mr. D. K. Lahiri Chaudhury:** They have lost their common sense. They are, practically speaking, ruling this country at the point of the bayonet. They predict and throw a challenge with all the force at my command that this present administration will collapse in the near future. The world is moving so fast to-day. No nation in the world can keep down a nation like us. What is the object of this ban on Mrs. Sarojini Naidu? Just quoting from a statement in the papers. Mrs. Naidu at the present time is not quoting from a view that to rectify past mistakes with the right

should withdraw the lies and allegations that the Congress and Mahatma Gandhi advocated violence. That was the reason for the gag Government, not only here in the Government of India but also in the provinces, issued a number of pamphlets at their own cost and distributed them to show that the Congress was the only element which was responsible for the sabotage and violence which had occurred. During all that time it has been stated—and I quite remember when we came to attend the Leaders' Conference summoned by Sir Tej Bahadur Sapru—here is one categorical denial. Mrs. Naidu is honoured all over India, all over the world she is an international figure, and still the Honourable Sir Reginald Maxwell says that it is a question of an individual. The question of individual comes up when on that individual the entire nation's welfare depends. Mahatma Gandhi is an individual, but one single move of his finger can practically revolutionise the whole country, and it is with a definite object that the Government are putting him behind prison bars without giving an opportunity to defend himself. In her statement Mrs. Naidu did not ask for any favour to release the individuals.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member is going beyond the terms of this motion.

**Mr. D. K. Lahiri Chaudhury:** I am only showing that the Honourable the Home Member is afraid of facing this fact before a court of law. I can assure Sir Reginald that he cannot crush the national movement with all the resources at his disposal, he cannot crush the Congress, he cannot crush the ideals and ideology of the Congress. I am standing for the right cause and I think the House will agree with me and support this motion and condemn the activities of the Government of India.

**Mr. Govind V. Deshmukh** (Nagpur Division: Non-Muhammadan): This order is one of the instances which show how the Defence of India Act and Rules can be abused. This order is without any parallel, without any parallel I make bold to say, in the annals of any civilised Government. If any one wants to cite any parallel he will have to go to the Czarist Government or the Hitlerite Government. As has been observed by you, this is an order which is very wide in its scope and terrible in its effects. The scope is so wide that Mrs. Sarojini Naidu must shut up her mouth except when she is talking to her people in the house, and so extensive also that she cannot come out of the house and mix anywhere. It may be said if she mixes with even four or five people—it may be said, you are going in a procession, and she may be locked up. Then it is so terrible in its effects that she cannot carry on any agitation, any movement; even social or cultural. That being so, it is apparent to any one that an order like that should not be passed by any Government. The merits and demerits of the order have been expressly mentioned just now. What did Mrs. Naidu do after coming out of the house where she was laid up? After recovery, the statement she made was to this effect, that the responsibility for what is called the sabotage movement did not lie with the Congress, that the statements made in the booklet issued by the Government were false, that the Congress is against any violence. She expressly said that that was not only her view but the view of Mahatma Gandhi and that no person was authorised to take any action which would go against the principle of non-violence. Now, this authoritative person, connected with the Working Committee had come in the field and was contradicting the statements published by the Government, which were sedulously circulated in this country as well as outside. If the Government had a good case, they should have allowed her to put the Congress case and come out with more and better proofs. That the booklet was one-sided and that the statements made in it were incorrect was said by everybody and what was demanded then was 'You please release all those members of the Working Committee who are in jail and give them a chance to defend themselves'. Now, here is a person who has come out and made a statement, a person who is in the know of things and who knows the whole movement and what is in the mind of Mahatma Gandhi. She comes forward and says to the Press that the statements made by the Government

[Mr. Govind V. Deshmukh.]

are absolutely false. Now, Sir, after that, all one can say is that the Government is afraid of letting people know and letting the world know the authoritative views of an authoritative person who was closely in the know of things as she was moving in that circle.

Then another thing which she said and which has been reported in the Press is this and I do not know why Government should have taken any objection to it. All that she did say was that she was advising the Congressmen to follow a particular course and that course also did not indicate that anybody was to follow a violent path. As a matter of fact, she did say that Congress is still adhering to the principle of non-violence. One could have understood the action of the Government if they said to her "Your activities are such that they are likely to hamper war efforts" and then passed an order under the Defence of India Act to muzzle her. Truly if one were to go through the speeches she has delivered, one will not find that she is in any way hampering the war efforts. Otherwise they would have expressly said so in the order. As they have nothing to say, they have said nothing in the order. Under these circumstances, how could any order muzzling Mrs. Sarojini Naidu be justified? With these words, I support the adjournment motion.

**Mr. N. M. Joshi** (Nominated Non-Official): I rise to support this motion. The Government of India in issuing the order may have feared that Mrs. Naidu would make some statement, or act in such a way, that the public order in this country would suffer and, secondly, that the prosecution of the war may be hindered. The reason given by them is two-fold. First, they want to prevent Mrs. Naidu from acting in a way prejudicial to the public order and secondly they want to prevent Mrs. Naidu acting in such a way as to hinder the prosecution of the war. I feel that the Government of India had no justification in issuing the order against Mrs. Naidu on any of these grounds. If Mrs. Naidu is to be judged, she must be judged by the recent statements which she has made and after reading those statements very carefully, I feel that if Mrs. Naidu issues any such statements afterwards her statements would be helpful in maintaining law and order in this country and her statements may be helpful in the prosecution of the war. What the country needs at present is firstly a solution of the political deadlock. Secondly, the country also needs the end of the rule by means of repressive Ordinances. One of the statements made by Mrs. Naidu was that Mahatma Gandhi was wrongly accused of being pro-Japanese. This country has suffered terribly on account of the wrong notion that exists that Mahatma Gandhi is pro-Japanese and that a large number of people in this country have sympathy with Japan and Mrs. Naidu's statement was very helpful in creating a right idea about the attitude of the people towards Japan. We have no sympathy with Japan. Unfortunately, a wrong impression has been created and Mrs. Naidu has done well in issuing that statement about the attitude of Mahatma Gandhi towards Japan.

Then, Sir, Mrs. Naidu has made another very helpful statement and that is that the communal problem is not insoluble. I think anybody who is able to do something for the solution of the communal problem is helping towards the political settlement of this country. Her statement was very optimistic and I think she has certainly created a feeling of hope that the communal problem may be solved early.

Then, Mrs. Naidu has made a statement which is of great use regarding the attitude of the Congress and Mahatma Gandhi towards violence. I have no doubt in my mind that the violence and the disturbances that took place were to some extent encouraged by the wrong conception of some people that Mahatma Gandhi may have approved of violence, or the Congress Working Committee may have approved of the violence. Mrs. Naidu removes that misconception and I think the removal of this misconception will be of great use in the political settlement of this country.

Thirdly, Mrs. Naidu also makes a very hopeful statement regarding the future settlement of the political problem of this country. I do not wish to read many quotations, but I think her statement that if Government makes a proper gesture, the political settlement will not be difficult is a very useful statement. What the whole country at present needs is the political settlement. I, therefore, feel that Government had no justification in issuing any order against Mrs. Naidu. Mrs. Naidu was performing the very useful function. She was acting, in my judgment, as an angel of peace instead of a devil creating disturbances in this country. The Government of India have not only no justification for issuing an order against Mrs. Naidu, but they have prevented Mrs. Naidu from acting in a manner which would have been of great use to this country. I, therefore, feel that this House should condemn the action of the Government of India.

**Mr. T. T. Krishnamachari** (Tanjore *cum* Trichinopoly: Non-Muhammadian Rural): Mr. President, Sir, it would have helped the House considerably if we had known the attitude of the Government in regard to this motion. Since we do not know what the Honourable the Home Member is going to say, we have to anticipate his arguments in support of the action of the Government. It has been stated that some Members of this House resent the blanket order imposed on Mrs. Naidu but they would not object to her being muzzled so far as the expressing of any political opinions is concerned. That is one aspect of the question. In my opinion the Government issued this order not because they wanted to restrict the freedom of Mrs. Naidu but because they felt that they have to exercise their rights, their rights over every individual in this country who stands for the freedom of this country. Probably, the Honourable the Home Member when he rises will say: It does not matter to us what Mrs. Naidu has said; it does not matter to us even if she had been helpful; it does not matter to us if she pleaded for communal settlement; it does not matter to us if she gave an assurance to us that Mahatmaji was not pro-Japanese and that the Congress never intended to support acts of sabotage and violence. What I think he will say is this. Mrs. Naidu is a member of an organisation which has been declared unlawful by us and so we can do just what we like with her. He may not be right there but I think that is what is going to be his reply. The Government have made up their mind that certain people are members of an unlawful body and they have made a declaration to that effect and no person belonging to that body can ever be permitted to say anything good, bad or indifferent. Unless it is to be justified on these grounds, I cannot see how the Government order on Mrs. Naidu could be justified.

Taking the larger issue, the political repercussions of Mrs. Naidu's statement, much has been said by speakers that preceded me. I would like to say this that she said something at Allahabad with which you did not find fault. It found its way into the newspapers. Again, she said something in Delhi which seems to have provoked the Government into action. But was not the same thing said not merely by Mrs. Naidu but also by others before her? Now, what has she said? It has been said by speakers who preceded me that she has been very helpful; she has denied the fact that Mahatmaji was pro-Japanese; she denied the fact that Congress was pro-Japanese; and she also said categorically that the Working Committee had not even thought of the ways and means of implementing the resolution of 8th August, 1942, when they were arrested. Apparently, that has not been approved by the Government. Apparently, they do not want people outside this country to know, as they will inevitably know, if a person of the eminence of Mrs. Naidu is left free to reiterate those statements. That wonderful pamphlet issued under the authority of the Government of India by Sir Richard Tottenham cannot be proved to contain anything but lies. I think that is the conspiracy behind the Government's action. The Government want the present state of things to continue. The Government want to continue their lying propaganda in countries outside India. They want to arm their propagandists in America and in England to go on saying that no settlement is possible in this country; that the leaders cannot

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[Mr. T. T. Krishnamachari.]

be released because they are pro-Japanese, for one thing, and they have been at the bottom of these acts of sabotage and violence for another. If that is not the case, why should they not take this opportunity of examining further whether the views expressed by Mrs. Naidu are also the views of other people who are members of that unlawful organisation which seems to be the only crime of which Mrs. Naidu is now guilty.

The motion before us raises large issues. There is a limit to every Government action. There is no denying that this Government is empowered to do anything it wants on the face of the earth. This Government can imprison anybody without assigning a valid reason. The Honourable the Home Member can quote chapter and verse from the Defence of India Rules that he has power to keep any person under detention. He can gag any person for any reason. After all, in this House, I think, it serves no useful purpose to question what the Government can do legally because they can do the most illegal acts under the cover of the Defence of India Act and the Rules framed thereunder. But the question is: Is it equitable? That is the point we want to raise here today. Here you have done something which you cannot justify. Come out and tell us today what is your policy. You do not want people to give expression to their views, views which categorically deny the statements you have made and the charges you have attributed to the Congress and the leaders of this country and on the basis of which you continue to keep them under detention. If the Honourable the Home Member says that they are bent on keeping things like this during the period of the war and that Mrs. Naidu and other people who will make similar statements will necessarily be gagged and that if they disobey the gagging order they will be imprisoned, then we have nothing more to say. This legislature is powerless to make the Government see reason and do the proper thing. But I think we are quite right in exposing the unjust acts of this Government which will go on charging popular leaders with the most atrocious charges and will not permit of any denials of their charges made known to the public.

I do not want to go beyond the purview of this motion but it is a fact and I would like the Honourable the Home Member to deny it that not merely have they gagged Mrs. Naidu but they have also prevented her statement being sent out of this country. That is the reason why I say there is a conspiracy behind all this. It does not matter really very much whether the order is of an omnibus nature or is a blanket order or just an order for a specific purpose. The real fact is you are questioning the elementary rights of the country being curtailed. I suppose it is not possible in this country for us to raise the question of the rights of individuals at all. My Honourable friend, Sir Muhammad Yamin Khan, was right when he exposed the absurdity of this order. The order is not only absurd but the Government are empowered to curtail even the ordinary and normal action of individuals. There is the larger issue, the issue which this order brings into relief. It is the policy of the Government of India to persist on doing what they have done all along and to keep the leaders in prison and not to allow any statements which are made on their behalf to be published and also not to permit them to deny the charges that have been made *ex-parte* by the Government under cover of issuing a pamphlet establishing the responsibility of the Congress in regard to the disturbances that occurred in the latter half of 1942, not to allow anything that has been said contrary to what they have affirmed times without number not merely on the floor of the House, not merely in the country, but also outside by means of paid propagandists. That seems to be the whole conspiracy. What the Government of India now want is to see that the edifice that they have built up, the edifice of untruth, the edifice of false propaganda, the edifice of unjust acts, the edifice of muzzling people and of trying to crush out all ideas of freedom in the minds of Indians, that edifice should not be tampered with or interfered with by and casual statement made by any person like Mrs. Naidu lest that statement should go abroad. It is so much that they are afraid of what Mrs. Naidu says in this country, but

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are afraid that her statement will go out ultimately, they are afraid that their false propaganda will stand exposed in the eyes of the world. The Honourable the Home Member stands as the originator of that false propaganda. He is the man who has furnished the means with which that false propaganda could be carried on in all the countries. In order to feel secure, in order to see that the false edifice does not stand exposed, he wants to muzzle Mrs. Naidu for ever. He wants to tell the people of this country this is what we will do, here is the big stick which we will use, you had better be warned. This is the underlying idea behind Government's action, for one thing, and for the other their decision to continue their present policy is at the bottom of this order. That is why I say this has got to be exposed. I do not know whether the proceedings of this House will ever get abroad, possibly they will not. We have no means of asking the Government not to muzzle the Press, not to censor messages that go abroad about the debate in this House. We have a right in this House to ask, such of those who feel that the Congress Party has been condemned *ex-parte*, I think even my friends of the Muslim League ought in fairness to join us in saying that the Congress has been condemned *ex-parte*, to express their disapproval of this latest wanton act of this Government. Here is a person of the standing of Mrs. Naidu who has been in the secrets of the Congress organisation who comes forward and says categorically that Mahatma Gandhi and others are not pro-Japanese, that they never thought of any move to implement the Resolution of 8th August. What is most surprising is that in Mrs. Naidu's statement, the very revealing reference to the letter of Miss Mira Ben, does not find any place in Government's communique. After all what does the Government do? It takes out of the statements of popular leaders what suits it and rejects what does not suit the Government. There is no answer at all to that letter of Miss Mira Ben about which Mrs. Naidu has mentioned. It was not incorporated in that pamphlet containing the correspondence that passed between the Government of India and Mahatma Gandhi. The Government have nothing to say about that letter.

Sir, this order seems to be a protective order. Government are afraid, I would not say they are afraid, I do not think they are afraid even of God, the Government are afraid only of the outside world knowing about their acts in this country. Of course the Government stand supreme, they can do what they like. But they are only afraid of the outside world knowing that they have been carrying on this false propaganda, that they have imprisoned thousands of people on the most baseless charges, that they have produced propaganda material which is not worth the paper on which it is printed, that it is merely waste of public money and public stationery. Here is a responsible person who says something in this country, and the Government think it will get abroad, and it is because of that fear they have passed this gagging order. I should like to see the Honourable the Home Member denying it.

Sir, in regard to the other point, what Mrs. Naidu can do and what Mrs. Naidu cannot do, my Honourable friend, Sir Muhammad Yamin Khan, referred to this, I should like the Honourable the Home Member to read that very nice doggerel verse that appeared in the *National Call* the other day. I do not think I will take up the time of the House by reading the whole of that verse. I dare say it should have also appealed to the sense of humour of the Honourable the Home Member. What can Mrs. Naidu do? Can she write, can she speak at the funeral of her friend? What else can she do and what she cannot do? It asks Sir Reginald Maxwell for God's sake be frank about it. Tell us what she can do, and what she cannot do.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Mr. T. T. Krishnamachari: I support the motion.

Mr. President (The Honourable Sir Abdur Rahim): The Assembly stands adjourned for lunch till half past two of the clock.

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.

**Maulana Zafar Ali Khan** (East Central Punjab: Muhammadan): Sir, may I suggest that you should vacate the Chair in favour of Mr. Neogy because you are the author of this motion which is being discussed?

**Mr. Deputy President** (Mr. Akhil Chandra Datta): That does not matter, because I will vacate the Chair before the voting takes place.

**Mr. Lalchand Navalrai** (Sind: Non-Muhammadan Rural): Sir, the Honourable the Home Member has not yet risen to speak; I do not know why he is so shy in this matter. This adjournment motion deals with the direction on Mrs. Naidu not to participate in public meetings and processions nor communicate with the press anywhere in India. Therefore at the very start we should have an explanation as to what the Resolution really is. We must know, before we criticise it, what the terms are of that Resolution which entitles Government . . . . .

**The Honourable Sir Reginald Maxwell** (Home Member): May I know what the Honourable Member means by "Resolution"?

**Mr. Lalchand Navalrai**: I mean the circular or direction asking her not to participate in meetings and processions, etc.

**The Honourable Sir Reginald Maxwell**: I thought before the Honourable Member wished to discuss that he would know what he was talking about.

**Mr. Lalchand Navalrai**: I must say that the order of Government is most unreasonable and there is no sense in it and that is why this motion has been admitted. Apart from political movements and war fronts, the reason why this motion has been admitted is sufficient for its acceptance, because it was admitted on the ground that it is too extensive; and an omnibus order like this should be condemned on the face of it. Now it is surely silly to say that Mrs. Naidu or any one else should not take part in public meetings or processions of all kinds or communicate with the press anywhere in India. That is more than gagging and should be condemned. I know Government are very nervous about political leaders and therefore gag them; but when I came here today I was thinking that perhaps Government have changed their mind and there will be a better atmosphere. I do not know how far that atmosphere has changed but it will depend on the attitude of Government as to whether they want to meet the public demand of India. Now, Sir, I will submit that the Defence of India Rules are simply abused in their application. We have condemned them and asked that they should be revised, and made more reasonable, but that has not yet been done. They were not placed before this House and they have done great harm to the country; the most absurd orders are being passed under these Rules. Orders, for instance, are passed that you should not move out of your house; you are interned in your house. Again, that you should not move from one place or one village to another. And now they say that you should not talk at all. It is no credit to the British or the Indian Government to pass such an order. It is too extensive and without taking any more time I will say that for the same reason for which it has been admitted it should be accepted also.

**The Honourable Sir Reginald Maxwell**: Sir, I should like to make it clear at the outset that I have nothing to say against Mrs. Sarojini Naidu personally. I have had many previous dealings with her in my own province and those who have had such dealings, whether as opponents or as friends, all share the liking and respect which has been voiced in this House. I do not wish to suggest, nor did this order of Government suggest, that she has in any way improperly evaded any conditions which she had accepted at the time of her release. But at the same time her action has put us in a difficulty and has created an unexpected situation which we ought perhaps to have foreseen at the time of her release.

I will briefly remind the House of the facts. Mrs. Naidu is a member of the Congress Working Committee and was detained along with the other members of the Committee and Mr. Gandhi on August 9th, 1942. They were detained in order to prevent them from leading or supporting the mass movement sanctioned by the Resolution of the All-India Congress Committee on the 8th of August of that year. At the same time the Congress Working Committee was declared to be, and still is, an unlawful association. Mrs. Naidu remained in custody with Mr. Gandhi until some time after Mr. Gandhi's fast. She was then released unconditionally—and I stress the word 'unconditionally'—because Government were given to understand at that time that there had been a serious deterioration in her health and that she was physically incapable of taking part in any public or political activity for an indefinite period. Thus the reasons of her detention ceased to exist, but she remained a member of an unlawful association. This meets Sir Yamin Khan's point that if she was considered dangerous she ought to have been kept in detention. The act of Government was not to deny that she was dangerous, but it was an act of consideration for her then state of health.

Now I must give the House the facts which led up to this order. On the 23rd January last, without previous notice to Government, Mrs. Naidu arrived in Allahabad and issued an Independence Day message through the press.

**Pandit Lakshmi Kanta Maitra** (Presidency Division: Non-Muhammadan Rural): Why would notice be necessary?

**The Honourable Sir Reginald Maxwell**: She did not inform us of her emergence from retirement.

**Pandit Lakshmi Kanta Maitra**: No such condition was attached to her release.

**The Honourable Sir Reginald Maxwell**: I have already said so.

**Pandit Lakshmi Kanta Maitra**: Then why should she inform you?

**The Honourable Sir Reginald Maxwell**: She was not obliged to inform us and therefore we did not know.

**Mr. Abdul Qayyum** (North-West Frontier Province: General): Why should she?

**The Honourable Sir Reginald Maxwell**: As regards the celebration of Independence Day, I would like to say one word, and that is that any restrictions imposed by Government on the celebration of Independence Day have not been directed against any independence movement as such, but those celebrations have commonly been accompanied by the recital of what is known as the Congress Pledge and Government have been advised legally that that pledge is a seditious document.

**Mr. K. S. Gupta** (Ganjam cum Vizagapatam Non-Muhammadan Rural): Ban it if you can.

**The Honourable Sir Reginald Maxwell**: Then, to resume the history of Mrs. Sarojini Naidu, she came to Delhi and on the 25th of January she addressed a press conference.

**Mr. K. S. Gupta**: What was the harm?

**The Honourable Sir Reginald Maxwell**: Her statement to the press conference was in the nature of a political statement supporting the action taken by the Congress throughout. It practically amounted to another speech on the August Resolution such as might have been delivered at the meeting of the All-India Congress Committee in Bombay and it was made by a member of the Working Committee which had been declared an unlawful association and whose members had been detained in consequence of that Resolution. There was nothing in that speech to indicate any desire to alter the situation thus created. Everything in that speech was such as to confirm and defend the action taken by the Congress and to dissuade others from repudiating it. I shall perhaps have time to give a quotation later to illustrate that point.

Now I come to the substance of the order which Government then considered it necessary to pass on Mrs. Naidu. The order was passed under a clause of the new Ordinance III which corresponds to the old Defence Rule 26 and that clause enables Government to impose on any person such restrictions



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as may be specified in the order in respect of his employment or business, in respect of his association or communication with other persons, and in respect of his activities in relation to the dissemination of news or propagation of opinions. It was under the same old Defence Rule No. 26 that Mrs. Naidu had been detained and the very light restriction now imposed on her was nothing as compared with physical detention.

I will now draw the attention of the House to the actual terms of that order. It reads:

"The Central Government is pleased to direct that the said Mrs. Naidu shall not make any public speeches"

I emphasise the word 'public'—

"or issue directly or indirectly any statement to the press or otherwise communicate her views to the public"

—again I emphasise the word 'public'.

The House will note that this order does not prevent Mrs. Naidu from doing anything. If she wishes to engage in social activities or any of the other activities that have been mentioned in this debate she is free to do so.

**An Honourable Member:** But she is not allowed to talk

**The Honourable Sir Reginald Maxwell:** Why should it always be assumed that no one can do anything without talking? The only thing from which Mrs. Naidu is prevented is talking in public and giving her views to the press.

Again it has been argued that the order is too sweeping and the question has been raised why the restrictions imposed on Mrs. Naidu could not have been defined more narrowly. I tried to do so, but I found it was obviously impossible.

**Pandit Lakshmi Kanta Maitra:** Because you are a broad-minded man!

**The Honourable Sir Reginald Maxwell:** Because what a person can say on any particular occasion depends not on the subject, nor on the occasion, but on the mind of the person. In fact I have noticed in India a considerable tendency to bring politics into everything, and I have no doubt that if, for instance, Mrs. Naidu wished to make speeches on the subject of food, it would not be very long before food took on the complexion of politics.

Then I must hurry and come to the argument of Mr. Joshi that Mrs. Naidu's statements, if she were allowed to make them, might have helped the war effort. Well, if I were able to do so, I should welcome more statements of this kind because she presents me with a number of excellent arguments for the policy which Government have already followed. She refers, and the point has been raised in this debate, to a letter said to have been written by Miss Slade to Mr. Gandhi and Mr. Gandhi's reply and I have been asked why no publicity was given to that letter.

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

That letter was written and answered long before the Congress leaders were placed in detention. If Mr. Gandhi had wished to give publicity to that letter he was perfectly free to do it himself. But it was a confidential communication addressed to him and I do not see any reason why Government should disclose a communication of that nature. I might say that it would not help the Congress case if it were disclosed.

Then it has been said that Mrs. Naidu wished to defend the Congress from the implication of being pro-Japanese. Government have never at any time, either here or at home, charged the Congress with being pro-Japanese. Well, the allusion to that in the booklet called "Congress Responsibility" refers to a statement quoted from Pandit Nehru himself. I have not the time to quote it at length, but if Honourable Members will refer to the quotation given in the "Congress Responsibility" pamphlet they will easily find the passage in question.

Finally, Mrs. Naidu affirms in unmistakable terms that the Congress are not of a mind to accept any compromise in their original position. Let me quote what she says:

"On fundamentals"—she went on to declare—"we cannot surrender. I would rather that everyone of us died in jail than that merely for the sake of coming out we should compromise

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the integrity of our position. We have spoken in the name of the nation. We cannot go back on it till we are convinced that we are wrong."

Anyone who says that a statement of this kind is calculated to liquidate the present situation is misreading the terms of the actual statement made by Mrs. Naidu.

I must refer to one other point, and that is the allegation that the Press is being gagged. Mrs. Naidu's statement was not allowed to be transmitted out of India because the policy of outward censorship has to be kept consistent with what is done inside the country but there will be no stopping of any outward messages in regard to this debate.

As I have explained to the House, the object of this order served on Mrs. Naidu was simply to prevent an individual, who is not only a member of an unlawful association but also the only member of that association now at liberty, from pursuing a course of action and propagating views which other members of the Congress Working Committee have been prevented from doing, and which she alone was in a position to do from the fact that she had been released on grounds of ill-health. I cannot understand what logical claim can be put forward that Mrs. Naidu should be allowed to take part in public or political activities, so long as the ability to do so is denied to her colleagues. It would surely be unfair to say that she has any such claim merely because she was released unconditionally on account of her health, and because her health has now sufficiently recovered to enable her to pursue such activities. If her health had been such to enable her to do so, Government need never have released her; or if we had supposed that her health was sufficiently recovered to enable her to do what we had denied to the other members of the Congress Working Committee, then we should have served a restrictive order on her at the time of her release. We did not do so and we have to rectify that omission in the situation created by Mrs. Naidu herself.

Sir, I oppose.

**Mr. Abdul Qayyum:** I listened very carefully to the speech of the Honourable the Home Member. I found that his speech was halting and that the points made and arguments advanced by him were in support of a thoroughly bad cause. The order is such that it can never be defended. It is of a very sweeping nature and such is the sweeping nature of the orders that are being passed by the Government of India under the Defence of India Rules that the Chief Justice of the Allahabad High Court the other day publicly stated that they were utterly helpless before these sweeping and far-reaching orders which were being passed daily by the Executive under the Defence of India Rules.

Now, Sir, the reasons given in this order for preventing the members of the Working Committee and also Mrs. Naidu from making any communication to the Press, or delivering any speech, or the Press from publishing it, were with a view to preventing her from acting in a manner prejudicial to the maintenance of public order and the successful prosecution of the war. Let us see what Mrs. Naidu had done in the interval between her release unconditionally, which the Honourable Member frankly admitted, and the passing of this order of a very sweeping nature.

She attended a Press Conference in Delhi and there she made a statement which cannot by any stretch of the imagination be described as a statement which would lead to the breach of the peace. If we are to judge people by what they are likely to do, then I think all manner of orders under the Defence of India Rules can be justified. In the statement she made the Congress position very clear regarding sabotage and violence. I will quote her own words:

"We discussed nothing in the Working Committee in the way of instructions or a programme. If anybody says now that the Congress Working Committee, and especially Gandhiji, even by implication or by gesture hinted, or a beating of the eye-lash suggested, to anyone that violence was to be a part of the programme, that person, Government, or group of propagandists are, to put it mildly, liars."

The Honourable Member can very conveniently forget facts. It is a well-known fact that the Government of India ever since they started this crusade against the Congress movement in India have been, through propagandists

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paid and unpaid in the country, and especially in the United States and other parts of the world, doing a lot of propaganda to the effect that the Congress Working Committee is responsible for all the acts of violence and all the acts of sabotage which were witnessed in this country as a result of this foolish policy of wholesale arrests and the attempt at suppression of a movement which no power on earth can suppress. It was because of their misdeeds that all these acts of violence broke out. It was done by the Government of India; it is a well-known fact that in order to win this war the Government of India like the Government of Great Britain will go to any lengths.

The first thing that was murdered in this war was truth, and the people of India, especially the Congress movement, was in league with the Japanese. It is the same everywhere. The other day there was a riot in France. It was obviously an attempt on the part of the Arab people in that unfortunate country to assert their birth right of freedom. But what did the French people say? The French Committee of Liberation were very quick to say that all these people who had taken part in this rioting or insurrection in Marrakesh and other towns in Morocco were the paid agents of the Germans. Similarly, what was more easy and more natural for the British Government to win over American public opinion and world opinion than to say that the Congress are paid agents of the Japanese. We know that a large number of paid agents, people who are unpatriotic and who are playing traitors to their country, are being constantly sent abroad. We have had even a public statement from one who was sent to Canada and U. S. A.—Rai Bahadur Mahabadi Chand Khanna—that it is the policy of the Government of India, to misrepresent facts about India. If Mrs. Sarojini Naidu had in her statement said something about that, how can it be considered to be a thing which will hinder the war effort? This is one of the arguments which has been advanced for putting this ban on the publication of her views. She says:

"She emphatically repudiated the suggestions that the outbreak of violence in India was in accordance with Congress plans and that the Congress and Mahatma Gandhi were Japanese. If anybody has the audacity to continue saying it, it will be scurrilous, it will be a lie. I can tell you authoritatively that so far from being pro-Japanese we have been consistently against any form of foreign invasion, no matter what label it may bear, because we have had quite enough of foreign invasions. There are no two opinions among us on this."

After all she had every right, whether she was a member of the working committee of a body which the Government of India thinks to be unlawful, she had every right to meet the scurrilous and false propaganda which had been carried on by the Government of India under instructions from the Government in Great Britain in this country and also in the United States through paid agents in order to distort the real facts of the situation. After all the story—the French say that anybody who wants freedom in Morocco is in the pay of the Germans, and similarly the British say that because the people of this country do not like them and they want to see the end of their domination here, therefore they are in league with Japan; and what better reason can they advance in order to win over American opinion? It is an irony of fate that the great democracy of the United States of America should be helping the British, in this war, to keep down so many countries which have been groaning and suffering under the yoke of British imperialism. Americans had not come forward with the help which they are rendering to the British, the British would not be able to maintain their hold here, perpetuate serfdom and slavery in various countries which are under their control. So, on the grounds which have been advanced, namely, the fact that the Congress Working Committee had anything to do with the outbreak of violence or that the Working Committee had issued instructions in favour of violence or sabotage, the further statement that Congress Working Committee was against the Japanese invasion, was the fittest and the most necessary reply that any member of the Working Committee

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is expected to give, in reply to the propaganda which has been carried on by the Government. I was amazed to hear from the Honourable the Home Member that "Oh, we have never carried on this propaganda; we have never said that the Congress was in league with Japan." If so, what is the object of the white paper that you published and the imputations and insinuations contained in that white paper? What is all this propaganda which you are carrying on in foreign countries, especially in the United States of America? The real object of this order is that nobody should be permitted to speak the truth. In the good old days when they had tyrannical kings, they used to cut off the tongues of people who had the courage to say anything about the tyranny of a particular tyrant or king. Nowadays, the British Government has evolved a much better technique. This order is almost tantamount to cutting off the tongues of your opponents in order to prevent them from meeting the false propaganda in which you are indulging, because you want to win the war. You may be very keen on winning this war, but at the same time you must not forget that the people of India are also equally keen on getting rid of you and your domination. The people in this country have no faith in your promises. We know full well that this deadlock is the thing for which you have been working ever since you came to this country; you have been thinking about it, you have been planning it, you have been working it out in your minds as to how to bring about this deadlock and in your heart of hearts you are convinced that the very moment this deadlock is solved it means the end of your domination in this country. How can we believe that you really and sincerely mean what you profess and what you pretend? You say "We are very anxious to solve this deadlock this minute; it is these people who cannot come to terms". But we know full well that you do not really mean it, because that would be the end of your domination. Therefore this order which has been passed against Mrs. Naidu is an order which shows that the British Government in India is still adhering to its policy of repression and oppression, that there is absolutely no change of heart at all on the part of the British Government or the Indian Government who are their agents in this country.

After all, what is the sanction behind British rule? What is the sanction behind the orders of the nature passed against Mrs. Naidu and many other patriots in this country? The real sanction behind the British rule is the bayonet and the gun powder; it is sheer naked brute force. The people in this country do not want you. You are only inventing excuses. Today it is said that the Hindus and Muslims cannot come to terms. Who is such a fool in this country as to believe that if the Hindus and Muslims come to terms, you will walk out of this country? If the Hindus and Muslims come to terms, you will invent other classes in this country—the depressed classes, the princes, and God knows how many more classes will be invented as long as you are allowed to carry on merrily in this country. This is what you have been doing for the last two hundred years. Nobody in this country believes you. I do not know whether it is a fact—but a very responsible gentleman told me, that even news about this ban on Mrs. Sarojini Naidu was not allowed to go out of this country. The Honourable the Home Member admitted that the statement, as a result of which this order was passed, was also not allowed to go out. Is it fair on the part of the Government to ban such statements, to prevent the people outside this country from knowing the other side of the picture? After all, you have been making allegations after having shut up thousands of people in jail; you have been making allegations, and serious allegations against the Congress. You have not got the courage to bring them to trial—all these people whom you have detained for so many months without trial. Why do you not bring them before a court of law? If you think that these people are responsible for all these acts of sabotage and violence, why not have them tried by British judges, as Mrs. Sarojini Naidu says?

I submit, therefore that the real object of this order is that the Government of India do not want the Congress point of view to be known either in this



[Mr. Abdul Qaiyum.] country or outside, and therefore this order cannot be defended. I commend the House to adopt this motion.

**Mr. K. O. Neogy** (Dacca Division: Non-Muhammadian Rural): Sir, venture to think that the House is entitled to greater fairness from Reginald Maxwell in dealing with the statement made by Mrs. Sarojini Naidu. It is a statement which has been published at least in two newspapers and was somewhat surprised to find the Honourable Member taking one particular passage out of its context for the purpose of conveying an impression which was definitely not intended by Mrs. Sarojini Naidu, and which impression was not confirmed on any fair reading of the statement as a whole. The Honourable Member tried to make out that the whole of the statement was by way of supporting the action taken by the Congress, that it virtually amounted to a speech on the August resolution, and that it went to confirm and defend the action taken by the Congress. If I had time I would have read out all material portions of this statement to prove that the Honourable Member's observations are wholly inaccurate and misleading. The Honourable Member was good enough to assure the House that the debate on the present occasion would be permitted to be reported abroad. I take this opportunity of saying on the floor of the House that the Honourable Member has given a garbled version of the statement which Mrs. Sarojini Naidu made on the 29th December . . . . .

**The Honourable Sir Reginald Maxwell:** On a point of personal explanation, Sir. The Honourable Member charges me with giving a garbled version. I can hardly be expected to read out the contents of four columns of type, but the particular statement which I quoted is in the copy which the Honourable Member has in his hand, printed in heavy type . . . . .

**Mr. K. O. Neogy:** I am coming to that, the Honourable Member need not be impatient in that regard. I would ask the Honourable Member to have the fairness to allow the full text of that statement to be cabled abroad. As regards the particular quotation to which the Honourable Member has made reference just now, may I read only five lines which immediately precede those sentences? This is what Mrs. Naidu says:

"I think it is possible to find some way to make a breach in the wall"—(she was dealing with the political deadlock)—"if they would let people meet and talk to Gandhiji and let him meet the Working Committee and find out for himself what they thought, and what was happening in the country."

Then follows the statement which the Honourable Member quoted. She went on:

"On fundamentals we cannot surrender."

All honour to her for making that statement. I do not worship in the same political temple as Mrs. Naidu, but I would have a very poor opinion of this lady if she were not to make that statement which the Honourable Member tried to make capital out of.

The next point that the Honourable Member dealt with arises out of a letter which Miss Slade, otherwise known as Miss Mira Ben, is supposed to have written to the Viceroy. The Honourable Member said that that letter was written long before the Congress leaders had been put in jail and there was every opportunity for Gandhiji or others to publish that letter if they so chose in defence of their action. May I remind the Honourable Member that the question of defending their action did not arise till they had been put into prison? Where was the occasion for publicising the letter which Miss Mira Ben wrote or the answers which Gandhiji had given to a questionnaire sent out by Miss Mira Ben to Gandhiji? May I read out just a few lines from the statement of Mrs. Naidu on this point?

"Mrs. Naidu revealed that about the end of May 1942, Mira Ben, who was in Orissa looking after the evacuees, sent Mahatma Gandhi a report of her work and along with that report a questionnaire asking what should be the attitude of the Indian people if the authorities set into motion the process of invasion from the east."

# NOTICE FOR ADJOURNMENT.

I may remind Honourable Members that at that time it was apprehended that the Japanese might land on the Orissa coast. It was an issue that directly arose out of Miss Mira Ben's visit to Orissa. The statement continued:

"Mahatma Gandhi dictated a letter in reply to the questionnaire. He gave the fullest instructions in the most uncompromising manner and he declared that there should be no compromise, no trade, no barter and acquiescence. Mrs. Naidu herself came to know of this letter at the time of the fact."

That was much later after the arrest of Gandhiji:

"At that time there was renewed propaganda about Mahatma Gandhi being pro-Japanese and Mira Ben being used as a messenger and so on."

Mira Ben then wrote a letter to the Viceroy saying that, as an Englishwoman she was ashamed of the lying campaign in which her name had been brought in. She also enclosed a copy of the questionnaire and Mahatma Gandhi's reply. But she received no acknowledgment from the Viceroy."

I am prepared to give way and give an opportunity to the Honourable Member to explain this, and state the date on which the Viceroy received the letter, in order to be able to understand whether this statement is wrong on this particular point.

**The Honourable Sir Reginald Maxwell:** The letter was addressed to the Viceroy and not to me.

**Mr. K. O. Neogy:** Everybody knows the part which the Honourable Member played in regard to the administration of India. It is no use taking the name of the Viceroy in this context. (Interruption.) Mrs. Naidu said she proposed soon to print the whole of the questionnaire and the reply:

"They will prove", she said "that we of the Working Committee have always been anti-Japanese. We would be anti-anybody that tried to invade us, we are against all forms of aggression, as we are against all forms of exploitation. That is the position of the Working Committee."

I am not surprised that the Honourable Member has passed this gagging order, in view of this threat on the part of Mrs. Naidu to upset the Honourable Member's apple cart.

The Honourable Member tried to defend his order on the ground that it would be unfair to let Mrs. Naidu have opportunities of making statements while such opportunities would be denied to her colleagues who are now in jail. The Honourable Member's fairness in this matter would always be a matter of the highest appreciation.

The Honourable Member and his colleagues who constitute the Government of India have, to my mind, done their best to demolish the moral foundations, whatever they were, of British rule in India. The process started some time ago, but the credit for putting the finishing stroke to that process must belong to the present day Government of India, and by way of illustration of the working of that process this action which we are discussing will be quoted as the most potent and convincing proof.

**An Honourable Member:** Let the question be now put.

(At this stage Dr. P. N. Banerjee rose to speak.)

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member will bear in mind that this motion has got to be put to the vote. If the Honourable Member can finish his speech, say, in five minutes, there will be time left for the Mover to reply.

**Dr. P. N. Banerjee** (Calcutta Suburbs: Non-Muhammadian Urban): The Mover can reply now if he wishes to. I give way.

**Mr. Akhil Chandra Datta:** I have heard with attention the speech of the Honourable the Home Member. His chief argument is that in the press conference Mrs. Naidu supported the Congress action. But the question is, what is the Congress action that she supported? Is it the Congress action as is interpreted by the Government, or, in other words, pro-Axis sympathy or the responsibility of complicity for the disturbances of 1942? Is it that action which was supported by Mrs. Naidu at the press conference or was it rather

[Mr. Akhil Chandra Datta.]

the other way? It is an absolute misstatement to say that she supported Congress in the light in which the Government take it; she supported Congress action in her own light as she understood it and as the Working Committee intended to bring forward before the country.

There are two ways of looking at the matter—one in its true perspective and the other in its false perspective. The Government interpretation is that the Congress is responsible for the disturbances. She says 'No, that was never the intention of the Congress'. Therefore, to say that she supported the Congress action is something which is very difficult to understand.

The Honourable the Home Member quotes the Defence of India Rule in support of the order, Rule 26. He says that that rule gives Government power to impose any manner of restriction. That is precisely our grievance. If your Defence of India Rule gives you power to pass such sweeping orders of restriction, then I say that that Defence of India Rule is not for the defence of India but for its annihilation.

Then he said that one of the facts leading up to this order was that a message was sent to Allahabad without notice. Of course, when he was interrupted, he could not give any reply. No notice was required to be given to Government at all.

Then he said that the Congress pledge is a seditious document, I do not think anything more absurd was said on behalf of the Government. From when the Congress pledge has become seditious? The Congress pledge was there all along. It is an old thing, not a new surprise to the Government of India. It has now become seditious. Your object is to crush the Congress movement and, therefore, you call it seditious.

This order is so sweeping in its nature that Mrs. Naidu will be prevented from making speeches of any kind. The Honourable the Home Member forgot that freedom of speech is one of the fundamental rights of a citizen. It is nothing short of Nazism or Fascism to prohibit people from speaking. There are so many conferences these days. Suppose there is a conference of poets. Even in that conference, Mrs. Naidu, who is a great poet, will not be allowed to speak. Now, my reading of this order is that Mrs. Naidu gave an answer to the false accusation of the Government and that is the reason why she has been stopped from talking or writing to the Press. Government want to carry on an ex-parte propaganda. That is the whole thing.

Mr. President (The Honourable Sir Abdur Rahim): 'The question is: "That the Assembly do now adjourn."'

The Assembly divided.

AYES—40.

Abdul Ghani, Maulvi Muhammad.  
Abdul Qaiyum, Mr.  
Azhar Ali, Mr. Muhammad.  
Banerjee, Dr. P. N.  
Chattopadhyaya, Mr. Amarendra Nath.  
Choudhury, Mr. Muhammad Hussain.  
Das, Mr. B.  
Datta, Mr. Akhil Chandra.  
Deshmukh, Mr. Govind V.  
Essak Sait, Mr. H. A. Sathar H.  
Ghuznavi, Sir Abdul Halim.  
Gupta, Mr. K. S.  
Gupta, Mr. R. R.  
Habibar Rahman, Dr.  
Hegde, Sri K. B. Jinaraja.  
Hogmani, Mr. S. K.  
Joshi, Mr. N. M.  
Kailash Bihari Lall, Mr.  
Kazmi, Qazi Muhammad Ahmad.  
Krishnamachari, Mr. T. T.

Lahiri Choudhury, Mr. D. K.  
Lalchand Navalrai, Mr.  
Liaquat Ali Khan, Nawabzada Muhammad.  
Maitra, Pandit Lakshmi Kanta.  
Mangal Singh, Sardar.  
Mehta, Mr. Jannadas M.  
Misra, Pandit Shambhudayal.  
Naidu, Mr. J. Rangiah.  
Nairang, Syed Ghulam Bhik.  
Neogy, Mr. K. C.  
Pande, Mr. Badri Dutt.  
Parma Nand, Bhai.  
Ramayan Prasad, Mr.  
Sham Lal, Lala.  
Siddique Ali Khan, Nawab.  
Srivastava, Mr. Hari Sharan Prasad.  
Yamin Khan, Sir Muhammad.  
Yunus Abdulola Haroon, Seth.  
Zafar Ali Khan, Maulana.  
Zia Uddin Ahmad, Dr. Sir.

Ahmad Nawaz Khan, Major Nawab Sir.  
Ambedkar, The Honourable Dr. B. R.  
Azizul Huque, The Honourable Sir M.  
Bentham, The Honourable Sir Edward.  
Bewoor, Sir Gurunath.  
Bhagchand Soni, Rai Bahadur Seth.  
Caroe, Mr. O. K.  
Chatterji, Mr. S. C.  
Daga, Seth Sunder Lall.  
Dalal, Dr. Sir Ratanji Dinshaw.  
Dalpat Singh, Sardar Bahadur Captain.  
Greenfield, Mr. H.  
Gwillt, Mr. E. L. C.  
Habibur-Rahman, Khan Bahadur Sheikh.  
Haider, Khan Bahadur Shamsuddin.  
Inakip, Mr. A. C.  
Ismail Alikhan, Kunwar Hajee.  
Jawahar Singh, Sardar Bahadur Sardar Sir.  
Khare, The Honourable Dr. N. B.  
Krishnamoorthy, Mr. E. S. A.  
Kushal Pal Singh, Raja Bahadur.  
Lalljee, Mr. Hooseinbhooy A.

The motion was negatived.

Lawson, Mr. C. P.  
Maxwell, The Honourable Sir Reginald.  
Miller, Mr. C. C.  
Muazzam Sahib Bahadur, Mr. Muhammad.  
Mudaliar, The Honourable Dewan Bahadur.  
Sir A. Ramaswami.  
Ogilvie, Mr. C. M. G.  
Piare Lall Kureel, Mr.  
Raisman, The Honourable Sir Jeremy.  
Richardson, Sir Henry.  
Roy, The Honourable Sir Asoka.  
Shahban, Khan Bahadur Mian Ghulam Kadir  
Muhammad.  
Spence, Sir George.  
Srivastava, The Honourable Sir Jwala Prasad.  
Stokes, Mr. H. G.  
Sukthankar, Mr. Y. N.  
Sultan Ahmed, The Honourable Sir.  
Thakur Singh, Capt.  
Trivedi, Mr. C. M.  
Tyson, Mr. J. D.  
Zahid Husain, Mr.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 8th February, 1944.

## LEGISLATIVE ASSEMBLY.

Tuesday, 8th February, 1944.

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

### MEMBER SWORN:

Mr. Robert Howell Hutchings, C.M.G., C.I.E., M.L.A. (Secretary, Food Department).

### STARRED QUESTIONS AND ANSWERS.

#### (a) ORAL ANSWERS.

#### REQUISITIONING OF HOUSES BY GOVERNMENT IN CALCUTTA.

29. \*Mr. Akhil Chandra Datta: (a) Has attention of the Honourable the Defence Member been drawn to the hardship caused to the civil population in Calcutta and outside by the requisitioning of houses by Government under the Defence of India Rule 75A?

(b) Is he aware that people are evicted from their homes and places of business without being provided any alternative accommodation for them?

(c) Is he aware that in many cases people are asked to vacate by peremptory notice without giving them reasonable time to do so?

(d) Has he considered the advisability of building camps in good time on land outside towns and other crowded places?

(e) Is he aware that the present policy of requisitioning destroys good relations between the soldiers and the citizens and eventually prejudices the war effort?

(f) Is the Honourable Member aware that houses are not infrequently requisitioned for the accommodation of non-military public servants and also for other citizens?

Mr. C. Mr. G. Ogilvie: (a) Yes.

(b) Government are aware that such cases have occurred. They have no doubt that the Provincial Government are fully alive to the desirability of helping persons evicted to find alternative accommodation so far as possible. Though Government cannot undertake any general responsibility (for finding alternative accommodation) they have done their best to ensure that requisitioning is only resorted to when it is unavoidable, and after full consideration of the various factors involved. All applications made on behalf of a Government Department for requisitioning in Calcutta are submitted to a Requisitioning Board, after being, in the case of service demands, previously scrutinised by a Quartering Committee. It is the function of the Board to make recommendations to the Provincial Government, with whom a decision rests.

(c) Government's instructions provide that the notice given should be as long as circumstances permit. Unfortunately short notice is sometimes inevitable.

(d) Yes, 52 per cent. of the Defence Services personnel, British and Allied, in the Calcutta area have been accommodated in temporary structures, as against 35 per cent. in requisitioned buildings. The remaining 13 per cent. are in permanent barracks and hired buildings. A very large building programme has been undertaken in addition to this, which will provide for many thousand more men.

(e) Government are of course aware that extensive requisitioning must lead to hardship. They believe, however, that people affected by it realise that it is the war, not the soldier, that is responsible for requisitioning and they know that those on whom the burden has fallen have co-operated in every possible way, and done everything in their power to facilitate the task of the military authorities.

(f) Government are aware that accommodation has been requisitioned for a small number of non-military Government servants. They have no information regarding requisitioning for other citizens.

**Mr. K. C. Neogy:** With reference to part (f) stating that houses have occasionally been requisitioned for accommodation for non-military personnel, the Honourable Member please state the considerations that determine requisitioning?

**Mr. C. M. G. Ogilvie:** The considerations are that the Department officer concerned who performs his duties must be a resident in Calcutta alone? This question does not confine its scope to Calcutta.

**Mr. C. M. G. Ogilvie:** I confined myself to Calcutta and Calcutta alone considered the Honourable Member could not mean to include the large in a single question.

**Mr. K. C. Neogy:** I am drawing the Honourable Member's attention to a specific case in regard to which I hold the original notice in my hand, original order and the order calls upon certain private individuals at Durgam Chatterjee to make over their houses to the Inspector of Schools for the purpose of a training school for girl teachers. The Honourable Member might keep himself informed about the uses to which this provision of the Defence of India Act has been put instead of giving an airy sort of reply?

**Mr. C. M. G. Ogilvie:** I do not consider that my reply was airy in the As regards the example which the Honourable Member has quoted, if I give me notice of it, I will have it examined and give a reasoned answer. I can say at present is that it appears *prima facie* from what he has put out that action taken was taken by a Provincial Government.

**Mr. T. T. Krishnamachari:** Does the Honourable Member know that in Madras there was a case which was reported in the newspaper which through two sittings of the High Court in which a private residence was requisitioned for the use of the Collector of Madras and will the Honourable Member try to keep track of cases in which the Defence of India Rules are used in respect of non-military government servants requisitioning houses for their purposes?

**Mr. C. M. G. Ogilvie:** This is done so far as the officers of the Government are concerned, and we are I think, up to date. But as the Madras case, I do not know though I suppose it can be said that is outside Calcutta. This question relates only to Calcutta.

**Seth Yusuf Abdoola Haroon:** Does the Honourable Member know in certain cases the Provincial Governments show their inability of requisitioning houses, but the military insist on requisitioning houses?

**Mr. C. M. G. Ogilvie:** I did not catch the first part of the Honourable Member's question.

**Seth Yusuf Abdoola Haroon:** In certain cases, the Provincial Governments show inability, but the military insist on requisitioning houses?

**Mr. C. M. G. Ogilvie:** I cannot say that without detailed information, have happened in which the building requisitioned for military purposes, pens to be in the occupation of a Magistrate and in order to accommodate a Magistrate, a private citizen is deprived of his house?

**Mr. C. M. G. Ogilvie:** I am not aware. The Provincial Government in certain cases have taken steps to meet the demand referred to by the Honourable Member in part (f) of his question. It may have been done.

**Mr. Akhli Chandra Datta:** Will the Honourable Member take steps to prevent it in future?

**Mr. C. M. G. Ogilvie:** It is difficult to interfere with what the local authorities, in these matters, deem to be right and proper.

**Mr. Lalchand Navarai:** May I know if there is any appeal against the requisitioning of a house against the will of a military officer requiring the requisitioning of a house against the will of the Provincial Government?

**Mr. C. M. G. Ogilvie:** Yes, Sir.

**Mr. Lalchand Navarai:** To whom?

**Mr. C. M. G. Ogilvie:** As I said in answer to my question, the procedure is that the Provincial Government themselves requisition, but if the Provincial Government object, they refer the case to the Government of India and the Government of India decide whether the requisitioning on behalf of the military authorities shall proceed or not.

**Mr. Lalchand Navarai:** Is there no relief provided for going to a court of law?

**Mr. C. M. G. Ogilvie:** No, Sir, none.

**Mr. C. P. Lawson:** With reference to the reply to part (d) can the Honourable Member give us any indication of the speed with which this building programme is to be undertaken? I gather that the reasons which held up this very essential building programme in the past no longer exists?

**Mr. C. M. G. Ogilvie:** I am afraid not, Sir. All I can say about that is that maximum speed possible in the circumstances will be employed. The difficulty of transport and competing claims are still there and very heavy, but everything which the military engineering services can bring to bear on the problem will be used.

**Pandit Lakshmi Kanta Maitra:** May I know if the Americans want to requisition houses, do they do it themselves or through the British agency?

**Mr. C. M. G. Ogilvie:** The Americans use the same organisation as the one I have described.

**Nawabzada Muhammad Laqat Ali Khan:** Is the Honourable Member aware that many a sin is committed by the civil authorities in the name of the military?

**Mr. C. M. G. Ogilvie:** I am not aware of that.

**Qazi Muhammad Ahmad Kasmi:** Is the Honourable Member aware that in some cases these Rules have been utilised for forcing people to run hotels and not to utilise the place for any other purpose?

**Mr. C. M. G. Ogilvie:** I remember the case to which the Honourable Member refers; it is a long and detailed matter which I think has been answered once before in this House. If necessary, I am prepared to answer it again, but not in reply to a supplementary question.

#### STEPS TAKEN BY MILITARY AUTHORITIES TO ECONOMISE IN FOODSTUFFS.

**30. \*Sir F. E. James:** (a) Has the War Secretary received any report of the enquiry referred to in my speech of the 16th November, 1943, into the allegation that a distinguished scientist in Bangalore was approached by the authorities in prisoners of war camps with the request that he should advise them how to make compost out of surplus bread which they did not need?

(b) What steps are being taken by the military authorities to economise in foodstuffs, and to ensure that there is no avoidable waste?

**Mr. C. M. Trivedi:** (a) Yes, Sir. The report received from Southern Army shows that there is no wastage of food in the Bangalore Group of Prisoners of War Camps and that all unconsumed and unconsumable remains of rations are collected daily and fully utilised within the Camp. Moreover there is no trace of any enquiry of any sort having been made by the prisoners about the possibilities of making compost out of waste food.

(b) The military authorities are fully alive to the necessity to economise in foodstuffs and to avoid waste. The army scale of rations is calculated as the minimum necessary for fighting troops and those rations have to be carefully balanced in accordance with the work both in training and operations which the troops are called upon to perform. Instructions have, however, been given that where rations are not completely consumed units should draw less than the allotted ration and lower formations of the army have been asked by General Headquarters to ensure that this is done. With regard to ration-stands, instructions have been given limiting the quantity of any particular item which can be drawn by one family or individual and laying down that where there is a civil rationing scheme, purchases of rationed commodities from army sources by families and servants of military personnel will be restricted to the limits laid down for the civil population of that area.

**Mr. Govind V. Deshmukh:** Is it suggested that the report referred to in part (a) of the question is false?

**Mr. C. M. Trivedi:** Yes, Sir.

**Pandit Lakshmi Kanta Maitra:** Is the Honourable Member aware that when rations are supplied to a particular military camp that quota is maintained, irrespective of the fact that the number of personnel is changed from time to time?

**Mr. C. M. Trivedi:** No, Sir; I am not aware of that. If the Honourable Member will give me a specific instance I will certainly look into it.

**Mr. Govind V. Deshmukh:** Is the Honourable Member aware that bread is allowed to get stale in these camps and there is red rice which is not eaten by the prisoners? What happens to this bread and rice?

**Mr. C. M. Trivedi:** I have said that all unconsumed and unconsumable remains of rations are collected daily and fully utilised within the camp.

**Mr. Govind V. Deshmukh:** In what way?

**Mr. C. M. Trivedi:** I think they are utilised to feed livestock.

**Pandit Lakshmi Kanta Maitra:** Is it a fact that these unconsumed food-stuffs are collected and sent down for use by the civilian population?

**Mr. C. M. Trivedi:** No, Sir.

**Pandit Lakshmi Kanta Maitra:** Is the Honourable Member aware that in fact in Calcutta the foodstuffs that have been supplied are so rotten that people are forced to believe that they are coming from the military quarters where they are not consumed and not wanted?

**Mr. C. M. Trivedi:** No, Sir.

#### DETENTION OF JAIPRAKASH NARAYAN UNDER BENGAL REGULATION OF 1818.

31. **\*Mr. Govind V. Deshmukh:** (a) Will the Honourable the Home Member please state the grounds which made the Government of India detain Jaiprakash Narayan, already a security prisoner, under the Bengal Regulation of 1818? What amenities is he having now?

(b) Is there any distinction of treatment between one given to a detenu under the Defence of India Rules and the one given to a detenu under the Bengal Regulation of 1818? If so, what?

**The Honourable Sir Reginald Maxwell:** (a) Jaiprakash Narayan was detained under Regulation III of 1818 by the Punjab Government and not by the Government of India. I have no precise information as to the amenities he is at present receiving though I understand he is being treated in general as a Class I security prisoner.

(b) There are no general rules laid down for the treatment of persons detained under Regulation III. Treatment depends on the circumstances of each case but there is no reason to think that a change from the Defence Rule to the Regulation would affect a prisoner adversely.

**Mr. Govind V. Deshmukh:** Is there any truth in the statement that the Government of India intend to put him on trial?

**The Honourable Sir Reginald Maxwell:** That hardly seems to arise out of this question.

**Mr. Lalchand Navarai:** Have the Central Government any responsibility in regard to incarcerating or releasing him?

**The Honourable Sir Reginald Maxwell:** No, Sir.

**Mr. Lalchand Navarai:** Is the Honourable Member aware that in Sind the Ministers have said that questions like this are the responsibility of the Government of India?

**The Honourable Sir Reginald Maxwell:** I have seen some press report to that effect.

**Mr. Lalchand Navarai:** What is the Honourable Member's view after having read that?

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

32. **\*Mr. Govind V. Deshmukh:** Will the Honourable the Home Member please state if Mrs. Kasturba Gandhi, wife of Mahatma Gandhi, has been for some time suffering frequently from severe heart attacks? If so, what are the reasons for not releasing her?

**The Honourable Sir Reginald Maxwell:** Yes. Mrs. Gandhi has been subject to heart attacks for some years. The reasons for not releasing her were explained in a press note issued on December 24th, a copy of which I lay on the table.

#### PRESS NOTE.

Government have seen press comments on the continued detention of Mrs. Gandhi in view of her present state of health. Her release would, however, involve separating her from her husband during her illness and since she can receive, and is receiving, every possible medical care and attention where she is and is not debarred from seeing her near relatives, Government have decided that there would be no kindness either to her or to her family in removing her from the Aga Khan's Palace.

HOME DEPARTMENT;  
New Delhi, December 24, 1943.

**Pandit Lakshmi Kanta Maitra:** Do Government consider that the release of Mrs. Gandhi would lead to the collapse of the British Government in India or to serious dislocation of all war effort?

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

**Mr. Lalchand Navarai:** Is it the policy of Government not to release people who are sick unless and until they are on death-bed?

**The Honourable Sir Reginald Maxwell:** There is no general policy but the circumstances of every individual case are considered. We were discussing only yesterday the case of a prisoner who was released on grounds of health.

#### REPATRIATION OF ITALIAN PRISONERS IN INDIA AND WASTAGE OF FOOD AT PRISONERS CAMPS.

33. **\*Mr. Govind V. Deshmukh:** Will the War Secretary please state, with reference to starred question No. 66 in respect of Repatriation of Italian prisoners in India put on the 10th November, 1943, and replies to supplementary questions:

(a) if the Government of India and His Majesty's Government have come to any decision about the repatriation of Italian prisoners in India;

(b) if an inquiry was made into the instance cited about the deputation to Dr. Gilbert Fowler of Bangalore asking for a recipe to make compost out of bread; and

(c) if he has made inquiries into the wastage of food at other prisoners' camps in India?

**Mr. C. M. Trivedi:** (a) It has been decided that Italian Prisoners of War, with certain exceptions, should be transferred ex-India. It is Government's intention that only those employed on work essential to the war effort, should remain in India.

His Majesty's Government have consented to the proposed transfer and it is hoped that they will shortly arrange for further transfers, several thousands of Italians having already been sent ex-India.

(b) Yes, Sir. For details, I would refer the Honourable Member to the reply just given to part (a) of Sir Frederick James' starred question No. 30.

(c) Yes, Sir. Full investigations have been made and it is confirmed that there is no wastage of food.

**Mr. Lalchand Navarai:** May I know approximately how many Italians still remain to be repatriated?

**Mr. C. M. Trivedi:** I am afraid I am unable to give that information in the interests of security.

**Mr. Govind V. Deshmukh:** May I know at what other camps inquiries have been made?

**Mr. C. M. Trivedi:** There are three other camps and inquiries have been made at all the three camps.



# EXCLUSION OF BENARES HINDU UNIVERSITY FROM PRE-CADET AIR TRAINING SCHEME.

34. \*Mr. Govind V. Deshmukh: Will the War Secretary please state if the Benares Hindu University has been excluded from the scheme of pre-cadet training for the Indian Air Force in Universities in India? If so, why?

Mr. C. M. Trivedi: It has not been possible to extend the scheme for the time being to the Benares Hindu University owing to lack of the necessary instructional personnel and equipment.

Mr. Govind V. Deshmukh: But during this interval have other universities been given these facilities?

Mr. C. M. Trivedi: No, Sir.

Pandit Lakshmi Kanta Mahtia: Is it a fact that the Benares Hindu University was excluded from the scheme because there was trouble in the University in August, 1947?

Mr. C. M. Trivedi: No, Sir. I can assure the Honourable Member that the reason for the non-extension of the scheme to the Benares Hindu University is not political.

Mr. Govind V. Deshmukh: Will Government reconsider this case shortly and provide such facilities as are given to other universities for this kind of training?

Mr. C. M. Trivedi: I will certainly consider that as soon as the obstacles in the way of extension of the scheme to the Benares Hindu University disappear.

## SALE OF BULLION BY RESERVE BANK.

35. \*Sardar Sant Singh: Will the Honourable the Finance Member please make a statement on the following points:

(a) whether the Reserve Bank sold any bullion in any market in India from the 1st April, 1948, to the 31st December, 1948; if so, what quantities, and at what price;

(b) did this bullion belong to the Reserve Bank;

(c) did the Reserve Bank act as an agent while making this sale; if so, on whose behalf, and on what terms;

(d) was the bullion imported;

(e) at what price was the bullion sold, and what profits were made by the seller; and

(f) who appropriated the profits which accrued from this sale?

The Honourable Sir Jeremy Raisman: (a) The answer to the first part of this question is in the affirmative. Gold was sold from time to time at the prevailing market price but I am not prepared to disclose the quantities sold.

(b) No.

(c) Yes. The sales were made under arrangements between the Reserve Bank of India and the Bank of England on account of His Majesty's Government and the United States Government.

(d) Yes. The gold was provided by those Governments from their own resources.

(e) The answer to the first part of this question is given under (a) above. I am not in a position to state the amount of profit on these sales.

(f) The proceeds of the gold sales were utilised by these Governments in meeting their war expenditure in this country.

## PROVISION FOR APPEALS ON ENTITLEMENT ISSUES FOR DEPENDENTS OF DEFENCE FORCES OF INDIA.

36. \*Sir F. E. James: Will the War Secretary be pleased to state: (a) what progress has been made in the matter of providing for suitable appeals on entitlement issues for dependents of the personnel of the regular defence forces of India who are under the rule-making control of the Secretary of State or of the Government of India;

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

## STARRED QUESTIONS AND ANSWERS

(b) whether he is aware of the passing into law in the United Kingdom of the Pensions Appeal Tribunals Bill which provided for appeal from the decision of the Minister of Pensions to an independent Tribunal on all entitlement issues; and

(c) whether this question will be treated with the expedition which its importance and urgency merit; and when he hopes to be able to announce a decision?

Mr. C. M. Trivedi: (a) The matter is at present under correspondence with the Secretary of State for India.

(b) Yes, Sir.

(c) I can assure the Honourable Member that the question is being treated with the expedition which its importance and urgency merit. I regret, however, that I am not in a position to indicate the date by which I will be able to announce a decision.

Sir F. E. James: Will the Honourable Member undertake to convey to the Secretary of State the fact that the present position relating to appeals in entitlement cases is extremely unsatisfactory and there is, therefore, very great need for despatch in this matter owing to possible casualties in the near future?

Mr. C. M. Trivedi: We made our recommendation to the Secretary of State on the 12th January and I have no doubt that he is considering it with his usual promptitude. I will convey to him what my Honourable friend has said.

Sir F. E. James: Could he be asked to view this matter with a little more than his usual promptitude?

Mr. C. M. Trivedi: I have already said that the question is being treated with the expedition which its importance and urgency merit.

## WORKING OF THE INFORMATIVE CAMPAIGN RE FOOD SITUATION IN BENGAL.

37. \*Mr. K. O. Neogy: (a) Will the Honourable Member for Information and Broadcasting be pleased to refer to the following statement contained in the summary of the working of the National War Front, placed by him on the table of this House, in reply to starred question No. 97 on the 10th November, 1948:—

"On the whole, this 'Informative' Campaign (regarding the food situation) cannot be considered to have been a success. The Campaign itself seems to have been planned and conducted on right lines, but at any rate in some parts of the country the breakdown in the distribution system made it very nearly impossible to convince people that there was in fact sufficient food in India".

At which centres in Bengal the aforesaid Campaign has been, and is being conducted, and what measure of success has it attained?

(b) Has the Honourable Member definite information from these centres to show that the actual system of distribution of food, its actual availability at different centres of consumption and the effectiveness of the price control system have so improved as to lead to greater success in this Campaign, since the above reply was given?

The Honourable Sir Sultan Ahmed: (a) The campaign consisted mainly of advertisements and oral propaganda. It cannot, therefore, be said to have been confined to any particular centres. As already stated the campaign was not considered successful; it was, therefore, dropped.

(b) As the campaign has been dropped this part of the question does not arise.

Pandit Lakshmi Kanta Mahtia: What was the cost involved in this campaign which ultimately proved abortive?

The Honourable Sir Sultan Ahmed: I have got no precise figures. Roughly it would be about Rs. 90,000 or something like it.

## FAMILY ALLOWANCE TO CONGRESS DETENUS IN PUNJAB.

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

(a) whether a family allowance has been given to any Congress detenu in the Punjab; and

(b) if the answer to (a) be in the affirmative, the names of the detenus the amount of allowance sanctioned?

**The Honourable Sir Reginald Maxwell:** So far as persons detained by Punjab Government are concerned no allowances have been granted. So as persons detained by the Chief Commissioner, Delhi, and confined in Punjab are concerned, the information is as follows:—

|                               |         |
|-------------------------------|---------|
| 1 Manu Deva Shastri . . . . . | 30 p.m. |
| 2 Shatrugan . . . . .         | 20 p.m. |
| 3 Nooruddin Behari . . . . .  | 30 p.m. |
| 4 Damodar Das Vaid . . . . .  | 30 p.m. |

**Sardar Mangal Singh:** In view of the fact that these persons have been detained for more than a year now, may I know whether the Government of India will write to the Punjab Government suggesting the advisability of giving some allowance to the families of those who have been detained without trial?

**The Honourable Sir Reginald Maxwell:** That is a matter for the Punjab Government to consider in the light of the circumstances of each case.

**Mr. Lalchand Navalrai:** May I know whether, when the Punjab Government or any other local government refuses to give this maintenance, the person can apply to the Central Government or the Home Member here to kindly consider this?

**The Honourable Sir Reginald Maxwell:** No; we do not exercise any revisional powers.

**Mr. Lalchand Navalrai:** Not even out of pity or compassion?

#### FACILITIES TO CONGRESS DETENUS IN PUNJAB.

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

(a) whether interviews with Congress detenus in the Punjab by their relatives have now been allowed; if so, the number of interviews per month;

(b) whether it is a fact that only five books per month can be given to detenus in the Punjab, but none can be sent back outside the jail; and

(c) whether Congress detenus can get magazines and weekly papers at their own expense?

**The Honourable Sir Reginald Maxwell:** (a) Yes; they are allowed 2 interviews per month.

(b) and (c). These are matters of detail on which I cannot undertake to supply information on behalf of the Punjab Government.

#### PROPOSED RECRUITMENT OF PREVENTIVE OFFICERS, ETC., IN KARACHI CUSTOMS OFFICE.

40. \***Mr. Lalchand Navalrai:** (a) Will the Honourable the Finance Member be pleased to state if any posts of Preventive Officers, Examiners and Writers have recently been advertised for employment in the Customs Office, Karachi? If so, what is the number of applications received for the respective posts, and from which provinces have they been made, with caste and denomination of applicants?

(b) What will be the method of selection—either through the Public Service Commission or by the officers of the Department?

(c) Are the academic qualifications and merit of a candidate recognised in selecting them for the posts of Preventive Officers or are they still being recruited in consideration of their physique, stature and such other attributes only? If so, do Government propose to revise this method? If not, why not?

**The Honourable Sir Jeremy Raisman:** (a) I am making enquiries and a reply will be laid on the table of the House in due course.

(b) The selection will be made by the Collector of Customs.

(c) The Honourable Member's attention is invited to the reply given to question No. 326 on the 11th March, 1940, which still holds good.

**Mr. Lalchand Navalrai:** Will the Honourable Member review that policy now and not leave it to Members to raise the question every now and then and give the same answer?

**The Honourable Sir Jeremy Raisman:** The reply which I previously gave is based on considerations which appeared to the Government to be valid and they see no reason to alter their practice.

**Mr. Lalchand Navalrai:** May I know the reasons which debar the Government from changing them?

**The Honourable Sir Jeremy Raisman:** I will repeat what I said to the Honourable Member in reply to the question, which I quoted; though a minimum standard of education is necessary, it is essential that candidates should possess other qualities specially suiting them for their future employment. Those qualities are not capable of assessment by academic examination.

#### LOW-SALARIED CLERKS' LEAVING INCOME TAX DEPARTMENT IN SIND.

41. \***Mr. Lalchand Navalrai:** (a) Will the Honourable the Finance Member be pleased to state if it is a fact that several clerks drawing smaller salaries left the Income Tax Department in Sind because of their not being able to make both ends meet? If so, how many of them have so far left, and what do Government propose in the way of increasing salaries of such subordinates to remove the discontent?

(b) Is it a fact that such clerks in the Provincial Services draw better emoluments, and also the same in Central services like the Customs and Postal Departments?

**The Honourable Sir Jeremy Raisman:** (a) and (b). I am making enquiries and a reply will be laid on the table of the House in due course.

#### SIND ASSEMBLY MEMBERS IN JAIL.

42. \***Mr. Lalchand Navalrai:** (a) Will the Honourable the Home Member be pleased to state if it is a fact that some prominent members of the Sind Provincial Assembly are in jail under the Defence of India Rules? Is so, since how long?

(b) Is it a fact that in considering the question of release of political prisoners, the Government of India considered their cases? If so, with what result?

(c) Is it a fact that the Government of India recommended to the Provincial Government of Sind to release these political prisoners? If so, is it also a fact that the Sind Government refused to release the Sind Assembly Members? If not, what reply did the Sind Government give to the Central Government, and does the Honourable Member propose to place that correspondence on the table of the House?

(d) Do Government propose to make a suitable order for releasing the prisoners who have remained in jail for long?

**The Honourable Sir Reginald Maxwell:** (a) I understand that certain members of the Sind Provincial Assembly are detained under orders made by the Provincial Government. I have no information as to the periods for which they have been in detention.

(b) and (c). No.

(d) No. This is the concern of the Provincial Government.

**Mr. Lalchand Navalrai:** I now understand that it is for the Provincial Government to do everything but what I am asking is this: I want to know whether these people who are detained—there is the allegation that they are detained in the interests of the Ministry—will the Government of India take notice of it or not?

**The Honourable Sir Reginald Maxwell:** No; that is hardly a matter for the Government of India.

**Seth Yusuf Abdoola Haroon:** Does the Honourable Member know that the Leader of the Congress Party, Mr. Sidhwa, has been released by the Sind Ministry and also Mr. Popatlal?

**Mr. Lalchand Navalrai:** On account of illness.

**The Honourable Sir Reginald Maxwell:** I am obliged to the Honourable Member for the information.

**Mawabzada Muhammad Liaquat Ali Khan:** Is the Honourable Member aware that the present Ministry in Sind has not been responsible for initial detention of these persons but that they were detained in the time of the last Ministry?

**The Honourable Sir Reginald Maxwell:** I am also obliged to the Honourable Member for his information.

**Sardar Mangal Singh:** May I know whether, if the provincial Ministry wants to release them, the Government of India will not stand in the way?

#### LONDON SPEECHES OF MESSRS BHOLE AND GHIASUDDIN.

**43. \*Sir Muhammad Yamin Khan:** (a) Will the Honourable Member for Information and Broadcasting please state whether the speeches of Mr. Bhole and Mr. Ghiasuddin on the 8rd of December last in London as reported in the press in India on the 4th December, 1943, to the following effect had been brought to his notice:

"Answering to the questions about the vote of censure passed in the Central Legislature against the despatch of Lecturers to Britain and United States. Mr. Bhole said that the Assembly had ceased to be representative. It was elected eight years ago. Both the major parties were against the war effort and it was not surprising that they should join together in the motion of adjournment.

Asked if the war effort would not be mightier under a National Government, Mr. Ghiasuddin replied 'it might and it might not. It would depend on what type of National Government we had.' "

(b) Are these statements in accordance with the instructions given by the Honourable Member to these gentlemen, as the Honourable Member had explained in his speech on the 8th November, 1943, in the House on the motion of adjournment in the following words:

"Lecturers have been definitely instructed not to utter one word about politics, and if they are asked to say anything they must say they have come to explain the war effort.

They are expressly asked to avoid politics and not to give any expression to their views in public or in the press.

I have absolutely no doubt that they are men of experience, they are men of knowledge, and they will not go on saying anything which they are definitely asked and prohibited from saying.

I hope that by their actions, by their speeches and by their conduct in England they will raise the status of India and they will not compromise the position of this country."

(c) If the speeches of Mr. Bhole and Mr. Ghiasuddin are definitely against his instructions, what steps did he take in calling back these gentlemen from tour?

(d) What did Mr. Bhole mean when he said that the two major parties were opposed to the war effort? Did he mean the Congress and the Muslim League or any other party?

(e) Do Government propose to place *verbatim* all the speeches made by this delegation, and questions put to them by the public and answers given by them, before this House during the Session?

**The Honourable Sir Sultan Ahmed:** (a) Yes.

(b) and (c). The statements referred to by the Honourable Member were made by Messrs. Bhole and Ghiasuddin at question time in answer to specific questions from the audience. With such audiences as one met in England and U. S. A. a refusal to answer questions sometimes, besides being embarrassing to the speakers themselves, is likely to be misunderstood. On such occasions when the speakers are obliged to answer political or controversial questions they have been asked to make it clear that the opinions expressed by them are entirely personal. If this has not been done I can only express my regret. They have again been asked to adhere to the instructions given to them and it is hoped that they will say nothing which will be open to comment.

(d) I am afraid I cannot answer this question as I do not know to whom Mr. Bhole was referring.

(e) Government have not yet considered the question, but the Honourable Member's suggestion will be kept in view if it is decided to publish an account of the tour.

**Sir Muhammad Yamin Khan:** The Honourable Member had given an assurance on the floor of this House that these people will not say anything on politics, and if they are asked any questions they are not to reply. In spite of this, when they have violated their undertaking, then these gentlemen do not possess the qualifications which the Honourable Member attributed to them; may I, therefore, know whether the Honourable Member will recall these people back? That is my point.

**The Honourable Sir Sultan Ahmed:** The fact is that I have no official information of the statements made by them. I have asked for further information and I have again pointed out to them how essential it is that they should confine themselves to the work that they have been sent there for, and not to lecture on politics.

**Sir Muhammad Yamin Khan:** What remedy does the Honourable Member propose to adopt in order to remove the misrepresentation which has been made by these gentlemen in England by saying that the Muslim League is opposed to the war efforts and brought this country into disgrace by saying this?

**The Honourable Sir Sultan Ahmed:** I do not find anything in the statement to justify that the Muslim League is really opposed to the war efforts; I have not seen anything in the speeches of these gentlemen as reported in the press. I do not know to whom Mr. Bhole was referring when he said that the two major parties were opposed to the war effort; and I shall see to it that if any misimpression that the Muslim League was opposed to the war effort has been created by these lecturers, that impression is removed.

**Mr. N. M. Joshi:** In view of the fact that Mr. Bhole has made a statement that the Legislature has become 'unrepresentative and has created a wrong impression about the status and position of the Legislature, will the Government of India contradict this statement of Mr. Bhole and send it to England for publication?

**The Honourable Sir Sultan Ahmed:** As long as this Assembly is sitting and as long as there is no fresh general election, I have no doubt that the Members of this House represent their constituencies and if Mr. Bhole has said anything which is against that view it may be his personal view and the Government do not share that view.

**Sir Muhammad Yamin Khan:** Does the Honourable Member think that it would have mattered differently or the vote of this House had been different if fresh elections had taken place?

**The Honourable Sir Sultan Ahmed:** I do not know.

**Maulana Zafar Ali Khan:** If the views expressed by these gentlemen are their own views, not the views of the Government of India, will the Government of India make a definite announcement saying that they have nothing to do with the views of these gentlemen?

**The Honourable Sir Sultan Ahmed:** The statement that I have made on the floor of the House is quite sufficient, I should think. I have said that any such view is not shared by the Government.

**Pandit Lakshmi Kanta Maitra:** In view of the fact that Mr. Bhole has spoken disparagingly about this Legislature, will the Leader of the House publish a contradiction of that statement?

**The Honourable Sir Sultan Ahmed:** My statement is a sufficient contradiction if such a statement has been made by Mr. Bhole.

**Pandit Lakshmi Kanta Maitra:** You have contradicted that statement on the floor of this House whereas the statement was made in England?

**The Honourable Sir Sultan Ahmed:** I do not think any further contradiction is necessary. A statement made in this House by a Member of the Government is telegraphed there and may be published there. It should be sufficient.

**Qazi Muhammad Ahmad Kasmi:** Will the Honourable Member please see that this is not stopped by the Press Adviser?

**Sardar Mangal Singh:** In view of the fact that the members of the delegation have not done their duty as assigned by the Government of India, will the Government of India now recall the delegation?

**The Honourable Sir Sultan Ahmed:** I do not agree with the view that they have not done their duty.

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

#### CERTAIN CARTRIDGES AVAILABLE WITH THE BOMBAY AND KARACHI FIRMS.

**44. \*Khan Bahadur Shaikh Fazl-i-Haq Piracha:** (a) Will the Honourable the Home Member be pleased to state the quantities of .12, .16 and .20 bore cartridges available with each of the firms in Bombay and Karachi on the 1st January, 1944?

(b) What quantities, out of these, were frozen by Government?

(c) What quantities were free for sale to consumers and dealers?

(d) What quantities have since been released for sale?

**The Honourable Sir Reginald Maxwell:** The detailed information desired is not readily available and could not be obtained without an expenditure of time and labour which would not be justified in war-time.

#### REVIEW OF THE CASES OF DETENUS.

**45. \*Mr. Lalchand Navalrai:** (a) Will the Honourable the Home Member be pleased to state if the cases of detenus (prisoners) in India have been taken in hand to be reviewed as provided for in the new Ordinance promulgated by the Governor General?

(b) What steps have the Government of India taken to see that Provincial Governments do not take unnecessary time and delay the revision of the cases of the detenus to release them?

(c) Have some cases been actually so reviewed? If so, how many, and from which Provinces?

(d) How many cases still remain to be so reviewed?

(e) Are the Government of India aware that the Sind Ministry are not prepared to release the detenus, specially the Sind Assembly Members in detention? If so, what steps do the Government of India propose to take to see that they are released?

**The Honourable Sir Reginald Maxwell:** (a) The action required under the Ordinance has no doubt been started.

(b) No steps are necessary, since the law itself provides that no order of detention in existence on the date on which the Ordinance was promulgated can remain in force for a period exceeding six months from that date unless all the circumstances of the case have been reviewed and the Government concerned has decided to extend the order.

(c) Sufficient time has hardly elapsed for any order to have yet been reviewed under the procedure of the Ordinance, which entails informing detained persons of the grounds for their detention and then giving full consideration to any representations that they may submit. But of course many cases were reviewed and many persons released before the Ordinance came into force.

(d) I cannot say.

(e) The answer to the first part of the question is in the negative. The second does not arise.

**Mr. Lalchand Navalrai:** May I know from the Honourable Member if the cases of those political prisoners who were in jail for more than six months at the time the new Ordinance was promulgated have been reviewed.

**The Honourable Sir Reginald Maxwell:** The position is as I have just explained in part (b) of the question.

**Mr. Lalchand Navalrai:** My point is this: The Ordinance requires that political prisoners cannot be detained in jail for more than six months. Now I want to know whether those detenus who had put in more than six months by that time have been released?

**The Honourable Sir Reginald Maxwell:** The Honourable Member has misunderstood the terms of the Ordinance.

**Mr. Lalchand Navalrai:** May I understand now from the Honourable Member?

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

**Mr. N. M. Joshi:** Sir, I wanted to ask a supplementary question.

**Mr. President** (The Honourable Sir Abdur Rahim): I have called for the next question.

#### Mrs. SAROJINI NAIDU'S RECENT LETTER TO GOVERNMENT OF INDIA, HOME DEPARTMENT.

**46. \*Mr. R. E. Gupta:** (a) Will the Honourable the Home Member be pleased to state whether Mrs. Sarojini Naidu, a Member of the Congress Working Committee, wrote to the Additional Secretary, Home Department, Government of India, a long letter in February, 1943, indicating that the Congress Working Committee had not planned any movement of violence directly or indirectly? If so, why has not Mrs. Naidu's letter been published by now?

(b) Do Government propose to publish the contents of the letter which was sent as a rejoinder to Sir Richard Tottenham's pamphlet on "Congress Responsibility for disturbances in 1942"?

**The Honourable Sir Reginald Maxwell:** (a) Mrs. Sarojini Naidu did write a short letter to the Home Department in February, 1943. It was not published because it is not the policy of Government to allow publicity to persons undergoing detention.

(b) No.

**Mr. R. E. Gupta:** In view of the fact that a campaign of vilification has been carried on against the Congress Working Committee and Mrs. Sarojini Naidu is a member of the Working Committee and these members have no other means of vindicating their position in the matter of campaign which has been carried on against them, will the Honourable Member see that the communications received by them are given at least due publicity?

**The Honourable Sir Reginald Maxwell:** Sir, Government cannot undertake to be the publicity agents of persons who have been detained.

**Qazi Muhammad Ahmad Kasmi:** You say that it is not the policy of the Government to give publicity to persons who are under detention. May I know whether the publication of the letter would have given publicity to the person or to the views that were expressed in that letter.

**The Honourable Sir Reginald Maxwell:** That sounds to me like a verbal quibble.

#### MAHATMA GANDHI'S LETTER TO MISS SLADE RE JAPANESE INVASION.

**47. \*Mr. R. E. Gupta:** (a) Will the Honourable the Home Member be pleased to state if the Government of India have seen or have in their possession Mahatma Gandhi's letter addressed to Miss Slade (Mira Ben) on or about the 31st May, 1942, giving out directions to the people of Orissa and coastal areas in the event of a Japanese invasion?

(b) Did the Mahatma's letter categorically state that the people should, in no case, show to or expect any quarter from the Japanese and that they should resist Japanese invasion and aggression with all their might?

(c) Do Government propose to publish that letter?

(d) Was the letter discovered from the belongings of Miss Slade (Mira Ben) when these were transferred under official auspices from Sevagram to Aga Khan Palace, Poona?

**The Honourable Sir Reginald Maxwell:** (a) Government have seen a copy of the letter to which the Honourable Member appears to refer.

(b) The letter contains no such words as those quoted by the Honourable Member nor anything in the same sense.

(c) No. The letter was a private letter to Miss Slade from Mr. Gandhi which Mr. Gandhi could have published himself if he had desired to do so.

(d) No.

**Mr. E. E. Gupta:** Will the Honourable Member please state what that letter contained?

**The Honourable Sir Reginald Maxwell:** That will be the same as giving publicity.

#### MRS. SAROJINI NAIDU'S RECENT STATEMENT IN NATIONAL CALL.

**48. \*Mr. E. E. Gupta:** (a) Will the Honourable the Home Member be pleased to state if Government have seen the statement of Mrs. Sarojini Naidu published in the *National Call*, dated the 26th January, 1944?

(b) Has the attention of Government been drawn to the suggestion made by Mrs. Naidu that Congress Leaders be put on trial either before an International Tribunal or before a Tribunal of British Judges invited from outside India?

(c) Have the Government of India come to any decision in the matter?

**The Honourable Sir Reginald Maxwell:** (a) and (b). Yes.

(c) I am not prepared to make any statement regarding the intentions of Government in this matter.

#### RESTRICTIONS ON CELEBRATION OF THE INDEPENDENCE DAY.

**49. \*Mr. E. E. Gupta:** Will the Honourable the Home Member be pleased to state if the restrictions imposed on the celebration of the Independence Day by various authorities were placed under directions from the Home Department, Government of India?

**The Honourable Sir Reginald Maxwell:** No specific directions were issued by the Government of India. The action taken was in pursuance of common policy which has been discussed between the Government of India and the Provinces at various times but the Provinces made their own decisions as to the nature of the restrictions to be imposed.

#### ORDER SERVED ON MRS. SAROJINI NAIDU AT LAHORE RAILWAY STATION.

**50. \*Mr. E. E. Gupta:** Will the Honourable the Home Member be pleased to state if it was at the instance of the Government of India that Mrs. Sarojini Naidu was served with an order at the Lahore Railway Station on the 26th January, 1944, not to make any statement to the press, or to address any public meeting?

**The Honourable Sir Reginald Maxwell:** No.

### UNSTARRED QUESTIONS AND ANSWERS.

#### BIHAR DETENUS.

**25. Mr. Kailash Bihari Lal:** (a) Will the Honourable the Home Member be pleased to state the present number of detenus in the jails of Bihar?

(b) How many detenus have been released in Bihar since the last statement of the Honourable Member in the House?

(c) What is the number of persons arrested and detained since the last statement in the House by the Honourable Member?

**The Honourable Sir Reginald Maxwell:** The latest figures, as reported by the Provincial Government up to January 1st, 1944, are:

- (a) 496.
- (b) 25.
- (c) 40.

#### FACILITY TO DETENUS FOR APPEARING AT UNIVERSITY EXAMINATIONS.

**26. Mr. Kailash Bihari Lal:** Will the Honourable the Home Member be pleased to state:

(a) if it is a fact that detenus in Bengal have been given facility for appearing at the University examinations;

(b) if the same facility has been given to the detenus of any other Provinces; if so, which other Provinces; and

(c) if any detenu in Bihar applied for such facility to appear at the University examination?

**The Honourable Sir Reginald Maxwell:** (a) and (b). Facilities to appear at university examinations are permitted to security prisoners in Bengal and the United Provinces only.

(c) I have no information.

#### CONSTRUCTION OF PATNA BROADCASTING STATION.

**27. Mr. Kailash Bihari Lal:** (a) Will the Honourable Member for Information and Broadcasting be pleased to state how far the construction of the Broadcasting Station at Patna has progressed, and when it is likely to begin functioning?

(b) How many Biharees are there at present serving in the different branches of the Broadcasting Department?

**The Honourable Sir Sultan Ahmed:** (a) Land for the Transmitter and the Receiving Centre has been acquired and except for a few minor items the construction of the Transmitter and the Receiving Centre buildings has been completed. Arrangements have also been made for obtaining power supply. The progress on the establishment of the station has, however, been retarded owing to the non-arrival of some of the equipment. Endeavours are being made to speed up delivery, but due to prevailing conditions of manufacture and shipment, it is feared that it will not be possible to put the station into regular operation for another year.

(b) Ten Biharees are employed in All India Radio.

### SHORT NOTICE QUESTION AND ANSWER.

#### BURMA RECONSTRUCTION CONFERENCE TO BE CONVENED BY THE BURMA GOVERNMENT.

**Mr. K. O. Neogy:** (a) Will the Honourable Member for Indians Overseas be pleased to state whether a conference is going to be convened by the Government of Burma very shortly for the purpose of discussing certain concrete proposals regarding plans for the reconstruction of Burma?

(b) If answer to (a) be in the affirmative, will the Honourable Member be pleased to state the details of the conference as far as they may be known to the Government of India, as regards the questions that will come up for discussion at the conference and the nature of the representation which Indians directly interested in Burma are going to have thereon?

(c) Were the Government of India consulted regarding the scope of the conference and the representation of Indian interests thereon? If so, what views were put forward by the Government in this matter?

(d) Were the Government of India invited by the Government of Burma to send their representative to the conference? If so, will Government of India send any representative to it?

(e) Is the Honourable Member satisfied that the assurance conveyed by him in his answer to my Starred Question No. 212 in the Legislative Assembly on the 5th August, 1943, to the effect that the opinion of Burmese Indians and their representative associations, as also the Indian public opinion generally will be freely taken into consideration on matters connected with the reconstruction of Burma, has been duly implemented in connection with the conference referred to above?

(f) Have the Government of India made any representation to His Majesty's Government or the Government of Burma on the subject of safeguarding Indian interests in Burma, particularly for the purpose of ensuring that the status of Indians in Burma is the same in all respects as that of persons domiciled in the United Kingdom, and that Indians have the same right of free entry into Burma as may be enjoyed by the British people after the reconquest of that country.

**The Honourable Dr. N. B. Khare:** (a) and (b). The Government of India have been informed that in accordance with the intention of the Government of



and the supplementary questions arising therefrom, and state the substance of the conclusions of the Empire Air Conference held in October, 1943?

(b) Have these conclusions been examined by Government? If so, with what result?

(c) What further progress in the consideration of the post-war policy in this matter is likely to be made in the near future, and what will be the procedure therefor?

(d) Will the Honourable Member be pleased to refer to his answer to part (c) of starred question No. 21 of the same date on the same subject, and indicate the progress made in the preparation of plans for the development of civil aviation in India after the War?

**Sir Gurnath Bewoor:** (a) and (b). I regret I am not in a position to add to my previous reply. The conclusions of the Conference are wholly of a provisional nature and it is not considered in the Public interest to publish them at this stage.

(c) No plans have been formulated as yet for a continuation of the discussions on the subject.

(d) It is hoped to submit, in the near future, plans for the development of air transport services in India to the Post War Reconstruction Policy Committee. Other plans for the ground organisation and the associated services required are under preparation.

**Mr. T. T. Krishnamachari:** May I ask the Honourable Member if his attention has been drawn to the statements appearing about preparations for an Empire Air Scheme in other Empire countries and the feeling of the people of India that our rights are going by default? Will the Government make a statement in this regard?

**Sir Gurnath Bewoor:** I do not know to what the Honourable Member is referring.

**Mr. T. T. Krishnamachari:** If the Honourable Member looks into the papers he will find that other Empire countries are frequently speaking about participating in this Empire Scheme. From this statement it seems that India is not doing anything. Will the Honourable Member consider the desirability of making a complete statement?

**Sir Gurnath Bewoor:** I hope in the near future to be able to publish the post-war plans for civil aviation development in India, and the Honourable Member will probably find there the answer to this part of the question.

#### COMMITMENTS IN RESPECT OF SUPPLIES OF COAL FOR BUNKERS AND SHIPMENTS.

57. **Mr. K. O. Neogy:** (a) Will the Honourable Member for War Transport be pleased to explain the full implications of the following statements made by him in the course of his reply to starred question No. 15 on the 8th November, 1943, on the subject of coal supply to various industries:—

(i) "A considerable measure of assistance given by His Majesty's Government in providing shipping for the carriage of coal by sea in return for supplies of coal for bunkers and shipments;"

(ii) "The scheme is in essence a compromise between conflicting interests made possible only by the pooling of resources between India and the United Kingdom?"

(b) Will the Honourable Member particularly explain in detail the nature of the understanding with His Majesty's Government in respect of supplies of coal for bunkers and shipments in return for certain facilities for coastal shipping of coal, indicating the quantity of coal supplied for bunkers and shipments since this arrangement was entered into, and the quantity of coal carried by sea under this arrangement? How long is this arrangement to remain in force, and what are the Government's future commitments in respect of such supplies of coal for bunkers and shipments?

(c) In what way have the resources been "pooled" between India and the United Kingdom in respect of coal, what are the detailed features of the scheme of such pooling, and how long is it expected to remain in operation?

(d), What is the present policy of Government in regard to the export of coal from India for different purposes, and how is it likely to affect the present coal position in India?

**The Honourable Sir Edward Benthall:** (a), (b) and (c). The coal rationing scheme to which I referred in my reply to part (c) of starred question No. 15 on the 8th November, 1943, was based on an estimated average daily supply of 2,700 wagons in the Bengal and Bihar fields. In order to achieve this target it is necessary for 60,000 tons of coal to be carried by sea to Madras and 30,000 tons to be carried by sea to Bombay. Without this sea transport, two additional trains a day to Madras and one additional train a day to Bombay would have to be run from the coalfields, which owing to the long hauls and longer turn round involved would make it impossible to maintain the wagon quota except with disproportionate effect on other traffic. His Majesty's Government were accordingly approached to provide the shipping tonnage required and they agreed, but asked that the amount of export coal which we had been giving should be stepped up by at least 20,000 tons. The rationing scheme, after making necessary provision for essential consumption in India, contemplated the provision of 110,000 tons a month for bunkers at Indian ports and 100,000 tons a month for exports to Ceylon and the Middle East. The increase in despatches consequent upon the provision of shipping would have made it possible to allot a greater quantity of coal to essential Indian consumption than would otherwise have been the case. This is what I referred to as the pooling of resources between India and the United Kingdom.

Up to the end of January the plan could not be implemented owing to the serious fall in production in the coalfields, but it is hoped that with the improvement in the output in the Bengal and Bihar fields it will be possible gradually to give effect to it. No period has been fixed for the continuation of this arrangement which is obviously to India's advantage and it will remain in force so long as the advantages in the plan indicated above obtain.

(d) It has always been recognised that India should meet Ceylon's requirements of 30,000 tons a month. We have not been able to do this in full for the past few months. As regards requirements of Mideast, it is our policy to allot such quantities as may be feasible after meeting India's essential requirements and taking into account the easing of the transport position rendered possible by the shipping assistance given by His Majesty's Government.

**Mr. K. O. Neogy:** With regard to the Honourable Member's reply to part (b) I should like to have the exact quantities of coal supplied for bunkers and shipments, as also the quantity of coal carried by sea. This was specifically put down in the question. I do not think the Honourable Member has supplied the figures.

**The Honourable Sir Edward Benthall:** I am sorry I cannot lay my hands on the figures at the moment, but the quantities exported in the last two months have been very small indeed.

**Mr. Lalchand Navalrai:** Does the Honourable Member know that coal is being sent from Muzaffarnagar to Sind and it is being held up there on account of no wagons being given by the Regional Officer at Lahore?

**The Honourable Sir Edward Benthall:** That does not seem to arise, nor am I quite clear how this transaction has come about because coal is not allowed to be re-consigned.

**Mr. K. O. Neogy:** Will the Honourable Member lay on the table the statistical statement asked for in part (b) of my question if he has not got them now?

**The Honourable Sir Edward Benthall:** I will do so.

**Mr. K. O. Neogy:** That is all right.

**Mr. Muhammad Azhar Ali:** Is it soft coke alone that is being sent out or other coal?

**The Honourable Sir Edward Benthall:** No soft coke is being exported.

**Mr. Muhammad Azhar Ali:** Then which coke?

**The Honourable Sir Edward Benthall:** Steam coal, Sir.

## DISCRIMINATION AGAINST SIKH STENOGRAPHERS ON NORTH-WESTERN RAILWAY.

†58. \*Sardar Sant Singh: (a) Will the Honourable the Railway Member please state if it is a fact that the Railway Board requisitioned the services of stenographers from various Railways, preferably members of the Minority Communities? If so, is it a fact that only names of Muslim stenographers were sent up by the North Western Railway?

(b) Is it a fact that the North Western Railway Subordinate Service Commission's Office asked for the services of a Sikh stenographer, by name, from the North Western Railway, but the North Western Railway declined to send him? If so, does the Honourable Member propose to explain the reasons for this invidious discrimination against the Sikhs on the North Western Railway?

**The Honourable Sir Edward Benthall:** (a) Yes, in October, 1941, the Railway Board asked State-managed Railways for the services of two stenographers and stated that other things being equal Muslims would be preferred. The reply to the second part is in the negative.

(b) Yes. As regards the second part, there was no discrimination as the North Western Railway were unable to spare the services of any stenographer.

## DISABILITIES AND RESTRICTIONS AFFECTING INDIANS IN THE UNITED STATES OF AMERICA.

59. \*Mr. Govind V. Deshmukh: Will the Foreign Secretary please state, with reference to his reply to starred question No. 112 put on the 12th November, 1943, regarding disabilities and restrictions affecting Indians in the United States of America:

(a) if the final report referred to in part (b) of his answer has been received: if so, if it be placed on the table; and

(b) if it is not yet ready, the reasons for such a long delay?

**Mr. O. K. Caroe:** (a) No.

(b) The Agent-General for India has made representations to the State Department. Both the Government of India and the Government of the United States of America realise the importance of this issue, and are giving the matter the most earnest and active attention.

**Mr. Govind V. Deshmukh:** There must be some reason for these delays in making this report which was anticipated then.

**Mr. O. K. Caroe:** Because the Agent General is still in negotiation with the State Department.

## THE AMERICAN EXCLUSION ACT AND ITS EFFECTS ON INDIANS.

60. \*Mr. Govind V. Deshmukh: Will the Foreign Secretary please state, with reference to the answer to starred question No. 113 put on the 12th November, 1943, regarding the American Exclusion Act and its effects on Indians, if he has made inquiries regarding the Bills about the possibility of parity of treatment for Indian nationals promised by him in his replies to my supplementary questions? What are the titles of these Bills and the objects thereof?

**Mr. O. K. Caroe:** It now transpires that there was one Bill only before Congress, No. H. R. 3070, dated the 25th October, 1943, which is described as being 'to repeal the Chinese Exclusion Acts, to establish quotas, and for other purposes'.

This Bill has been passed by Congress and has now become law.

On the question of parity of treatment for Indians I refer the Honourable Member to my answer to his last question.

## SCHEME FOR SUPPLY OF FOODGRAINS TO RAILWAY SERVANTS AT CONCESSION RATES.

61. \*Mr. K. C. Neogy: (a) Will the Honourable Member for Railways be pleased to state the date from which effect was given, in each Railway, to the scheme under which all Railway servants are entitled to obtain foodgrains for themselves and their families from Railway grainshops at concessional rates?

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

(b) Is the scheme operated uniformly in all particulars in all the Railway systems in India?

(c) What are the other kinds of foodgrains, or other necessities of life, if any, which are likewise supplied to Railway servants at concessional rates?

(d) What are the reasons for allowing the benefit of this scheme to all Railway servants as also to their families, irrespective of their pay, unlike the system operating in the different departments of the Central Government which recognises a pay limit beyond which its benefit is not available and under which the benefit is confined to the Government servant and does not extend to his family?

(e) Has the scheme been operated from the very beginning on the basis of a regular rationing system in respect of each article supplied? If so, what are the principal features of this system and what standard of consumption in respect of each such article has been adopted in this scheme?

(f) What is the estimated total cost of operating the scheme in the case of each Railway for the current financial year?

(g) What is the organisation for exercising control over the operation of this scheme in each Railway from the point of view of administration and financial check, respectively?

**The Honourable Sir Edward Benthall:** (a) 1st June, 1943, except on the N. W. and E. I. Railways on which the concession rates became effective from the middle of June, 1943.

(b) The scheme is not completely uniform over all Railways, but there is a considerable measure of uniformity.

(c) and (f). I lay a statement on the table which gives the required information.

(d) Grain Shops on Railways were originally organised to make foodgrains available to all classes of railway servants on an actual cost basis. There was, therefore, no reason to deny the facilities of such shops to any particular class. When concessional rates were introduced later, the withdrawal of these facilities from the higher-paid staff was considered unnecessary. The extra cost involved was small and the administrative difficulties of making such distinction considerable. Relief in kind through the grain shops is related to the actual needs of the railway employees including their families and this has also been done where other Central Government servants have been given similar relief.

(e) Yes. The Railways have from the beginning adopted certain limits for issues of articles sold in Grain Shops although absolute uniformity has not been possible on account of various factors. In the case of principal foodgrains, the single adult ration has varied between 15 and 20 seers per month and the family limit between 40 and 70 seers per month. In areas in which civil rationing schemes are in force, the Railways have adopted the civil scale of rationing. In respect of other articles, the actual rations have depended on the supply position.

(g) There is, on most Railways, an officer of administrative rank in charge of the grain shop organization and financial checks are exercised by the Financial Advisers and Chief Accounts Officers of Railways.

## List of commodities supplied to Railway servants at concessional rates through the Railway Grain Shops

- |                           |             |
|---------------------------|-------------|
| 1. Wheat.                 | 9. Salt.    |
| 2. Rice—                  | 10. Spices— |
| Fine                      | Haldi       |
| Medium                    | Chillies    |
| Coarse.                   | Cardamoms   |
| 3. Jowar.                 | Elachi      |
| 4. Bajra.                 | Cloves      |
| 5. Da's.                  | Murich      |
| 6. Mustard oil, and other | Dhania      |
| cooking oils.             | Tamarind    |
| 7. Sugar.                 | Jira.       |
| 8. Gur.                   |             |

- |                   |                                      |
|-------------------|--------------------------------------|
| 11. Ghee.         | 15. Matcheg.                         |
| 12. Kerosene oil. | *16. Standard Cloth.                 |
| 13. Tea.          | 17. Cloth other than Standard Cloth. |
| 14. Soap.         |                                      |

\* At prices fixed by the Textile Commissioner.

Statement showing the estimated loss on Railways in the working of the Railway Grain Shops during 1943-44.

| (In Thousands.) |                | (In Thousands.) |                |
|-----------------|----------------|-----------------|----------------|
| Railway.        | Amount.<br>Rs. | Railway.        | Amount.<br>Rs. |
| B. & A.         | 20,173         | M. & S. M.      | 3,361          |
| B. N.           | 13,885         | N. W.           | 11,675         |
| H. B. & C. I.   | 8,936          | O. & T.         | 2,739          |
| E. I.           | 23,228         | S. I.           | 2,069          |
| G. I. P.        | 11,181         |                 |                |
|                 |                | Total           | 99,847         |

**Mr. K. C. Neogy:** Will the Honourable Member be pleased to give the definition of a family as adopted for the purpose of operating this scheme? Does it include servants?

**The Honourable Sir Edward Benthall:** No; I think not. I think that in certain cases provision has been made for up to two dependants.

**Mr. K. C. Neogy:** Will the Honourable Member be pleased to indicate the features in regard to which the scheme is not being operated uniformly in the different railways—part (b) of the question?

**The Honourable Sir Edward Benthall:** I think the Honourable Member had better put down a separate question: to answer it would probably take a considerable time. I could not answer it offhand.

**Mr. K. C. Neogy:** Was the scheme placed before the Finance Committee or the Central Advisory Council for consideration?

**The Honourable Sir Edward Benthall:** I am not sure. I do not preside over the Standing Finance Committee.

**An Honourable Member:** It has been considered.

#### MONOPOLY FOR PURCHASING WOOL TO SHIAMJI MAL OF AMRITSAR.

**62. \*Sir Muhammad Yamin Khan:** (a) Will the Honourable the Supply Member please state if the sole monopoly of purchasing wool has been given to Shiamji Mal of Amritsar?

(b) Why has a monopoly been given to one man alone?

(c) Has the attention of Government been drawn that wool is purchased by this firm in fictitious names at Rs. 28 and supplied to the Government at Rs. 42 and Rs. 45?

(d) Are Government prepared to make enquiry in this scandalous matter and inform the House as to how much commission over and above this has been given by Government?

(e) Have Government tried to see the banking accounts of this firm, and of these purchasers who purchased this wool at low prices and sold through him at higher prices?

(f) What is the price that is actually paid to the people who initially and originally supplied wool in the Meerut District?

**The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar:** (a) Messrs. Shamji Mall & Co. of Amritsar are Government's sole buying agents for wool for the area north of a line drawn from Karachi to Calcutta.

(b) The Honourable Member's attention is invited to the reply given by me to Part (a) of Seth Yusuf Abdoola Haroon's Starred Question No. 246 on the 9th August, 1943.

(c) No.

(d) Allegations of this nature were made and Government after a very careful enquiry came to the conclusion that these allegations were not correct. Nevertheless, in accordance with the personal undertaking given by me, I have

examined the question of the contracts entered into by the sole buying agents and as a result of these enquiries certain changes have been made. The buying agents have agreed and undertaken not to purchase grey and black wools for their private account. The terms of the contract have also been revised and in the case of any dispute between the contracting parties the matter will be referred to the Director General of Supply or his nominee and his decision will be binding on the Company as well as the supplier.

(e) No.

(f) If the Honourable Member will let me know the types and qualities of wool and the period for which he desires this information, I shall endeavour to collect it and place it before the House.

**Sir Muhammad Yamin Khan:** Will the Honourable Member be pleased to depute somebody who can come with me to Meerut, and I can show him that the wool is purchased from the producers at the rate of Rs. 28 and is supplied to the Government at Rs. 45—the same wool—under fictitious names by the people who are holding the monopoly, and this loot is going on in the Supply Department? Is he ready to send somebody?

**The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar:** The contracts are to be entered into by the sole buying agent with each of these people, stating in the contract form the Government control rate, and the purchase is at the Government control rate. The Government control rate is published, and if there is any dispute about the quality of the wool whereby the rate is varied from one Government rate to another, it has been agreed that the Director General of Supply himself or his nominee will be the arbitrator for the purpose. No private account of such purchases can be kept by this firm—they cannot trade on private account. These are the safeguards which have been imported into the contract, and I do not see how there can be any room for fraud.

**Sir Muhammad Yamin Khan:** Will the Honourable Member be pleased to get somebody deputed to see the private accounts of the Director of Wool, himself?

**The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar:** The bank account of the Director . . . ?

**Sir Muhammad Yamin Khan:** Yes; the private account of the Director of Wool Supplies himself, and how much money has gone into his bank account within the last two years and where it came from.

**The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar:** That is a very serious allegation for the Honourable Member to make.

**Sir Muhammad Yamin Khan:** I want an enquiry because this thing has happened. The Honourable Member knows that a Major was caught only a few days ago in whose house Rs. 70,000 was found; and another man to whom the monopoly for ghee was given has been convicted at Lahore for three years, for supplying something adulterated which was not ghee at all; and the same thing has been going on here because the monopoly is given to one man in this form to purchase wool, and the whole staff is corrupt from top to bottom.

**Mr. N. M. Joshi:** In view of the fact that serious allegations have been made against a public servant, may I ask the Government of India to have a thorough investigation into this matter and make a report to the House in the interests of the purity of administration?

**The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar:** I am perfectly willing to make an inquiry. But allegations merely of a general nature—"Will you examine the bank account of this man or that?"—are not allegations on which any Government can proceed to make an inquiry with reference to any responsible official. If any Honourable Member of this House, with a due sense of responsibility, will place before me, either confidentially or otherwise, any specific fact which will lead to such an inquiry, I am perfectly willing to set all the machinery of the Government in motion to have that inquiry made.

**Sir Muhammad Yamin Khan:** Will the Honourable Member read the question? The whole thing is given in the question, that the wool is purchased from the producers at the rate of Rs. 28 and the same wool is supplied to the Government at Rs. 45 because there is a middle man in whose name it is

# PROMOTIONS OF TRAIN EXAMINERS AS TRANSPORTATION INSPECTORS ON EAST INDIAN RAILWAY.

67. \*Mr. Muhammad Azhar Ali: Will the Honourable Member for Railways please refer to circular No. OPE 1802/A, dated the 3rd March, 1937, issued by the Deputy General Manager, East Indian Railway, Calcutta, regarding fixation of seniority of Train Examiners for promotion as Transportation Inspectors (Stock) and state:

(a) if it is a fact that a Train Examiner, Grade A, of the late Oudh and Rohilkhand Railway (200—10—260—15—300—350) will only be promoted as an Inspector after he has served and received the pay of a Train Examiner, Grade I, of the East Indian Railway (300—25—400);

(b) if the reply to part (a) be in the affirmative, what will be his (Oudh and Rohilkhand Railway Train Examiner, Grade A), pay as an Inspector; and

(c) if the reply to part (a) be in the negative, the effect of the circular on the Train Examiners of the Oudh and Rohilkhand Railway, and how their promotions as Inspectors are governed?

The Honourable Sir Edward Benthall: (a) Yes, but the maximum of Grade A is 300 and not 350.

(b) 350—25—400, or 425—25—500 according as he works on the O. & R. or E. I. Section, respectively.

(c) Does not arise.

## REST FOR GUARDS ON NORTH-WESTERN RAILWAY (DELHI DIVISION).

68. \*Mr. Muhammad Azhar Ali: Will the Honourable Member for Railways please refer to circular No. 430-T/O/11, dated the 19th November, 1942, issued by the Divisional Transportation Officer, North Western Railway, Delhi Division, New Delhi, and reading as under:—

"With reference to this office circular No. 430-T/O/11, dated the 8th March, 1940, please inform all Guards posted at yours that they cannot claim rest unless they have done 16 Hours continuous duty with a train." and state:

(a) the rule or regulation under which a Guard is required to perform 16 hours continuous duty as imposed by the said circular;

(b) if it is physically possible to perform 16 hours' continuous duty with a train; and

(c) if any gazetted officer during his training for Guard's duties has worked in any train for 16 hours continuously; if so, who, when, and with what results; and, if not; whether Government propose to direct the Divisional Transportation Officers to work as Guards of goods trains or as Luggage Guards of the Coaching Express on any day for 16 hours continuously and report his experience; if not, the reasons therefor?

The Honourable Sir Edward Benthall: (a) The orders are based on a rule framed by the N. W. Railway.

(b) Yes, when the exceptional need arises.

(c) I know of officers who have worked trains which have taken 16 hours on the road, but cannot undertake to collect details; the second and third parts do not arise.

## OVERCROWDING OF TRAINS ON NORTH-WESTERN RAILWAY.

69. \*Mr. Muhammad Azhar Ali: Will the Honourable Member for Railways please refer to the reply to part (b) of starred question No. 191 asked in the Legislative Assembly (Central) on the 4th August, 1943, viz.—"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" and state:

(a) the number of persons dealt with at the Delhi Junction Station under section 109 or 120 (c) of the Indian Railways Act, 1890, since the 1st April, 1943, if none, the reasons therefor;

(b) the reasons for not taking action against the Railway Administration for the overcrowding of trains through the issue of tickets over and above the accommodation provided in the trains; and

(c) what arrangements the North Western Railway Administration have made for the travelling of passengers holding Monthly Seasonal Tickets between Delhi, New Delhi, Shahdara and Ghaziabad; if no arrangements have been made, the reasons therefor; and which is the last train for the Shahdara passengers?

The Honourable Sir Edward Benthall: (a) There have been no such prosecutions. In reply to the second part of the question, I am afraid that under present conditions prosecutions under the two sections mentioned are not practicable, or a solution of the problem.

(b) While it may be possible to regulate to some extent the sale of tickets to the accommodation available in the train at starting stations, it is not possible to do so at Junction stations. I would also refer the Honourable Member to the proceedings of the Central Advisory Council of 16th November, 1943, a copy of which is in the Library of the House and which makes mention of the practical difficulties of such regulation.

(c) Passengers holding monthly season tickets between Delhi, New Delhi, Delhi Shahdara and Ghaziabad are allowed to travel by all passenger trains on the section serving these stations. Further, one Up and one Down Shuttle trains run between New Delhi and Ghaziabad for the convenience of monthly season ticket holders, except on Sundays and gazetted holidays, when these Shuttles do not run between New Delhi and Delhi. As regards the second part, 67 Up is the last passenger train for Delhi Shahdara, which leaves Delhi at 19-40 hours.

## DIFFICULTY IN SECURING ACCOMMODATION BY MEMBERS OF THE LEGISLATIVE ASSEMBLY AT DELHI RAILWAY STATION.

70. \*Mr. Muhammad Azhar Ali: (a) Will the Honourable Member for Railways please state if it is a fact that the Members of the Central Legislature are informed by the Station Superintendent, Delhi Junction, that they could not undertake journey by the train they desire to travel as there was no accommodation, although the Station Superintendent was approached 24 hours in advance?

(b) Is it a fact that in 1942, the Railway Board was kind enough to issue instructions that the Members of the Central Legislature proceeding to and returning from New Delhi should be given preference in travelling and accommodation provided for them; if so, have those instructions become out of date, or the Station Superintendent, Delhi, was not provided with those instructions?

(c) What steps do Government propose to take in the matter? If not, why not?

The Honourable Sir Edward Benthall: (a) It is possible that some Members of the Central Assembly may not have been able to secure reserved accommodation on account of having given only 24 hours notice in advance.

(b) and (c). The instructions issued by the Railway Board in January 1943, and not in 1942 as stated by the Honourable Member, asking railway administrations to extend in favour of Members of the Legislative Assembly the period in advance of the actual date of travel within which tickets may be purchased so as to enable Members to secure early reservation and to give all reasonable assistance to them in this matter are still in force and the Railway Board have again drawn the attention of railway administrations to these instructions last month.

Mr. Lalchand Navalrai: The Honourable Member knows that reservation is made not by the Station Superintendent or the person who is in charge of the station but a telegram or information has to be given to the General Manager's Office and from the General Manager's office order is issued to the stations to reserve, and that is causing a great deal of inconvenience.

The Honourable Sir Edward Benthall: I am not aware of that arrangement.

Mr. Lalchand Navalrai: Will the Honourable Member make enquiries and make reservation easy and convenient.

Western Railway through the following agencies during the financial years 1940-41, 1941-42, and 1942-43:

- (i) Messrs. Thomas Cook and Sons;
- (ii) Messrs. Cox and Kings; and
- (iii) Messrs. Vensimal Bassarinal and Brothers?

(b) Is it a fact that, owing to the war conditions, there is practically no public passenger traffic from India to overseas and vice versa, and, as such, there is no possibility of overseas business being secured through these agents?

(c) Is it a fact that much overseas traffic is shown by the Railway agencies to have commission at ten per cent. instead of five per cent. admissible on inland traffic? If so, what steps do Government propose to take to check the inflation of overseas traffic? If not, why not?

**The Honourable Sir Edward Benthall:** Information is being called for and a reply will be laid on the table in due course.

#### ASSISTANCE TO RAILWAY EMPLOYEES FROM RAILWAY FUNDS TOWARDS EDUCATION OF THEIR CHILDREN.

**34. Mr. Muhammad Azhar Ali:** (a) Will the Honourable Member for Railways please refer to paragraph 689 of the East Indian Railway Gazette No. 25 of 1939, regarding assistance to Railway employees from Railway funds towards education of their children, viz., "the Railway Board have further decided that staff appointed prior to first February, 1929, who have not yet elected the old or the new (1930) rules for the grant of assistance to railway employees towards the education of their children should be permitted to elect by which rules they will be governed at the time they first apply for such assistance," and state the number and date of the Railway Board's Resolution or letter of the said decision, (if permissible to lay the same on the table of this House)?

(b) Is it or is it not a fact that an employee is permitted to elect the rules at the time he first applies for the assistance?

(c) Is it or is it not a fact that the word "staff" or "employee" as referred to above includes the staff or the employee on the North Western Railway?

**The Honourable Sir Edward Benthall:** (a) Government are not prepared to give such details about Departmental orders.

(b) Yes.

(c) No.

#### TRANSFER OF TICKET COLLECTORS OF DELHI DIVISION OF NORTH WESTERN RAILWAY TO TRANSPORTATION GROUP.

**35. Mr. Muhammad Azhar Ali:** Will the Honourable Member for Railways please state:

(a) if it is a fact that a large number of Ticket Collectors of the Delhi Division of the North Western Railway has been transferred to the Transportation Group (Trains Clerks) from the Commercial Group (Ticket Collectors); if so, the particulars of the rule for the recruitment and training of the subordinate staff under which such transfers are prescribed; and

(b) if it is a fact that by such transfers the seniority and avenue of advancement are affected; if so, what remedy is provided to compensate the loss; if no remedy is provided, the reasons therefor?

**The Honourable Sir Edward Benthall:** (a) Certain Ticket Collectors are being utilized temporarily as Trains Clerks. As regards the second part, the attention of the Honourable Member is invited to the note at page 178 of the State Railway Establishment Code, Volume I.

(b) The transfers referred to are temporary and do not, therefore, affect the permanent Trains Clerks.

#### POLICY RE SENIORITY ON EAST INDIAN RAILWAY.

**36. Mr. Muhammad Azhar Ali:** (a) Will the Honourable Member for Railways please state if it is or it is not a fact that the East Indian Railway Administration has laid down the policy regarding determining seniority from the date of confirmation in the grade or class?

(b) Is it or is it not a fact that no deviation from the said policy is permissible on the change of grade or class either by abolishing the existing grade or class or by introducing the new grade or class in place of the abolished grade or class?

**The Honourable Sir Edward Benthall:** (a) Yes, except for Workshop staff.

(b) The question is not understood.

TRIALS OF STATE RAILWAYS STAFF UNDER SECTION 161, INDIAN PENAL CODE.

**37. Mr. Muhammad Azhar Ali:** Will the Honourable Member for Railways please state:

(a) the particulars of the staff on the State-managed Railways who were charged with offence under section 161, I. P. C., since September, 1939;

(b) the sentence passed against them by the trial Courts;

(c) the results of their appeals and revisions, respectively, if any; and

(d) if it is or it is not a fact that so far no gazetted officer has been charged under the section?

**The Honourable Sir Edward Benthall:** (a) Information is readily available only of prosecutions made after November, 1942. Since then 32 employees of State-managed Railways have been prosecuted under Section 161, I. P. C.

(b) Twenty-six of the employees referred to in part (a) were convicted, the punishments ranging from a fine of Rs. 50 to 2½ years R. I. and a fine of Rs. 1,000.

(c) Government have no information in this connection.

(d) No gazetted officer has so far been prosecuted under Section 161, I. P. C.

#### RULES WHEREUNDER ABSENCE ON LEAVE CONSTITUTES A BREAK IN SERVICE FOR CERTAIN PURPOSES ON STATE RAILWAYS.

**38. Mr. Muhammad Azhar Ali:** Will the Honourable Member for Railways please state:

(a) if it is or it is not a fact that on the Bengal and Assam, Bombay, Baroda and Central India, Great Indian Peninsula, East Indian, North Western and Oudh and Tirhut Railways, absence on leave on medical certificate or on other leave for a period not exceeding four months at a time on average pay shall not constitute a break of service in the grade or class held immediately before the absence for the purposes of earning increments, substantive promotion and confirmation in the grade or class held immediately before the absence; and

(b) the rules or regulations of the Conditions of Service under which the absence is prescribed to constitute a break in service for those purposes?

**The Honourable Sir Edward Benthall:** (a) and (b). Neither kind of leave constitutes a break in service for the purposes mentioned in the question though increment is earned provided only that the post is held substantively and not merely in an officiating capacity. The Honourable Member's attention is invited to Rule 2022 of the State Railway Establishment Code, Volume II, a copy of which is in the Library of the House.

#### DUTIES OF SPECIAL TICKET EXAMINERS AND GROUP INSPECTORS ON NORTH WESTERN RAILWAY.

**39. Mr. Muhammad Azhar Ali:** Will the Honourable Member for Railways please state the difference in responsibilities and in duties between the Special Ticket Examiners and the Group Inspectors of the Special Ticket Examiners on the North Western Railway?

**The Honourable Sir Edward Benthall:** Special Ticket Examiners are required to check and charge passengers travelling without tickets. Group Inspectors of Special Ticket Examiners are required, in addition to checking and charging passengers, to be responsible for the efficient working of the men in their Groups and to bring to notice slack and irregular working.



# SCALES OF PAY OF SPECIAL TICKET EXAMINERS AND GROUP INSPECTORS ON NORTH WESTERN RAILWAY.

40. **Mr. Muhammad Azhar Ali:** Will the Honourable Member for Railways please state the difference in scales of pay between the Special Ticket Examiners and the Group Inspectors of the Special Ticket Examiners on the North Western Railway?

**The Honourable Sir Edward Benthall:**

|                                              |                  |
|----------------------------------------------|------------------|
| Group Inspectors of Special Ticket Examiners | Old 105—5—140    |
|                                              | New 100—10/2—120 |
| Special Ticket Examiners                     | Old 66—4—90      |
|                                              | New 65—5/2—85    |

# SCALES OF PAY ETC. OF GROUP INSPECTORS AND DIVISIONAL INSPECTORS OF SPECIAL TICKET EXAMINERS ON NORTH WESTERN RAILWAY.

41. **Mr. Muhammad Azhar Ali:** Will the Honourable Member for Railways please state the difference in scales of pay, duty and responsibility, separately, between the Group Inspectors of Special Ticket Examiners and the Divisional Inspectors of Special Ticket Examiners on the North Western Railway?

**The Honourable Sir Edward Benthall:** The scales of pay are as follows:

|                                                   |                  |
|---------------------------------------------------|------------------|
| Divisional Inspectors of Special Ticket Examiners | Old 200—10—250   |
|                                                   | New 200          |
| Group Inspectors of Special Ticket Examiners      | Old 105—5—140    |
|                                                   | New 100—10/2—120 |

The Divisional Inspectors are responsible for the general supervision over the staff under them, for arranging special checks when required, for attending court in prosecution cases and conducting enquiries when necessary. Group Inspectors are required, in addition to checking and charging passengers, to be responsible for the efficient working of the men in their groups and to bring to light slack and irregular working.

# HARASSMENT CAUSED TO A PASSENGER AT BAREILLY BY THE DIVISIONAL SUPER-INTENDENT, MORADABAD DIVISION.

42. **Mr. Muhammad Azhar Ali:** (a) Will the Honourable Member for Railways please state if it is or it is not a fact that Mr. P. H. Baker, Divisional Superintendent, Moradabad Division of the East Indian Railway, caused on the 15th January, 1944, at Bareilly unnecessary harassment to a passenger holding Luggage Ticket No. 589093 issued by the Bareilly Junction Railway Staff at Bareilly Junction?

(b) Is it or is it not a fact that the luggage with the said passenger was not found either heavy or beyond the prescribed free allowance?

(c) Is it or is it not a fact that the said luggage of the passenger from Bareilly to Moradabad—a distance of about 52 miles—was forcibly placed by the said Divisional Superintendent (Mr. P. H. Baker) into the Brake-Van, and the passenger was deprived and denied of the use of the bedding during the cold night?

(d) Is it or is it not a fact that the passenger was detained by the train he intended to travel, and consequently reached his office late and was deprived of his day's pay?

**The Honourable Sir Edward Benthall:** (a) It is not a fact that Mr. Baker, Divisional Superintendent, Moradabad, caused any harassment to a passenger holding Luggage Ticket No. 589093 at Bareilly Junction on the 15th January, 1944. The reason for weighing the luggage of the passenger was that it appeared bulky and was likely to cause inconvenience to other passengers in the compartment.

(b) On weighing the luggage was found to be within the free allowance admissible on the tickets held by the passenger.

# MOTIONS FOR ADJOURNMENT

(c) In regard to the first part, it is not a fact that Mr. Baker ordered the passenger's luggage to be placed in the break-van. In regard to the second part, Government have no information.

(d) It is a fact that the passenger did not travel by the train with which he originally intended to travel as time was occupied in weighing and booking his luggage. As to the second portion of the question, Government has no information.

# MOTIONS FOR ADJOURNMENT.

# CANCELLATION OF A LARGE NUMBER OF PASSENGER TRAINS ON THE NORTH WESTERN RAILWAY.

**Mr. President** (The Honourable Sir Abdur Rahim): Mr. Essak Sait has given notice of his intention to move for the adjournment of the business of the Legislative Assembly to discuss a definite matter of urgent public importance of recent occurrence, namely, "the stoppage of 71 passenger trains on the North Western Railway from the 3rd February, 1944, thereby upsetting the whole rural economies of the area and causing great inconvenience and hardship to the public".

**The Honourable Sir Edward Benthall** (Member for Railways and War Transport): Temporary cancellation of trains under war conditions is not an abnormal occurrence and it has taken place in several parts of the country at various times. There is, therefore, nothing new in this, and therefore the matter is not one of urgency. In the present case the cancellation became necessary owing to the necessity of conserving railway coal due to short coal raisings. Other passenger services over the lines continue, and while I deeply regret the inconvenience caused to the travelling public, it is incorrect to say that the action has completely upset the whole rural economy of the area. I am answering questions on the coal position and there will be an opportunity of discussing the subject during the time of the railway budget.

**Mr. H. A. Sathar H. Essak Sait** (West Coast and Nilgiris: Muhammadan): With regard to the first point that it is not unusual, I certainly maintain that that has been a very unusual notification. 71 trains have been stopped at one stroke in one area on a particular day. There have been occasions of stoppages of a train here and a train there, but there has not been a case of a simultaneous stoppage of 71 trains at one time. The coal position may be discussed here because we do not know what the position is exactly. We have certain allegations to make on that account.

**Mr. President** (The Honourable Sir Abdur Rahim): I hold that the matter is urgent and one of importance. As the explanation given by the Honourable the Railway Member so far has not satisfied the Mover of the motion, I hold that the motion is in order, but as objection has been taken I should like to know how many Members are for leave being granted.

(After a count.)

As less than twenty-five Members are in favour of leave being granted, leave is refused.

# REPRESSION CARRIED ON UNDER THE COVER OF THE DEFENCE OF INDIA RULES.

**Mr. President** (The Honourable Sir Abdur Rahim): The next motion is in the name of Mr. Kazmi. I am sorry to observe that the Honourable Member has again tried to argue the case in the very notice. He wishes "to censure the Government of India for the reign of terror carried on by the Executive in India under the cover of Defence of India Rules, so as even to interfere with the administration of justice by arresting lawyers who defend persons charged with political offences, as is exemplified by the arrest and detention of Mr. Pardivalla at Lahore and of Pandit Baij Nath, Advocate of Agra, the latter of which cases has been commented upon by the Honourable the Chief Justice of the Allahabad High Court, who during the course of hearing observed: 'It seems to me that these Defence of India Rules have paralysed us and we have got no power,' as reported in the *Dawn*, dated 5th February, 1944".

I should like to know whether the Honourable the Home Member has got to say anything on this.

**The Honourable Sir Reginald Maxwell** (Home Member): The particular cases cited are matters of provincial concern only and the Government of India have nothing to do with such individual local applications of the Defence of India Rules. The policy of the rules itself is nothing new. The principle of the rules has been before the House for the last four years and therefore a motion of this kind could only be considered in relation to the particular application. Those particular applications, I submit, are matters of purely provincial concern.

**Mr. President** (The Honourable Sir Abdur Rahim): Would not the Government of India be entitled to give directions as regards the application of the rules to cases of this character?

**The Honourable Sir Reginald Maxwell**: No, Sir. Powers are legally conferred on the provinces. It is for the provinces to apply them as they, in their judgment, think fit; the possibility of giving direction only exists in regard to provincial matters under section 126A of the Government of India Act and that power of giving direction is only employed in cases where it is necessary to enforce a general policy on any province.

**Mr. President** (The Honourable Sir Abdur Rahim): In this case the allegation is made that an advocate, who appeared to defend an accused person under the Defence of India Rules, has been arrested. Is it not possible for the Government of India to say that the interests of justice should not be interfered with in that manner?

**The Honourable Sir Reginald Maxwell**: The matter does not come before the Government of India until it has actually occurred.

**Mr. President** (The Honourable Sir Abdur Rahim): It has been brought to the notice of the Government of India now.

**The Honourable Sir Reginald Maxwell**: I understand that Mr. Pardivalla's case happened before the last Session and a motion in regard to that was disallowed at that time.

**Mr. President** (The Honourable Sir Abdur Rahim): What about this one? The difference in this case is that the Chief Justice had to take notice of the case and he has recorded a finding that it was unjustified.

**The Honourable Sir Reginald Maxwell**: The Chief Justice has not recorded any finding on this individual case. He has made a general observation to the effect that the powers of the High Court are limited by the Defence of India Rules in considering such cases but he has not, so far as I can find out, recorded any finding that the action taken by the Provincial Government in this case was improper.

**Mr. President** (The Honourable Sir Abdur Rahim): Has the Chief Justice recorded any finding that the action of the Provincial Government was unjustified?

**Qazi Muhammad Ahmad Kazmi** (Meerut Division: Muhammadan Rural): I must apologise to the Chair for the wording of the motion. As a matter of fact, I have not got here the copy of the judgment delivered by the Chief Justice, but only a report in the *Dawn*. You will find that he did point out to the authorities that the action was unjustified and he even said

**Mr. President** (The Honourable Sir Abdur Rahim): Has he recorded a finding that the order was unjustified?

**Qazi Muhammad Ahmad Kazmi**: This is what he says:

"It was said in the affidavit that he was one of the leaders of the bar. His Lordship disclosed that he had enquired from Mr. Wanchoo, the District Judge of Agra, and was told that Pandit Baijnath was one of the leaders of the bar there and that he was seriously ill and might die any day."

It is further said:

"His Lordship observed that when he had made the remarks in the case of Pandit Baij Nath that he was extremely unhappy about the case and he hoped that the authorities would see their way to remove his unhappiness, he thought that the advocate would be released but recently on making an inquiry he was told that the advocate had not been released. His Lordship added that he had studied the rules on the subject and found that he had got no jurisdiction. His Lordship further observed that rightly or wrongly he had come

to the conclusion in the case of Pandit Baij Nath that because that gentleman was appearing for the accused in so many cases arising out of the disturbances the police thought that the best thing was to get him behind the prison bars."

I submit that this is more or less a finding by the Chief Justice of the Allahabad High Court.

**Mr. President** (The Honourable Sir Abdur Rahim): On the facts before me, I hold that the motion is in order and will be taken up at 4 o'clock.

**The Honourable Sir Reginald Maxwell**: Sir, I objected to leave being granted.

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

(After counting.)

As not less than 25 Members have stood up, the motion will be taken up at 4 o'clock.

## THE INDIAN PENAL CODE (AMENDMENT) BILL.

[AMENDMENT OF SECTIONS 497 AND 498.]

**Qazi Muhammad Ahmad Kazmi** (Meerut Division: Muhammadan Rural): Sir, I do not propose to move Motions Nos. 1 and 2 in my name but I shall move No. 3. With your permission, I should like to add the name of Mr. Muhammad Muazzam Sahib Bahadur to the list of members of the Select Committee.

Sir, I beg to move:

"That the Bill further to amend the Indian Penal Code for a certain purpose (*Amendment of section 497 and 498*) be referred to a Select Committee consisting of the Honourable Sir Asoka Roy, Sir Muhammad Yamin Khan, Syed Ghulam Bhik Nairang, Mr. Lalchand Navalrai, Mr. K. C. Neog, Kunwer Hajeer Ismael Alikhan, Mr. Muhammad Azhar Ali, Mr. C. P. Lawson, Sardar Mangal Singh, Sir George Spence, Mr. Hooseinbhoj A. Lalljee, Mr. Abdur Rasheed Choudhury, Mr. Muhammad Muazzam Sahib Bahadur 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 subject matter of these two clauses is a very short one. I know that Honourable Members would not like to go into the technicalities and I would not bother the House with them. I will put the whole thing in plain, simple words. The object of introducing this amendment is that adultery must be made punishable both for the man and the woman and in cases in which a man is punishable for abducting or enticing away a woman and the woman is also found to be an instigating party or to be an active party, she may also be punished as an abettor. This is the gist of the amendments that are contained in the Bill that is before the House. Now, Sir, there would not have been much difficulty in getting these Bills passed but unfortunately for the gradual penetration of the Western ideas in the society

**Mr. N. M. Joshi** (Nominated Non-Official): The ideas of justice and injustice!

**Qazi Muhammad Ahmad Kazmi**: I do not want to say either, but I must say that though one thing may be quite just according to the Western ideas yet it may be unjust according to the Indian ideas. What I maintain is that I am not going to blame the Western ideals or Western civilization, but I do maintain that, though according to the Western civilisation, adultery is not a crime, is not a serious offence, yet according to the conceptions both of Hindus and Muslims adultery is considered to be a very heinous offence. It is with the advent of the British rule that these ideas have been considerably modified. At the present stage there is a strange combination of the two civilizations and there are varying ideas in the minds of the persons especially of the educated classes. A perusal of the opinions that have been received from various quarters would lend support to my argument. One remarkable feature that we observe is that the higher a person is placed in life the less is his idea of the seriousness of the offence of adultery and the lower he is placed in the scale of life the idea about the seriousness of the offence increases. As a matter of fact, we find that in the Frontier province and in Baluchistan, where woman is almost considered to be the property of the man and in respect of which I have sometimes drawn the attention of the Government of India also, adultery is considered to be a heinous offence and a woman is as much liable to be convicted

[Qazi Muhammad Ahmad Kazmi.]

should like to put before the House the views of those gentlemen who are opposed to it. I would ask the House to analyse the real reason as to why they are opposing it. I have tried to make certain selections from the views that have been received so that there may be no botheration for reading the whole of these, and I will just cite the reasons for which they are opposing it. There is a view that there would be restriction of individual liberty if this law is passed. The Chief Commissioner of Coorg says:

"My personal opinion is that adultery ought not to be made a criminal offence at all either for the man or the woman. To make it a criminal offence is to create other problems equally serious and to restrict individual liberty in a field where liberty of choice is the very essence of truly moral conduct."

He says that truly moral conduct can only be achieved by giving the woman liberty to enter into illegal relations. (An Honourable Member: "You are making it illegal.") I am quite prepared to agree to the abolition of this section as has been suggested by some people because they say that a man should not be made liable for adultery. The Madras High Court says on page 11:

"The Honourable Judges consider that there is no logical reason why a woman should not be punished for abetment of adultery or of enticement, though there may be great practical difficulties in proving her guilt. Further, the possibility of proving such abetment may lead to scandalous and perjured evidence. The Honourable Judges think, however, that Indian sentiment will probably favour a change in law."

One thing to be noted here is that they are probably not in favour of the Bill but they say that it is in consonance with Indian sentiment and that if a man is made liable for the offence of adultery there is no reason to exempt the woman. That is only logical. Therefore my point is this; according to any standard of civilization you should either vote for the abolition of the sections altogether or accept the amendment suggested. You cannot have a mixture of both western and eastern ideas.

Then one other reason given is "I am not in favour of making the law of adultery more rigorous". That is the opinion of Justice Bose of the Nagpur High Court. It is also said to be a retrograde measure and it is said that sections 497 and 498 ought to be removed. (District Judge, Nagpur, Mr. Justice Allsop of the Allahabad High Court, etc.).

That is the western point of view. I have no objection if you remove those sections and adopt westernised ideals, but you are not having the courage to do it. This reminds me of the opinion of the Second Law Commissioners who say that by the advance of time when the condition of the woman in society has improved then it will be time to make her liable. But as a matter of fact it was not what was intended or what is being done by the Government of India at the present time, when the condition of women in India is much better and improved and it cannot be said that they are in the same condition now as they were before. Still it is said by people who want to retain the sections that their conditions continue to be the same.

There is another body of opinion which says that the condition of women in rural areas does not justify it. The District Judge of Raipur and the Registrar of the Chief Court of Sind say that.

Mr. Lalchand Navalrai: In the rural areas of Sind women are even killed for this kind of offence.

Qazi Muhammad Ahmad Kazmi: That shows how far the Registrar of the Sind Chief Court has given the true facts. This gentleman says that the amendment would be very hard for people in the rural areas and Mr. Lalchand Navalrai says that no such thing will ever be tolerated in the rural areas of Sind. This is not going to affect the conditions in rural areas. So the stand taken up by the Registrar of the Sind Chief Court fails. He does not talk of the educated people of Sind; they according to him would be quite glad to have this amendment but it is of the poor country people who will never know of this law and will be punished that he is talking. He tells us not to have this law because the rural people will be ruined. They will not be ruined; it is only the educated people who will be affected and it is only the higher strata of society which try to stop this amendment being enacted.

Then there is another body of opinion which is quite in consonance with the views of the Law Commissioners. They say that conditions have not happened and will not happen unless the personal law of the communities is changed. This means to say that unless this law is changed the conditions will never change; they will continue to be the same and so long as polygamy is allowed this exemption of women from the offence of adultery should be maintained.

Then there are the opinions of the District Commissioner of Raipur, High Court, of Bombay, Sir P. T. Rajan, and the Bihar Government. I will only quote the actual words of the Bihar Government:

"The authors of the Indian Penal Code fully explained why the wife was not made punishable as an abettor in respect of an offence under section 497 of the Indian Penal Code. The position of Indian women has no doubt undergone some change for the better since the framing of the Code. But women in India still suffer from certain disadvantages. As long as polygamy is allowed for both Hindu and Muhammadan men, it would not be equitable to punish women as abettors for the offence of adultery. There is no reason for enforcing monogamy on women when the same is not enforced on men."

This is a very very simple reason which Bihar Government has given and I think it is a very frank one. They say that if persons are allowed to enter into polygamy on account of their laws then our law must allow polyandry also.

There is another view which exposes the real reason why this is being opposed. The Government of Assam says:

"The more enlightened view is that the section occurring in a Criminal Code is itself an anachronism."

Now, Sir, I perfectly understand the enlightened view which is western, and if some of the gentlemen who have got western views are adopting it there is no harm. You adopt any particular code of morality and that will be quite good for the maintenance of the society, but when you introduce two conflicting views in the same society then the difficulty arises. Let India adopt those views, let this section be deleted and then it will be a western code altogether.

Another view is:

"Moreover, it seems to me that with the progress of civilisation woman has come to be looked on less as chattel or possession of her husband and more and more as an independent and equal individual, and marriage more as a contract."

Now, Sir, what does this mean? According to this view only when women used to be considered as chattel it was only in those days that it was necessary to punish them for this offence. Now as she has ceased to be a chattel these are the days when the offence of adultery should be converted into a civil liability. I hold the contrary view. I maintain that as soon as you say that adultery should only be a civil offence, your contention amounts to saying that woman is only a chattel, because you refuse the use of your utensils by other people. If they get hold of the utensils and use them for sometime, then you are entitled to get civil damages from the other party. If you intend to change the law in respect of adultery and turn it from a criminal offence to a civil wrong, then you are making the woman a chattel. Because another person had the audacity of using a woman against the will and without the permission of her husband, therefore the husband is entitled to get damages. This therefore means that woman is only a chattel that belongs to and is to be used by the husband and if any other person uses her he shall have to pay the damages. I quite see that no criminal liability should attach to a woman if she is considered to be a chattel. But if she is a living being and if she has got any position in the society then she should also be made responsible for her actions.

Another view is:

"The policy of law has been to reduce the offence of adultery from a public and social offence to a private wrong against the husband of the woman."

That is exactly the same. Another body of opinion is:

"With the progress of civilisation the idea that a husband has proprietary rights over his wife has, to a considerable extent, been modified and adultery has been made a civil wrong and not a criminal offence in most of the countries."

It is exactly the same thing. Then another body of opinion is:

"I do not think that there has been any appreciable improvement in the cultural or educational condition of women of that class amongst whom cases of adultery generally occur."

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not refer to all this evidence at such length.

**Qazi Muhammad Ahmad Kazmi:** This is the last one which I will quote. This is the opinion of Sessions Judge, Hyderabad:

"I have no doubt that there are cases in which as one witness told me instead of the man enticing away the woman, the woman enticed away the man. But even in those cases the condition of the woman may be to a very large extent responsible."

I quite fail to understand as to how they justify this. They say the woman is responsible. If Honourable Members would look into the opinions, they will find that one Magistrate has said—and this is of course in my favour—that "in my experience I have always found that in cases under sections 497 and 498 it is the woman who is the active party". I do not quite agree with this, but still he has probably more practical experience than myself. One gentleman says: "Progress of society is from status to contract". That is to say, from the position of a wife under Hindu law to Muhammadan Law. But still you will find that if you take either Hindu Law or Muhammadan Law, women have always been treated on an equal basis with men, because if there is an offence both are liable and in spite of all the claims that are made on behalf of women by the western countries you will find that they have always considered woman to be nothing more than a chattel, because they only consider that the offence of adultery can only give rise to civil liability.

Now, Sir, I have almost finished. I have examined carefully the opinions of all those against me and if there was any sense in their opposition I would not have proceeded with the Bill. But I find that most of the opinions are based on a confusion of ideas. They claim that the woman has greater liberty and on the other hand that she is not fit to be liable for any act done by herself. I cannot reconcile these two inconsistencies.

I will now say something in connection with section 498. In it we find that a woman who is an active party cannot be punished at all, not even as an abettor. Now, Sir, no doubt the laws were made by males and they have kept everything for themselves. I admit that it is correct to a certain extent. But that does not mean that they should exempt women from liability of serious offences. The High Court of Madras says that even though it is proved that the enticement came from the woman and the man refused for some time to yield to it, still when he ultimately yields it is he who has to suffer.

(A pause.)

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member had better go on.

**Qazi Muhammad Ahmad Kazmi:** This very thing came up before the Madras High Court in another case which is reported in 26 Madras—charge against the first accused of enticing a married woman under section 498 of the Indian Penal Code and against the second accused of abetment of that offence under sections 498 and 109 of the Indian Penal Code. The Sub-Magistrate of Ginkri convicted both accused, sentencing the first accused to six months rigorous imprisonment and to a fine of Rs. 100 with one month's further rigorous imprisonment for default and the second accused to one month's simple imprisonment. Now the second accused was the woman whom the first accused was charged with enticing. With regard to this the judgment of the High Court in this connection is a very short one. It runs:

"Whether a woman could be convicted of abetting or of taking away herself within the meaning of section 498, Indian Penal Code, we need not now decide, as that is not the offence charged against her; but we are of the opinion that when a man is convicted, as in this case, of enticing away a woman under section 498 Indian Penal Code, the woman cannot be guilty as an abettor. We set aside the conviction of . . . . on the charge of enticing herself and direct that her bond be discharged."

Now, Sir, kindly examine the words of section 498 itself.

**Mr. President** (The Honourable Sir Abdur Rahim): The whole thing will be examined by the Select Committee, which the Honourable Member is proposing, in detail.

**Qazi Muhammad Ahmad Kazmi:** I apprehend that it is not going to the Select Committee.

**Mr. President** (The Honourable Sir Abdur Rahim): When the Honourable Member knows that he ought not to waste the time of the House.

**Qazi Muhammad Ahmad Kazmi:** I am trying to persuade the House and convince the Government to accept this point of view. Section 498 reads:

"Whoever takes or entices away any woman who is and whom he knows or has reason to believe to be the wife of any other man, from that man, or from any person having the care of her on behalf of that man, with intent that she may have illicit intercourse with any person, or conceals or detains with that intent any such woman, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both."

In my experience I have never found that any man was acquitted of the offence under section 498 because the woman was found to be the active party. It is presumed that in every case of taking away of a married woman by man, it is the man who is liable though he may have been enticed away by the woman herself. I do not say that every married woman who is taken away should be made punishable but only in cases where the Court finds that real enticement came from the woman herself. Even in those cases she should not be punished with an equal punishment with the person who has taken her away or yielded to the temptation of accompanying her and going along with her. He may be given a bigger punishment but the woman should also be punished as an abettor.

Apart from the moral point of view, I assure the House that an amendment of this kind would curtail the number of cases under section 498. How do you think is this section being actually worked in rural areas? Any person, without any rhyme or reason, who thinks of getting hold of a woman, brings a suit under section 498. Somehow or other they get the woman and as soon as that is done the proceedings are dropped. What is being done every day? There is no question of restitution of conjugal rights; he may or may not be legally married to the lady, but still he simply goes and files a complaint, and the complaint will be heard: the woman will be summoned as a witness; and when the woman goes one of the parties would apply for custody of the woman; and if the alleged husband succeeds in taking the woman that finishes the matter; he never appears before the court again . . . . .

**Sir Syed Raza Ali** (Cities of the United Provinces: Muhammadan Urban): That is natural because he is the husband.

**Qazi Muhammad Ahmad Kazmi:** Probably my learned friend has not heard what I have said before. I said that without rhyme or reason if you only want to claim a woman you go and just institute a suit against her and her parents that she was your legally wedded wife and she has been enticed away, and then get a warrant from an honorary magistrate and get it executed through the police by paying them a little money; the woman comes before the court, the magistrate asks the woman to furnish security and the woman may be given to the custody of the alleged husband . . . . .

**Sir Syed Raza Ali:** She should not.

**Qazi Muhammad Ahmad Kazmi:** But you are not the magistrate: the magistrates are doing it daily, and she is given to the custody of the alleged husband; he takes away the girl and stays at home and never appears again and the woman is never examined. You might probably have heard of a contempt case against a Judge of a High Court: It was under similar circumstances that an honourable judge was dragged into contempt of court proceedings by another High Court. One of his servants living in his compound had a daughter who married in another province and unfortunately the husband maltreated the girl and she had to come away from the husband; and there was a probability of a dower suit or something of that kind contemplated by the woman. The husband went to a something of that kind contemplated by the woman. The husband went to a honorary magistrate's court, filed a complaint under section 498 and applied for a warrant of arrest against the girl who was living with her parents. The warrant was given and taken to the place of the girl. The girl was arrested and taken to the court. Some persons taking pity on her condition accompanied her to the court in order to furnish surety and bring her back to her parents. The complainant found that he could not get the custody and so obtained an adjournment and the case was postponed and she had to return 300 miles. Another warrant was issued for the next date and knowing the reason for this the master asked

[Qazi Muhammad Ahmad Kazmi.]

her not to obey the warrant, and so the contempt of court proceedings arose. Cases are often instituted from the simple motive that whenever the woman is caught hold of by the police and taken to the court, the magistrate may give her to the alleged husband and the whole matter will be finished . . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): All that has nothing to do with this Bill. The Honourable Member is really wasting the time of the House by indulging in all sorts of irrelevant matters.

**Qazi Muhammad Ahmad Kazmi:** I would only point out that in case the woman is made liable to punishment and it is not in the hands of the husband to drop the proceedings at any stage he likes, all this temptation would go away because in that case the woman would go as an accused before the court . . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): That is not the object of the Bill.

**Qazi Muhammad Ahmad Kazmi:** I maintain that making the woman also liable will not make the husband run so easily to the court to get warrants *ex-parte* and execute them and thereby try to get custody of the woman and drop the proceedings thereafter. As a matter of fact, it is only an instrument in the hands of the husband in these days for getting the custody of the wife without having a prosecution at all; and my submission is that cases are daily filed in the rural areas under section 498 with no other object than getting the custody of the alleged wife and such cases will come to an end and will reduce the number pending today in rural areas.

**Sir Syed Raza Ali:** By the way, section 497 is not triable by a magistrate of the second or third class.

**Mr. President** (The Honourable Sir Abdur Rahim): Order, order; let the Honourable Member go on.

**Qazi Muhammad Ahmad Kazmi:** I never maintained that section 497 offences are not triable by magistrates of the first class. There is no question of "inducing away" in the whole of that section. What I want in that section is that the woman should be made punishable, whether by a first class or second class magistrate. But now I am talking about section 498 and I would very much like to know whether the use of this section is not leading to glaring abuses in actual practice . . . . .

**Sir Syed Raza Ali:** No; it is not.

**Qazi Muhammad Ahmad Kazmi:** I would like to hear the Honourable Member. With these observations I finish and I shall give my reply.

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

"That the Bill further to amend the Indian Penal Code for a certain purpose (*Amendment of section 497 and 498*) be referred to a Select Committee consisting of the Honourable Sir Asoka Roy, Sir Muhammad Yamin Khan, Syed Ghulam Bhik Nairang, Mr. Lalchand Navalrai, Mr. K. C. Neogy, Kunwer Hajee Ismael Alikhan, Mr. Muhammad Azhar Ali, Mr. C. P. Lawson, Sardar Mangal Singh, Sir George Spence, Mr. Hooseinhoy A. Lalljee, Mr. Abdur Rasheed Choudhury, Mr. Muhammad Muazzam Sahib Bahadur 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:** Sir, this is a Bill asking for the amendment of sections 497 and 498 of the Indian Penal Code—where a man is punished for enticing or enticing away. Enticing a woman to adultery is section 497 and enticing away is section 498.

**Sir Muhammad Yamin Khan** (Agra Division; Muhammadan Rural): Not a woman but a married woman.

**Mr. Lalchand Navalrai:** Yes, that is what I mean. Otherwise it will come under section 368, abduction, and other sections. You know the law and I also know it. The amendment that the Honourable the Mover wants is that both the man and the woman should be punished in cases where the woman also is doing exactly the same enticement as the man does, in other words, when she abets, when she induces, when she tempts the man to have the offence committed. The Bill now is only at a stage when it is sought to be referred to a Select Committee. I expect, as the Honourable the Mover said in his speech,

that the Government may oppose the motion. Therefore, I thought that the Honourable the Law Member or the Honourable the Leader of the House . . . . .  
**The Honourable Sir Sultan Ahmed** (Leader of the House): The Leader of the House has got nothing to do with it.

**Mr. Lalchand Navalrai:** . . . . . would get up and say something about their own view. I do feel that this is a matter which should not be killed at this stage. I submit that full consideration should be given to this Bill. Times have changed and if it is not going to be considered now, it shall have to be considered some time later. Therefore, why not consider it now when we have the opinions of others that the Honourable Member has placed before the House. Not knowing the view of the Government I shall not waste the time of the House on a detailed criticism of the Bill, especially as this Bill is intended to go to a Select Committee and I am also proposed as a member thereof. But the Honourable the Mover should not expect me at this moment to give my final view on this Bill, but I do feel that the Bill should not be killed at this stage. It should be considered coolly and from all points of view in the Select Committee. I know that this Bill will not catch the imagination of the British people. Their morals, their manners and their customs are quite different even in this direction. Therefore, I submit that this Bill should be considered from the Indian point of view. May I say that I feel fortunate that we have a Law Member who is an Indian and who understands the customs and manners of the Indian people, not only ancient but even the present also. I also look to the Honourable the Leader of the House to at least help us in this way that the Bill is not killed at this stage.

**The Honourable Sir Sultan Ahmed:** This is too subtle a subject for me!

**Mr. Lalchand Navalrai:** It may be subtle but it has to be considered in the Select Committee, and subtle things are considered better in the Select Committee. I, therefore, think that the Honourable the Law Member would be well advised by the Treasury Benches that he should see that this Bill goes to the Select Committee, and if it is not approved of there or returns with certain amendments this House is there and the thing will be considered. I am glad that the third Indian Member also has come and I hope that he will give advice to the other Members of the Cabinet to consider the customs and manners of Indians from the Indian point of view and not the British point of view. I do not blame in the least the British people. If they have their own customs and their own manners, let them have them and I will not come in their way. If a Bill like this were to come before the British people, I should certainly say, let them have their own way, but so far as Indians are concerned we must consider this Bill coolly and dispassionately and come to a conclusion whether it should be killed at this stage or should be further considered.

The first point that has been raised by my Honourable friend is that ancient Indian customs and manners not only disallowed such an act as immoral, but punished women also. That continued for a time—I think he said 1860 or so—when on account of the advent of British rule in this country the rulers did not know what were the customs and manners of Indians so that their laws might be suited accordingly. At that time the British rulers assumed the conditions of Europe and gave sanction to this section of the Indian Penal Code where a woman was exempted from being punished as an abettor. Therefore, the question now arises, should we change that now? The reason given in those days for not punishing a woman was that she was weak in intellect or weak in understanding properly. On account of that weakness it was considered that it would not be right to punish her. But now it has been sufficiently shown not only by my Honourable friend, but by the public opinions that he has quoted to the House, that women are not so weak as they were before and that they understand their position well. If in practice women also seduce and then the paramours commit offences, why should the women not be punished? If you are not punishing the women you will be adding to the number of such cases being committed. I agree with my Honourable friend that there are several cases in which women in the rural areas abet these offences, and the time has come when



[Mr. Lalchand Navalrai.]

this mischief should be stopped and more morality established, even by punishing the women who abet such offences. (Interruption.) I will ask your experiences of Meerut hereafter. (An Honourable Member: "What about the men?") The men are also being punished. If the woman is equally aggressive, then why should she not be punished? (An Honourable Member: "Women are punished for theft.") Yes. There was a time when she was considered to be weak in intellect. Is it so now? I agree with the Honourable the Mover of the Bill that if the woman is also punished, there will not be so many cases of adultery as they happen now.

Now, I come to the question of seduction. I think some Indians know that some cases have happened where the women seduced. The opinion that my Honourable friend read out from the Registrar of the Sind High Court shows that this amendment will not be suitable in the rural areas. I am of a different opinion. I would say with some conviction that this will be more suitable in the rural areas and in some towns. Some of these cases from the rural areas have been defended by me and I will tell you what happens. A woman in the rural areas has intimacy with a man. There is an agreement between them. The woman says 'I will go with you if you take me away from this house'. She is taken away from the house and then the husband goes and files a complaint. She comes to the court and says that it is not the paramour that seduced her but that she went away with the man of her own will. She gives evidence like that and the case falls through. Another case happened like this. In the rural parts, you know, *Jowar* cultivation grows high. The man and the woman fix a rendezvous. They meet in the field and if by any chance the relative of the woman finds her out there, she raises a cry that she is being forced. Such cases come to the court. Therefore, I am submitting that this is not a simple matter in which the Treasury Benches should be led away by the British opinion on the point. They should consider the Indian point of view.

One of my Honourable friends asked me 'Why is it that there should be punishment for the woman. Why should there not be divorce given, if she is unchaste and not faithful to her husband'. The reply to that is that all the social laws do not permit of divorce, especially among the Hindus. Therefore that question also does not arise. (An Honourable Member: "Why not amend the Hindu civil law?") That is a weak way of doing things. It will disturb the families. I submit that the Legislature should pass this law and see how it works. I am sure that cases of adultery will come down. Amending the civil law should not solve the problem. The culprits must be punished, whether it is the man or the woman.

Then my learned friend has read the public opinions. Why did you call for the public opinions? Public opinions have shown that they are in favour of this Bill. The Bill should not be disposed of at this stage but a chance should be given to the Select Committee to consider the public opinions and either accept them or reject them.

Then the judicial opinions, opinions of High Court judges and so on are also in favour of this Bill. There is no doubt that this Bill will not appeal to those who have been Westernized. There is a circle called the upper layer in India. That upper layer of men and women will also not like this Bill. Considered from every point of view, I think that this Bill should be considered in the Select Committee. I trust that the Honourable the Law Member will think twice before opposing this Bill. I know the customs, the religious ways and manners of living in Calcutta and Bengal. I know them full well. I know there is Theosophy also. There are so many societies which have got their own social and moral code. This is not an offence against the husband alone. It is an offence against the society; it is the offence against the public of India also.

Sir Syed Raza Ali: Question?

Mr. Lalchand Navalrai: Excepting you. But I do not want to be personal.

1 P.M. The point is that it should not be considered to be a simple and minor thing to be disregarded. Therefore, reserving my final view on this for the Select Committee, I submit that the Honourable the Law Member and

other Indian Members will take courage in their hands irrespective of the views of their British colleagues and come forward and send this Bill to the Select Committee.

Mrs. Renuka Ray (Nominated Non-Official): Sir, I firmly believe that there should be a single standard of morality for men and women, and not the double standard which exists in India today. Certainly, equal punishments should be meted out to both men and women and women should be put on equal footing with men in this respect. Is that so in India today? Is there not polygamy allowed by law in this country? Is there not a double standard of morality? And so long as there is a double standard of morality in this country, I cannot follow the arguments that have been advanced so far.

Mr. Lalchand Navalrai: Get that done also.

Mrs. Renuka Ray: That is exactly what I am trying to say. The moral standard, as it stands today, not only condones the unfaithfulness of a man, but by allowing him to marry again gives him legal sanction, whereas a woman is kept on an entirely different footing. Now, if Mr. Kazmi brings a Bill first for the enforcement of monogamy in India and has it enacted, I can say on behalf of the representatives of the women in India that they will give their full support to the present Bill. But until that is done, there is no equal treatment and there is no question of fairness. Mr. Lalchand Navalrai has gone into a long argument and has also discussed the position in ancient India. I would like to remind him and others that in ancient India mutual fidelity in marriage was enjoined. Today, even amongst the Hindus, polygamy is allowed without legal justification which was not the case in the old days. How can you tolerate this double standard of morality? I agree that punishment should be meted out to women equally provided they are on equal footing with men in other respects.

Mr. Kailash Bihari Lall (Bhagalpur, Purnea and the Sonthal Parganas: Non-Muhammadan): Sir, I rise neither to support nor to oppose this Bill.

Sir Syed Raza Ali: Then sit down.

Mr. Kailash Bihari Lall: Unless I hear some more experts on the subject, and especially from you, Sir Raza Ali, I am not in a position to offer any opinion about it myself. I simply want to say this that the law as it stands today is based on the conditions prevailing in the society and if any change is to be made, it must be considered carefully. So far as the liberal view is concerned, we have heard Mrs. Ray and it will be very difficult for Mr. Kazmi to meet her point unless he amends the *Koran* itself. So, by the very arguments that Mrs. Ray has brought forward, she has confronted my friend with a proposition that will make him think of some innovation in the religious injunctions.

Similarly, there is the provision about *Niyog* in *Sattiyaprakash*. So far, I have heard that there is something like *Niyog* which says that a wife can have cohabitation with a man for the purpose of begetting a child if she has not been able to get a child from her own husband. I do not know how far it is correct. Even in ancient times, during the days of Mahabharata, there was a custom of *Niyog* prevalent and the husband would himself allow his wife to beget a child through the help of others. I do not know whether it would come under the category of adultery or not. These are the things which should be taken into consideration. If there has been some amount of liberty to women-folk under the limited circumstances, I do not think there is any necessity of bringing forward any legislation to curtail that right unless the society is prepared to allow more rights to women-folk, as was remarked by Mrs. Ray. If the society is not prepared to concede more rights or bring about social changes in the distinct conditions of the women-folk, then it has got no right to penalise them for certain offence and bring about innovations that may still make their position worse. We have seen how any amendment of the existing law is treated with so much of hue and cry in the whole country. And the orthodox section amongst the Hindus have issued pamphlets accusing persons who had the good intention of bringing about wholesome changes in the society. We have seen

[Mr. Kailash Bihari Lall.]

how women-folk are struggling to have some elementary rights in the society and yet they are not granted to them. Their position today is not equal to that of man. What to say of equality, they are treated like chattel and they have got no independent right as human beings in the family.

**An Honourable Member:** Question.

**Mr. Kailash Bihari Lall:** My Honourable friend who questions this does not understand how widows are being treated in our families even today.

**An Honourable Member:** All women are not widows.

**Mr. Kailash Bihari Lall:** But if some of them are treated badly, the case is there. So, I say if this be the state of affairs in society, we should be careful in bringing innovations which may take them from the frying pan into the fire. Their rights are at least safeguarded to some extent by such provision of law where they are shown some mercy on account of their weakness or on account of their peculiar position in society. We will be really doing some haphazard work if we bring about such changes in it as to bring equality only in the matter of punishment to them. So far as conceding rights to women are concerned, we leave them where they are. It is for that reason we should be careful in bringing about any change in the existing law. As I have said, unless I hear some expert opinion about this, I am not prepared to risk any opinion on this for any haphazard change.

**Mr. N. M. Joshi:** Mr. President, I rise to oppose the motion made by my Honourable friend, Mr. Kazmi. Generally speaking, I have found that my Honourable friend brings forward measures for some kind of reform, but in this instance, he has introduced a Bill which is reactionary and retrograde in character. Sir, the relationship between man and woman should not create mutual rights of possession, or I may go even further and say, should not create mutual rights of contract. But that subject is not before us today. The ground on which the Honourable Member has based his Bill is that the inequality which at present exists in favour of woman should be removed on the ground that woman has sufficiently advanced now in the country so that she has the position of equality in fact in this country. Sir, the conditions in India as regards woman's position on account of education and social status have no doubt improved during the last few years, but certainly they have not improved to such an extent that woman has attained to a position of perfect equality. She has not attained the position of perfect equality even in law. It has been made clear that a man can marry several wives, but that a woman cannot. I am not saying that a woman should also marry more men. But the Honourable Member should have shown us that this inequality has been removed. Not only that has not been removed, but a man may even abandon or desert one wife and marry another wife, but a wife alone has to maintain faith with that man. Is that the right thing to do? If not, first remove that injustice. I, therefore, feel that the justification given by the Honourable Member that a woman's status has improved is not well founded. The woman in India is behind man in a hundred and one ways. In education, she is not equal to the man which is the basis of real equality. In social position, the woman is not equal to man. She is considered to be of much lower status; in law too she is not equal to man. Why, then, seek equality in a matter which is retrograde. I feel that the measure which has been introduced is reactionary.

**Mr. President** (The Honourable Sir Abdur Rahim): The House will now adjourn for lunch. The Honourable Member can continue his speech after lunch.

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

The Assembly reassembled after Lunch at Half Past Two of the Clock. Syed Ghulam Bhik Nairahg (one of the Panel of Chairmen) in the Chair.

**Mr. N. M. Joshi:** Sir, before we adjourned for lunch I was saying that Mr. Kazmi's Bill is reactionary. The only justification that he gave was that the Bill is in accordance with Hindu and Muslim sentiment. I do not know what he really meant by Hindu and Muslim sentiment. If he meant that they once believed in punishing women along with men for adultery, he may be right. He relied on ancient texts but I do not know whether he has ascertained modern Hindu and Muslim thought on this question. The ancient religious books were good for ancient times but in my humble judgment they are not a very safe guide for modern times.

Then he also referred to the question of morality. If morality is to have any value it must be voluntary; but in India so long as child marriage prevails and children are married by their parents against their will or at least without taking their mature views into account, the question of morality on the part of children who are married by their parents does not arise at all. Therefore, I feel that from all points of view the Bill has no justification and the Mover himself has not made it quite clear whether he believes in freedom for both man and woman or merely tries to bring about equality between them. If he seeks to bring about equality I must say that the time for that has not yet come. In several other matters woman has not been brought on the same level as man and, therefore, he should not try to bring about equality in this retrograde and reactionary matter. Sir, I oppose the Bill.

**Bhai Parma Nand** (West Punjab: Non-Muhammadan): Sir, I am not a lawyer nor have I much experience of the application of sections 497 and 498, I. P. C. But I think this Bill deals mainly with human nature and taking my stand on that I must oppose the Bill. The main point of these sections is enticement of the other sex by man or woman. My view is that there cannot be any case of enticement by a woman of a man to commit adultery with her. I have not come across any case of a woman who has been guilty of doing it. On the contrary, in every case man is responsible for it and therefore the law has provided punishment for the male enticer, the reason is quite simple. Man's passion is active while the woman, as everybody knows, has got a passive nature. Therefore it is against the psychology of woman to become enticer of men.

We often find that children are seduced by certain people by means of threats or presents and they are abducted. Similarly, it is possible for men to seduce women by cajoling them or threatening them or appealing to their greed for supplying their requirements. These methods can be applied only by men. It is against the nature of woman to have recourse to these methods. My Honourable friend wants by this Bill that women should be tried and punished for enticement in the same way as men are. I have no objection to that if really there be a woman who is guilty of enticement. But the point is that for woman such a case is very rare, probably one in a thousand may be found guilty. It is not in their nature. Of course, there is an exception, it is practised by public women who have lost their status in society and adopted adultery for a profession. But no decent woman belonging to a society would ever think of doing such heinous act. A woman who is found enticing a man, would lose her place in society, while a man enticing a woman would not suffer much as a woman would; she would become an outcast and would be shunned by all decent people. Therefore, the moral obligation is far greater for women than for men. It is only just and fair that woman should have this moral protection rather than suffer any legal restraint.

If, however, some woman is found actually committing such a wrong, I think she is not at all responsible for it. Just as in the case of abduction of children it is not the children who are at fault but it is generally those abductors who commit the crime—children are only victims of their tricks in seducing them—similarly my view is that in the case of women also because

[Bhai Parma Nand.]

they are pursued and troubled by men, and they fall a victim, it is not their fault. Their nature is weak and on account of their weak nature they naturally become victims of those who hunt them. Therefore I say that women are not responsible in any way for enticement or for punishment. The law, as it stands at present, and as it has been found useful for all these centuries, is the best for the society constituted as it is.

**Qazi Muhammad Ahmad Kazmi:** The law is only 80 years old.

**Bhai Parma Nand:** There were certain rules of the society which have been in existence for all these hundreds of years which are the basis of this law. Law made these rules more secure. These rules should not be tampered with for the simple reason that certain people, as my Honourable friend has said, are in favour of this amendment. He perhaps believes that any change—good or bad—is a reform in the society. It is not so. Every change cannot be called a reform; it may be a retrograde step. If a few judges or magistrates here and there have given their opinions in favour of this amendment, there are many who are opposing it. The question is whether any good purpose would be served by this change. I think it is of no use and the Bill, therefore, should not go before the Select Committee. I oppose it.

**Sir Syed Raza Ali:** Mr. Chairman, Sir. I think I should make it quite clear that in speaking on the Bill which is before the House, I consider it my duty to express my own views and do not claim in any way to represent the Muslim League Party.

The matter is of great importance so far as social legislation in this country is concerned. The Bill raises directly the question of emancipation of the Indian woman: that is the main question that we have got to consider. Unfortunately, not only women are not emancipated in India but even men, so far as political rights are concerned, cannot claim to be emancipated human beings. All the same it is the desire, I take it, of most sections of this House that women should be emancipated. I certainly belong to that school of thought which considers that there is no hope for India unless women in this country enjoy the same rights as men politically, socially and economically. Now, Sir, if it is agreed that it is our duty to emancipate the woman, how is that object to be achieved. I believe we have to follow the course that has been followed by most of the progressive countries in doing away with the hardships and restrictions imposed upon any particular class of human beings. The method which suggests itself to me is this: If we are quite clear in our minds that the womanhood of India should be emancipated, the best way to bring it about is to remove those hardships—social and otherwise—to which Indian womanhood is subjected. The process, it seems to me, that has commended itself to the Mover of the Bill, is just the old way. He would like man, who, I make bold to say, has usurped the rights of women in this country, to continue to enjoy all those political, social and other rights, which his physical strength has enabled him to arrogate to himself and he would insist that in the matter of disadvantages women should be brought on a level with men. If there are any disadvantages which owing to his peculiar position are imposed upon men, those disadvantages should be extended to women. That is the process that he recommends in his Bill.

Now, Sir, I need hardly expose the weakness of his position. This is the way to achieve the object. In fact I have been noticing—and I have been in this House for more than five years now—that on social questions the House is roughly divided into two sections. There are those who would like the reforms to be thorough and who would like the hardships imposed on any particular section of the community, especially women, to be removed and who would like to deal with the problem boldly. Then there are those who pay lip service to the need of justice and fairplay being done to womanhood, but in their hearts they do not mean what they utter from their lips. This is a typical case. May I ask my friend the Mover, without being personal, what

Indian ladies of the social position to which he belongs, have got the right to argue cases in the High Court? How would he like the cases in the High Court to be argued by his wife and himself to be shut up in his house at Mangalore? How would he like it? This is a general question.

As a matter of fact, when we know that man has rendered the position of woman helpless and intolerable, and he has usurped all the rights that womanhood once enjoyed, is it right to claim that these privileges which have been usurped by man should continue, as also the hardships to which the woman is subject? I would go further and say: If there is any matter in which the woman occupies a privileged position and the man does not, both of them should be put on the same footing. My submission is this: Put man and woman in India on the same footing politically, socially, economically and otherwise, and then if you find that there are any disadvantages to which man is subject, certainly you would be perfectly justified in imposing those disadvantages on the woman also. But till you have succeeded in putting both sexes on equal footing, it would be selfishness, it would be a display of the worst type of greed and tyranny to impose disadvantages on women without conferring on them the corresponding benefits at present enjoyed by man. It is not a matter to which the attention of any audience in India need be invited for the facts are well known, but I think it is my duty to invite the attention of the House to the position of women.

Is it not a fact that woman, in spite of the progress within the past 20 or 30 years, is treated unfortunately in this country as chattel. She is an article of furniture so far as man is concerned. She is there to give all the enjoyment that a man can derive out of her. His only interest is to feed her and to give her some sort of clothing. So long as she has a *saree* on her back, good, bad or indifferent, the man's duty is over. May I ask when the Mover talks of women participating in the disadvantages to which man is subject, has he ever paid a visit to the Sipi Fair in Simla. The Fair is held in the month of May or the beginning of June every year about three miles from Mashobra. I would advise him to pay a visit to that Fair next time. That is held within seven miles of the location of the Government of India; and what is the state of things there? Women are actually sold, just as you can purchase a motor car, a table or any other article of furniture. What is the use of becoming sanctimonious and saying, well, so far as the law is concerned, there should be uniformity in the treatment of both men and women. Unfortunately that uniformity and equality of treatment will not be forthcoming until there is a change of heart. I know there is a particular significance attaching to that unfortunate expression. I am not using it in any political sense. Until there is an honest change of heart in man in India, it is impossible to effect any improvement in the position of women, by any legislation, howsoever well meant it may be.

My friend is a very active Member of this House. He fortunately studies important questions and brings forward Bills when he considers that his object would be better served by having legislation on particular points. I congratulate him on his activity and his alertness and on the way he is able to devote his time to the study of these important social questions. But may I ask him not to shut his eyes to facts as they are to be found in India today. I do not propose to dwell on the unfortunate position of women in India. The lady Member of this House, who I suppose represents her sex, has dealt with a portion only of the question, *viz.*, the rights and privileges enjoyed by man and the hardships imposed upon woman in the matter of marriage and divorce. Yet the position, so far as the man's privileges and the woman's hardships are concerned is so very unequal that I think it must require the courage of a very bold man indeed like my friend, Mr. Muhammad Ahmad Kazmi, to bring forward a Bill of this character.

Sir, as I said, the only thing we can do in this House—and it is the duty also of all those who are interested in the question of women being emancipated in India—is to remove the disabilities of women. If you cannot do this, then for God's sake do not add to their disabilities and the restrictions

[Sir Syed Raza Ali.]

under which they are living today.

Sir, I do not propose to discuss this question from a Hindu, Muslim, Parsi or Christian point of view. I look upon this question as an Indian one and out. What is the position of Indian womanhood? I am surprised really that there should be a serious debate on a question of this character. Even a very hard-hearted man can feel nothing but pity for the unfortunate Indian woman. What have we given to her? Yet we want her to be a participant in our disadvantages. I think the best thing this House can do in the interest of its own fair name is to give an immediate burial to the Bill that is before the House.

**The Honourable Sir Asoka Roy (Law Member):** Sir, I oppose this motion. The question whether the wife who is a party to an act of adultery, or who instigates her own abduction, should be punished as an abettor along with the adulterer or abductor is one which every individual Member will answer in accordance with his own feeling. It is not a question on which it would be profitable for anyone to attempt a reasoned argument. But from a practical point of view, it seems quite clear that a change in this respect of what has been the law for a very large number of years should not be made in the absence of a definite public demand for such a change. Actually, the balance of opinion elicited in the course of the circulation of this Bill is definitely against the proposed change in the law as the Honourable the Mover himself realises; and in the circumstances I have no hesitation in asking this House to reject this motion.

The House must have been interested to know that there are many in this country who hold the view that adultery ought not to be made a criminal offence at all, either for a man or a woman, and would like to see sections 497 and 498 removed from the Indian Penal Code. There are others who maintain firmly that so long as polygamy exists in this country there should be no change made in the law. That is in accordance with the view held by the authors of the Code. I do not wish to tire you with reading the various opinions or even any substantial portion of the opinions which were received in the course of circulation of the Bill; but I think it would interest Honourable Members to hear what a distinguished official has said in regard to this matter. I shall just read one paragraph from the opinion expressed by the Deputy Commissioner of Raipur: after quoting what the authors of the Code had said, the Deputy Commissioner proceeded:

"These very weighty reasons still hold good, and I fail to see how change in the law of the country is being sought to be introduced on the questionable argument that the condition of the females in this country has now much improved. This has not yet happened and will not happen until the personal laws of the communities are changed. It is no offence under the Indian Penal Code for a married man to have sexual intercourse with a woman who is a spinster or a widow, with her consent; but it would be an offence if a married woman has sexual intercourse with a bachelor or widower. This grave injustice is in itself a sufficient argument against the amendment."

There are probably many Members of this House who hold the same view. I should like to read one other opinion out of the numerous opinions received. Mr. Kazmi referred to what had been said by the Madras judges. He might have told you what the Judges of Bombay High Court have said. They said:

"Their Lordships do not usually offer their views upon social legislation. In the present case, however, their Lordships propose to make an exception and to say they are entirely opposed to this Bill, so long as polygamy exists and women have no right of divorce. The chivalrous and humanitarian considerations which actuated the framers of the Indian Penal Code still apply with equal force today."

Honourable Members will not expect me to read further opinions—it will be taking up the time of the House needlessly. But I think I ought to point out to Honourable Members that sections 497 and 498 were intended for the protection of husbands who alone under the law can institute proceedings for offences under them. Adultery, as the law stands at present, is not a crime against the State or against the public. It is an invasion of the husband's right. An invasion of the husband's right has been made a crime by section 497 of the Indian Penal Code if the husband complains. There are systems of law which

refuse to make such an invasion a crime. In England, as Honourable Members know, adultery is not a criminal offence.

The Honourable the Mover of this Bill seeks by his proposed amendments to make infidelity to the husband on the part of the wife a crime under the law. I should have thought if infidelity was to be made a crime, it ought to be dealt with as a separate crime, and not as an abetment of the crime of the adulterer. It seems to me that, section 497 having made adultery punishable as an invasion of the husband's right and the nature of the right sought to be protected being what it is, there is an incongruity in describing the consent of the wife as an abetment of a crime in regard to her own person. I would suggest to my Honourable friend the Mover, if he wants to make infidelity on the part of the wife a crime, he ought to bring in a Bill for that purpose. It will then be open to my Honourable friend, Mrs. Renuka Ray, to say that in that case, unfaithfulness on the part of the husband should also be treated as a crime. Mrs. Renuka Ray has in this House demanded equal treatment for husbands and wives, and it is not possible to say that there is not great force in her demand. She has made an offer to the Honourable Mover, Mr. Kazmi and has said that she would be prepared to support Mr. Kazmi's Bill after monogamy has been introduced in this country. It is open to Mr. Kazmi to introduce a Bill prohibiting polygamy in this country and if he does so, he will certainly receive the support, if of no one else, at least of Mrs. Renuka Ray . . . . .

**Mr. Lalchand Navalrai:** Why is not the Government going to bring in that Bill?

**The Honourable Sir Asoka Roy:** The Government will wait to see what Mr. Lalchand Navalrai does in the matter.

I shall now deal with Mr. Lalchand Navalrai's observations very briefly. He has supported the motion for reference to Select Committee but he has given us no reasons for his support. I believe Mr. Lalchand Navalrai comes from Sind and he belongs to the Karachi Bar Association.

**Mr. Lalchand Navalrai:** Karachi Bar Council and not the Bar Association.

**The Honourable Sir Asoka Roy:** Honourable Members will be interested to know that opinions received from Karachi are all against the Bill . . . . .

**Mr. Lalchand Navalrai:** Not all.

**The Honourable Sir Asoka Roy:** . . . with the exception of the Sessions Judge of one district.

**Mr. Lalchand Navalrai:** I believe, two.

**The Honourable Sir Asoka Roy:** The Government of Sind, the Chief Court of Sind, the Karachi Bar Association, of which I believe Mr. Lalchand Navalrai is a member . . . . .

**Mr. Lalchand Navalrai:** As I said, I am not a member of that Association. I am the Vice-President of the Bar Council and I am not a member of this Bar Association.

**The Honourable Sir Asoka Roy:** There is a Bar Council at Karachi, but that has not thought fit to express any opinion at all.

**Mr. Lalchand Navalrai:** It was not sent any copy of the Bill.

**The Honourable Sir Asoka Roy:** I do not know what opinion Mr. Lalchand Navalrai held in Karachi, but I find that the majority of the people of that province, at any rate, those who have thought fit to send in their opinions are against the proposed amendment.

**Mr. Lalchand Navalrai:** Not all. I do not accept that.

**The Honourable Sir Asoka Roy:** I can assure my Honourable friend, Mr. Lalchand Navalrai, that I have before me the opinions received from the Government of Sind, from the Registrar of the Chief Court of Sind, from the Sessions Judge of Hyderabad, the Sessions Judge of Larkhana, the Karachi Bar Association—they are all against the Bill. There is only one Sessions Judge, that of Sukkur, who has simply said, "I am in agreement with the proposed amendment".

**Mr. Lalchand Navalrai:** I do not agree with the Sessions Judge there.

**The Honourable Sir Asoka Roy:** So much the worse for my Honourable friend.



**Mr. Lalchand Navalrai:** He has given no reasons at all.

**The Honourable Sir Asoka Roy:** As I said, I listened to my Honourable friend, Mr. Lalchand Navalrai, with great interest and I could not find any single convincing reason put forward for supporting this reference to Select Committee. All that he said was that the Bill should not be killed at this stage, but he does not realise that if Government agreed to a reference to Select Committee, the Government would be committed to the principle of the Bill.

**Mr. Lalchand Navalrai:** But the Honourable the Law Member has not given his own opinion on this Bill. I would like to have that.

**The Honourable Sir Asoka Roy:** I can assure my Honourable friend that in this matter he is getting my own views. I think it is an incongruity to try and make woman liable as abettor of a crime in regard to her own person when you bear in mind that sections 497 and 498 are intended for the protection of husbands and the law made an invasion of the husband's right a crime. It is open to any Honourable Member to bring in a Bill to make infidelity on the part of the husband or of the wife a crime. But that is not the motion we are considering.

I would now refer to the other speeches made on the floor of this House. Mrs. Renuka Ray has expressed the women's point of view. She would be gratified to learn that several opinions have expressed the same views as she has expressed in this House. Mr. Kailash Bihari Lall made a speech but his attitude was a neutral one. That shows that he is not in favour of a change. Mr. Joshi has made a forcible speech against the Bill, and so have Bhai Parmar Nand and Sir Syed Raza Ali.

My Honourable friend, Mr. Kazmi, the Mover of the motion, after a long speech said, do one of two things, either do away with sections 497 and 498, or accept my amendment. That indicates to my mind that Mr. Kazmi himself is not very serious in regard to his Bill. Mr. Kazmi's own attitude shows that in his view either course would be right, and that, I submit, proves that there is no real demand for the amendments proposed by him.

**Qazi Muhammad Ahmad Kazmi:** Be either an Englishman or an Indian, but do not mix both.

**The Honourable Sir Asoka Roy:** I repeat that in the absence of a definite public demand for a change the law should not be altered. That is all I have got to say.

**Qazi Muhammad Ahmad Kazmi:** Mr. Chairman, In so far as this Bill is concerned, I assure the House that I have tried from the very beginning to dispassionately study the merits and demerits of the amendments that are before the House. I have heard very patiently the points of view that have been urged on behalf of the Government. I have been told that as I uttered the sentence, either retain them or accept the amendment, therefore I am not serious about the amendment itself. But probably my Honourable friend forgot when I said that there were two separate civilisations, the western civilisation and the eastern civilisation. I do not want to say if one is good or bad, or the other is good or bad from any personal point of view. Each has got its own merits and demerits, but what I insist on is that you must restrict yourself to one civilisation, mingling of two civilisations proves to be more of evil than of good. I am sorry that Sir Syed Raza Ali is not here. He drew the attention of the House to the very miserable condition of women in India. I perfectly agree with him. There are suggestions that there must be a Bill for the abolition of polygamy. I have got every sympathy with such a proposition, but it has to be considered on its own merits and I do not want to enter into a discussion at the present moment. The question is whether the abolition of polygamy will itself be a reason for bringing about this amendment, I think not; because I find that countries which have got nothing but monogamy, where polygamy is a crime, are countries which think that adultery is a civil wrong and not a criminal offence. So, to put forward the plea that by bringing about monogamy we shall be able to make adultery a crime is a thing which cannot be reconciled because every country which has got monogamy also considers adultery to be a civil

wrong and not a criminal offence. I withdraw the words, every country, but some countries consider it only to be a civil wrong and not a criminal offence. If you take the English law, take the whole of it, and adopt monogamy, you must also make adultery a civil wrong and not try to make a criminal offence. The very words of the Honourable the Law Member give an idea of the place he is giving to the woman in life. He said that sections 497 and 498 are enacted to stop an invasion of the husband's right. This means to say that the husband has got a certain right in his wife and if it is challenged, it is not any wrong to the lady herself but it is a wrong to the proprietor, the husband. You are not giving any independent position to the woman herself. You think her to be a chattel or goods belonging to the husband. As she has been taken away or as that right has been encroached upon by another person, you think the husband has been wronged and not the wife. You say that the right of the husband has been taken away. The very expression connotes the idea that you don't consider a woman to be independent. What I maintain is that we have got to consider woman as an independent being. You must make the woman understand that she is not mere chattel. If she is taken away, her husband will be wronged and the other person will be imprisoned. She herself has no voice in the matter. No other person in the society has got any voice in the matter. It is only a private matter for the husband. As far as the wrong goes, the goods have been taken away forcibly by another person. What I maintain is that the wife is not the chattel of the husband. The wife also is to be made responsible if she does the thing voluntarily.

As regards the condition of women in India, we have got to see whether the stand taken by the Government is only based on the pitiable condition of the women. Now, Sir Raza Ali gave the instance of the fair in Simla. I myself know the conditions in Baluchistan. I asked some questions regarding the conditions in Baluchistan. I tell you that the condition of women there is really pitiable and I take this occasion again to bring it to the notice of the House. I had asked a question in this House:

"Is it or is it not a fact that decrees for the price of the person of a Baluchi widow in favour of the relatives of her former husband are passed against her second husband under the Frontier Crimes Regulation."

Is it or is it not a fact that a divorced Baluchi woman after divorce is sold against her consent to any other man by her former husband, and that if the woman does not marry the purchaser and marries another person, then money decrees for her price are passed by the Courts against the husband of her own choice in favour of the unsuccessful purchaser under the said Regulation.

Is it or is it not a fact that if a Baluchi girl after the appearance of signs of puberty gets her infant age *Nikah* cancelled under the law through a civil court by the exercise of her option of puberty, and that the husband gets decrees for the price of her person in his favour passed by Political Courts against her second husband as well as guardian and also gets a decree for damages for the breach of custom, and that orders for expulsion from the city of the girl and her husband are passed."

The answer of the Honourable Sir Sultan Ahmed was:

"It is a fact that the practices akin to those mentioned do exist. They are in accordance with Baluchi custom, and decisions given under the Frontier Crimes Regulation are merely enforcements of long-standing Baluch tribal custom, which is well understood and accepted by the persons principally concerned, although by modern standards and amongst more advanced communities they might be reprobated. But it is also a fact that although the woman's consent is not necessary to these transactions they are not normally performed against her will."

Baluchistan is a very backward place. But this exemption to the woman is not there. There we have got the Frontier Crimes Regulation in which the woman is as much responsible as the man himself. Section 30 of the Frontier Crimes Regulation provides that the woman is to be responsible. She is to be punished for adultery. She is to be responsible under section 498 also, if she runs away. Now, I ask is that the excuse of the Government of India. Are the Government prepared to withdraw the application of section 30 of the Frontier Crimes Regulation from Baluchistan. If you say that on account of the weakness of her sex you must have sympathy for the woman, you must withdraw section 30 of the Frontier Crimes Regulation. You should at least not enforce it in a place where women are admittedly in a very bad condition. (An Honourable Member: "What is the reply?") It is not to be done. Sir



[Qazi Muhammad Ahmad Kaami.]

Raza Ali referred to the pitiable condition of the woman. Lot of sympathy poured out for them and tears were shed. I have been asking questions to improve the position of women in this country. It is not a question of male or female. This is not going to punish the women community. Don't take it that light. Don't say that women must be given the right of illegitimate connections, because they are oppressed personalities. Don't do that. For the sake of the improvement of society, please try to curb the conditions that are getting more and more prevalent in society. I have got some experience of the way in which people who have had the good fortune of having got good Western education are behaving. They cannot be tolerated in any decent society. It is only under the cover of Western ideas and Western standards that they say that they are able to move in good Indian society and have the appearance of gentleman. It is all right in English society. I have nothing to complain about English society, because they are brought up in that condition. They have got their own traditions from the very beginning. We have not got the training of English ideas. We really do not know what is right and wrong in them. We think that the liberty of women is the only thing to be copied from them and therefore women must be allowed to go and have free intercourse with all men. That is the only idea of Western civilisation, so far as our educated men are concerned. From their traditions and their environments Englishmen know what is right and what is wrong. (An Honourable Member: "Why don't you follow their system?") If you bring yourself to that condition, there is no harm. Their society is as good as yours. I want to save Indian society from the most loathsome aspects of Western civilisation, which are undermining our society. It is from this point of view that I commend my motion to the House.

**Mr. Chairman** (Syed Ghulam Bhik Nairang): The question is: "That the Bill further to amend the Indian Penal Code for a certain purpose (Amendment of sections 497 and 498) be referred to a Select Committee consisting of the Honourable Sir Asoka Roy, Sir Muhammad Yamin Khan, Syed Ghulam Bhik Nairang, Mr. Lakshman Navarai, Mr. K. C. Neogy, Kunwer Hajeer Ismael Alikhan, Mr. Muhammad Ashraf Ali, Mr. C. P. Lawson, Sardar Mangal Singh, Sir George Spence, Mr. Huseinbhai A. Laljee, Mr. Abdur Rasheed Choudhury, Mr. Muhammad Muazzam Sahib Bahadur and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was negatived.

### THE ALIGARH MUSLIM UNIVERSITY (AMENDMENT) BILL.

**Maulvi Muhammad Abdul Ghani** (Tirhut Division: Muhammadan): Sir, I move for leave to introduce a Bill further to amend the Aligarh Muslim University Act, 1920, for a certain purpose.

**Mr. Chairman** (Syed Ghulam Bhik Nairang): The question is: "That leave be granted to introduce a Bill further to amend the Aligarh Muslim University Act, 1920, for a certain purpose."

The motion was adopted.

**Maulvi Muhammad Abdul Ghani**: Sir, I introduce the Bill.

**Mr. Chairman** (Syed Ghulam Bhik Nairang): As it was not said that if the business on the agenda is finished earlier the adjournment motion will be taken up at once, therefore the House will adjourn till four O'clock.

The Assembly then adjourned till Four of the Clock.

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

### MOTION FOR ADJOURNMENT.

**REPRESSION CARRIED ON UNDER THE COVER OF THE DEFENCE OF INDIA RULES.**  
**Qazi Muhammad Ahmad Kaami** (Meerut Division: Muhammadan Rural): Sir, I move that the Assembly do now adjourn.  
Sir, in moving this motion, my object is first to draw the attention of this Honourable House to the assurances that were given by the Government of

India at the time when this Defence of India Act was passed by this House. During the course of the discussion, Sir Muhammad Zafrullah Khan who was in charge of the measure at that time gave a definite undertaking and he said:

"But one of the reasons which he put forward for persuading the House to accept the emergency measure was the assurance which Sardar Sant Singh read out, and with all sincerity, on behalf of the Government, I proceed to give that assurance to this House in those very words:

"This is a war to establish and revise the status of man. Perhaps it may seem a paradox that a war undertaken in the name of liberty and right should require as a necessary part of its process the surrender for the time being of so many valuable liberties and rights. We are sure that these liberties will be in hands which will not abuse them and which will cherish and guard them and we look forward to the day confidently when our liberties and rights will be restored to us and when we shall be able to share them with people to whom such blessings are known."

Sir, this was the definite undertaking that was given by the Honourable Sir Muhammad Zafrullah Khan at that time on behalf of the Government of India. I stress this point and I hope the Government would not plead that because that Honourable Member who gave the assurance has left the Government, therefore his assurance also is finished. Anyway, even if we consider that that undertaking was not given, that undertaking is inherent in the very fact that they have put forward the particular motion before the House. The peculiar plea that is always taken up by the Government is that they are not responsible for the acts of the Provincial Governments. Sir, under the Government of India Act, 1935, I quite agree that there is provincial autonomy that has been conferred upon the various Provinces. But the question is that in practice how far that provincial autonomy exists when the Provinces are not worked by democratic ministries, but are being worked by the permanent officials under Rule 93 of the Government of India Act. So far as the constitutional position is concerned, that has not been brought to light yet, but it may be that at some future date we may be able to know definitely whether the Provinces governed under section 93 of the Government of India Act by the officials appointed by the Central Government are under the Central Government or are still to be considered working as autonomous Provinces. Whether they are autonomous Provinces or not, the question is whether the responsibility for sponsoring this measure in this House and taking the responsibility that it will be administered in a proper way lies on the Government of India itself or is to be transferred to any other person or any agent who carries on those acts. In this connection, I would place one further consideration before the House, that so far as the Central Government is concerned, the Centrally Administered Areas are so few that if Government wants to bring in any legislation for the Centrally Administered Areas, they specifically say so. But when the Government of India bring legislation for the whole of India, the question still remains whether the Provincial Governments are to adopt that particular legislation or not. Still when they have brought that legislation, they are responsible for its proper working also.

Now, Sir, as to the actual working of the Defence of India Rules, there have been complaints time and again in this Honourable House as to how they have been worked. The ridiculous way in which those rules have been applied to things which have absolutely nothing to do with the Defence of India, all these things are quite well known and they have often been repeated in this House. A serious complaint that I have got to put before the House is that the Defence of India Rules are also applied to interfere with the administration of justice itself. At the time when the Defence of India Rules were framed, probably the Government of India had some consideration for the highest tribunals of the Provinces and of India, but gradually I find that the Government have started more or less distrusting the highest judiciaries of the Provinces also. Instead of listening to the advice of the Federal Court and also to the advice of the Honourable Judges of the High Courts, instead of trying to rectify the errors, the Government have tried to invent certain other things to overcome those particular defects. Sir, you will find that the powers that were given under section 2 of the Defence of India Act and according to Rule 26 of the Defence of India Rules—I do not want to bother the House by reading

[Qazi Muhammad Ahmad Kazmi.]

them at length, they cover more than 3 pages—you will find that the powers cover every possible aspect in which the executive government could stop people from carrying on anything which was against the peace and tranquillity of the country. But there was one thing which has upset them. The words are, "If the Central Government or the Provincial Government, if it has satisfied itself with respect to any particular person, with a view to prevent him from doing anything . . . . The question was whether it was proved that the Government either Provincial or Central had been satisfied before an arrest was made. But really it was not the case of satisfying the Government, it was only a question of the whims of the lowest paid agents, the police and the constables, etc.; it is this practice which has been prevalent throughout the whole period. If the Government found it difficult to prove before Courts of Justice that they were satisfied, and because they want to persist in that attitude and detain persons without any "satisfaction" or without being able to prove any "satisfaction", therefore they have taken the circuitous way of bringing about Ordinance after Ordinance to oust the jurisdiction of the courts of justice. Then what is the use of having these courts of justice, the Federal Court and the High Courts, if these bodies are not to be trusted by Government. What right have Government to take all power in their own hands and pass orders according to their own will and for that purpose enforce Ordinance after Ordinance? They call them laws but in no sense of the word can they be called laws at all.

One of the present cases which has given rise to this adjournment motion is that of Pandit Baij Nath of Agra, a leading advocate of that place, and his only offence was that he used to defend people charged with political offences and, as was observed by the Chief Justice of the Allahabad High Court, the police thought that the easiest way of removing him was to arrest the man so that there might be no further trouble. In the Punjab there was the case of Mr. Pardivala. Only because he came to appear on behalf of Mr. Jai Prakash Narayan he was arrested. It is only seldom that these cases come to light because it is not everyone who can afford to reach the High Court. Only recently in Ballia a peace committee was formed to defend accused people and a Muhammadan gentleman who was appointed for that purpose found himself behind the bars as soon as he reached there. Why are you so diffident about your own position? Why cannot you rely on your own laws which are sufficiently exhaustive? Even all the attempts made by people in the Federal Court and in so many High Courts have not succeeded in releasing any considerable number of persons. Why distrust Judicial Courts and create your own machinery? These are your own officials who have pointed out the way to do the correct thing. Still you think that any one who interferes with your way of doing things must be condemned and deprived of his powers. If that is the way of the Government of India the judiciary in this country cannot exist and people can have no confidence in the laws that are made either by you or by this House. Of course, these laws are not made by this House at all; it is an easy machinery which they have devised, to get Ordinances passed by the Viceroy. These, Sir, are the conditions in which we are living today. I think we are justified in calling upon the Government of India to fulfil their promises in a just and proper manner which can be justified by the courts and tribunals of any place in the world and not to act in this unjustifiable manner.

Sir, I move.

**Mr. President** (The Honourable Sir Abdur Rahim): Motion moved: "That the Assembly do now adjourn."

**Mr. Frank R. Anthony** (Nominated Non-Official): Sir, I rise to support this motion as a lawyer and as a matter of principle. This motion is intended in part to expose the assault which is now being made by the executive in certain parts of the country on the rights and privileges of the bar. I have watched this attack on the position of the bar not only with concern but with the

pain. One of the greatest scourges with which this country has long been afflicted is the fusion in magisterial hands of judicial and executive functions. All lawyers will agree with me when I say that in spite of the high-sounding judicial principles on which the administration of justice in this country is alleged to be based, at any rate in magisterial courts in this country which are implementing these Ordinances, and even in peace-time, British principles of jurisprudence are not only misapplied but are abused, travestied and prostituted. I venture to suggest, and I believe my estimate is a liberal one, that even in peace-time in magisterial courts in this country because of this fusion of judicial and executive functions, an innocent man has about one chance in a hundred of being acquitted; and that slender chance depends on the integrity, the independence, the courage and the ability of the bar. And, as I say, I view with deep concern the attack by the executive on the independence of the bar, an attack which if persisted in will tend to deprive the people of this country of their last bastion of civil liberty, of securing, through the services of an independent bar, an acquittal if they are entitled to it according to the principles of law and justice and equity. As I have said, under the present system we have a magistracy which is servile and nauseatingly servile, a magistracy which is characterised by its complete lack of independence. You cannot blame them; you have to blame the system. After practising for some time in England, it was my misfortune to suffer the bitter disillusion of appearing in benighted magisterial courts in this country. And it has been my painful experience to have magistrates confessing to me privately that because of the special conditions in this country, where they are virtually subordinate to the police they are against their better judgment often provoked to convict people when they would otherwise have acquitted them. Their promotion, their betterment, their bread and butter,—all these depend on the fact that they ingratiate themselves with the people responsible for instituting prosecutions. The only protection which the public have in the matter of securing acquittals, the slender chance which they have of securing justice, depends on the maintenance of the integrity and the independence of the bar. And if the executive is allowed to undermine that integrity and independence then the last vestige of civil liberty will be stripped from the people of this country. I do not believe that any lawyer who has practised to any appreciable extent on the criminal side would disagree with me when I say that sub-inspectors by whom cases are instituted are the real police authorities in this country. These sub-inspectors are usually uneducated, corrupt, oppressive and in addition they are not above bolstering up their cases with false evidence. These people are assured of securing 90 per cent. of convictions in cases instituted by them because they know that the magistracy in this country have not got the independence to sift and to decide cases in accordance with judicial principles. How can you blame the magistracy? A record is kept of their convictions and acquittals, and if the D. S. P. of a particular area feels that a particular magistrate is tending to show independent tendencies he promptly reports him to the District Magistrate who duly hands out a warning to the unfortunate magistrate and he in turn is obliged to maintain his record of convictions.

I agree that under the unusual conditions of the war it may be necessary, as it is even necessary in England, to have Ordinances and to have special laws, but however special the circumstances may be, however emergent they may be, they can never justify divesting an accused person of the absolute and elementary right of having himself defended, of securing the services of a lawyer who will defend him. We have the Defence of Realm Act in England, we have special Ordinances, but I wonder, Sir, if the Executive would be irresponsible enough to attempt to curb or to gag the bar in England as they are attempting to do in this country. It would lead to a revolution if they did so. An attempt to curb the independence of the bar, to gag it or to coerce it even indirectly by threats or prospects of arrest and of putting them in jail, any such attempt is an attempt of the Executive to establish a reign of terror. I do not say for one moment that the Government of India have deliberately devised such a policy, that they have deliberately inspired such a policy, but

[Mr. Frank R. Anthony.]

that such a policy is being pursued in certain areas appears to be undesirable as is obvious from the facts given in the adjournment motion about the cases of Pardivala and Baij Nath. And I would appeal to the Government of India that if they are in a position to do so they should issue a directive to the executive authorities throughout the country to see that the independence of the bar is not in any way, even indirectly, attempted to be curbed, and that the bar is not gagged. It is the only bastion, as I have said, of civil liberty in this country. If the Government of India allows the Executive authority in the different parts of this country to persecute the bar, to coerce it, as I have said indirectly, to prevent it from doing its duty, it will be an irreparable loss to the country. An accused person has a right of engaging a lawyer, and if we are engaged it is our duty to defend that man without any consideration of fear or favour. And it is to the interest of the country to have an independent and a courageous bar. It would be an eternal loss to this country for conditions to be created where the independence and integrity of the bar were undermined. Once again, Sir, I would appeal to the Government of India to see that they do not abuse their authority so as to undermine the independence of the bar. If the Government of India do not intervene in this matter then they will be branded not only in this country but before the eyes of the world for conniving at a system which cannot be distinguished from injustice or oppression.

**Pandit Lakshmi Kanta Maitra** (Presidency Division: Non-Muhammadan Rural): Sir, as a member of the legal profession I feel it my duty to intervene in this debate. I must at the outset express our deep sense of gratitude to you, Sir, for allowing us this chance to vindicate the honour and prestige of the legal profession.

Sir, the Honourable the Mover of the motion has pointed out the specific passage in which an assurance was conveyed to this Honourable House, when the Defence of India Act was passed in 1939, that the Act should not be utilized for any purpose other than that of securing the peace and tranquillity of this country, or for ensuring the effective prosecution of this war. As one who had to fight along with a few other friends, clause by clause, that monstrous Bill, called the Defence of India Act, I tried to bring at every stage to the notice of the House the dangers which lay ahead of making a legislation of that drastic character. I pointed out at that time and from time to time thereafter whenever enlargement of powers under this Act was sought in this House that this Act had potentialities for mischief which could not be viewed with equanimity by any publicman in this country. On many an occasion we have tried to voice the feelings of the people with regard to the manifold abuse of the powers under the Defence of India Act. We have been told that these are not the acts of omission or commission on the part of the Government of India, but that they belong to the realm of the Provincial Governments over which the Central Government had no powers. On one occasion I joined straight issue with the Government on this point and asserted that this was an entirely wrong view of law, and I do maintain that it is nothing but a subterfuge which the Government here at the Centre try to resort to whenever a point of this nature is raised in this House. Sir, the Government of India Act clearly provides that when an emergency is declared under section 102 of the Government of India Act, the Central Government at once takes seisin of the whole sphere of administration of the country—whether in the centrally administered areas, or in the provincial spheres. Then, Sir, there are clear specific provisions in the Government of India Act itself which lay down that when such an emergency is declared not only the Central Government has power to legislate over the whole field, but what is more, the Executive Government at the Centre becomes coterminous with that of the Provincial Government. In other words, the Executive of the Central Government at once becomes vested with full powers to interfere in all matters in the provinces as well. I was surprised today when the Honourable the Home Member was objecting to this motion in the morning on the same old

pretext—"that it is the responsibility of the provinces: we have nothing to do with it". But you, Sir, very rightly pointed out that the Government of India must be issuing directions to the Provincial Governments in this respect. Well, it was an awkward situation in which the Home Member found himself then. He said that the Government of India had got power only under section 126 of the Government of India Act, to issue directives to the Provincial Government. That is not the only section under which he can do that. The whole scheme of the Government of India Act is so framed that in the event of an emergency, the Central Government or the Federal legislature can have absolute right, power or jurisdiction over any and every unit composing this sub-continent.

Now, Sir, let me turn to the merits of the motion. It is not often that a case like this comes before this House which would provide an opportunity to us to focus public opinion upon. Here is one, and let me examine the case. The matter is a very simple one: An eminent lawyer of a district bar—I think he belongs to the provincial bar—has been incarcerated in jail by an order of the Executive. And what is his fault? What is the charge against him? None. Everyone of us in this part of the House knows to his cost that this is almost a common occurrence in the country. Under cover of the Defence of India Act this Government has really inaugurated a reign of terror and this has been going on for the last 4½ years. Barely 24 hours ago, the Honourable the Home Member was indulging in giving advice to the Indian people as to what they should do at this time. He was preaching a sermon yesterday in connection with the Resolution on the release of political prisoners.

**The Honourable Sir Reginald Maxwell** (Home Member): On a point of personal explanation.

(Pandit Lakshmi Kanta Maitra was not giving way.)

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable the Home Member wants to give a personal explanation.

**The Honourable Sir Reginald Maxwell:** The Honourable Member has misquoted me. I said most explicitly that I would not attempt to give any advice to Indians as to what they should do next.

**Pandit Lakshmi Kanta Maitra:** That is absolutely no explanation. I can draw my own conclusions. You have broken the thread of my argument.

Yesterday, the Honourable Member seemed to give the impression that he was a man more sinned against than sinning: that people were charging him with heartlessness ruthless autocracy, hypocrisy and things like that. He said that the Government of India had not taken action against Indian nationalism as such. All their actions have been in the nature of a precaution. They have not been vindictive.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member is replying to the speech of the Home Member. You had better stick to this motion.

**Pandit Lakshmi Kanta Maitra:** I am now asking him, what is this action? Is it not vindictive? Is it not reactionary? Is it really precautionary? If he contends that it was a precautionary measure, then by implication he can clap into prison all the 400 million people in this country, because that would be the safest form of precaution. Nobody can go wrong.

**Nawabzada Muhammad Liaquat Ali Khan** (Rohilkund and Kumaon Divisions: Muhammadan Rural): There would not be enough room in jails.

**Pandit Lakshmi Kanta Maitra:** They are going to convert the whole sub-continent of India into a jail. I do not know whether the observations of the Honourable the Chief Justice of the Allahabad High Court have gone home to him. He poignantly remarked that "the Defence of India Rules have paralysed us". Sir, I cannot conceive a worse condemnation of the bureaucratic autocracy in this country than this observation of the Honourable the Chief Justice of the Allahabad High Court. I find from the Press reports that His Lordship threw out certain observations, as a result of which if this Government had any sense of decency left in it, it should have released Pandit Baij Nath, but His Lordship

[Pandit Lakshmi Kanta Maitra.]

was surprised to find that he was not even so released. His Lordship observed that when he had made the remarks in the case of Pandit Baij Nath, he was extremely unhappy about the case and he hoped that the authorities would see their way to remove his unhappiness. He thought that the Advocate would be released, but recently on making an inquiry he was told that the Advocate had not been released.

Now, Sir, if the observations of the Chief Justice of an Indian High Court are lightly brushed aside by the Executive in this way, does the Honourable the Home Member think that we shall be here to sing his eulogies and raise him to the skies for the magnificent performance he has been able to put into this country during the last 4 years? Some people in this country had lost all faith in order but they had some lingering faith in their judiciary, and the High Courts in this country used to be looked upon as the palladium of justice. Today we find that even the Chief Justice is speaking in the language I have quoted. By their naked autocracy they have frozen the fountain heads of justice in this country. They have immobilised the Judges of the High Courts, they have sterilised the Judiciary of this land. If that is an achievement, if that is a record of which the Honourable the Home Member can feel proud, I won't grudge him that gratification. But, Sir, as public men, as members of the legal profession, we want to tell him, and through him his bosses, that they have given far too long a rope to the Executives in this country and perhaps they do not realise that ultimately they may hang themselves by that. Sir, the effect of this order on the people at large can be easily realised. Sometime ago when things were going on in this way, these illegal detentions reached a stage when even the Federal Court had to intervene, and it passed a judgment in vindication of the liberties of the unfortunate victims. At once Sir Reginald Maxwell's hand was active and he would not give the Honourable Judges any quarter. Immediately the rules were so amended that the victims who had been groaning under the rigours of repression could not get a chance to avail the relief which was administered by the Federal Court.

Sir, I think we all realise that if an order like this can be passed on a member of the legal profession, whose only crime has been to tender legal professional advice to people who come to him, and if for this he must incur the wrath of the proteges of my Honourable friend, Sir Reginald Maxwell, then I think the less he talks about Government's intentions, honesty and integrity, the better for all concerned.

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

**Pandit Lakshmi Kanta Maitra**: I say that this order is designed to demoralise the Bar, the public and the Judges of this country, and as such it deserves the strongest condemnation of every part of the House; and I appeal to all Members to condemn with one voice this atrocious Executive onslaught on the civil liberties of the people.

Sir, I support this motion.

**Mr. Akhil Chandra Datta** (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): This case of the arrest of a lawyer when trying to defend an accused has, I think, no parallel. I am an old man but I do not think that even the oldest man in the country has ever heard of such executive action. What is this arrest of a lawyer? Is it an attempt merely upon an individual lawyer? I should rather think it is an assault by the executive on the whole of the legal profession; it is an attack upon the bar; but it is not only an attack on the bar but it is an assault upon the Bench also. Let us look at the implication of the remark made by the Honourable Chief Justice of the Allahabad High Court; he says:

"It seems to me that these Defence of India Rules have paralysed us and we have got no power."

Paralysed whom? Not the ordinary citizen, not the lawyers, but the Judges themselves. "It has paralysed us" and "We (meaning the judges) have got no

power". I cannot conceive of a greater condemnation of the Government of India than this observation of the Honourable Chief Justice of the Allahabad High Court. This motion seeks to censure the Government but the greatest censure has already been passed by the Chief Justice before the whole world. We have heard of instances of people acquitted by subordinate courts but were rearrested immediately after they were acquitted. We have heard of arrests of people acquitted even by the Honourable High Court of Calcutta and rearrested immediately after within the very precincts of the High Court. This is all in defiance of the judiciary; but such a thing has never occurred before, namely, the arrest of a lawyer when he was about to defend an accused person. This is a typical case to show how the executive in this country is all powerful, and even the judiciary cannot give any relief to the victims of the vagaries of the police and of the executive. All this is being done under the Defence of India Rules. I wonder if these rules are really intended for the defence of India? Is it the defence of India? Whose India is that which is sought to be defended by these rules? The India of the bureaucracy? Certainly not the India of the Indians. These rules are being abused or prosecuted in the interests of the bureaucracy and used against the people of this country. The most elementary right—and what right can be more elementary—is the right of an accused to be defended in a court of law by lawyers. It appears to us that not only these things were done—if they have been done there might be some explanation that it was done by somebody in the province—but has it been condemned by the Government of India? That is the whole question. I can well understand one single individual in one solitary place doing something wrong; but it is for the Government of India to put things right. But they are sitting tight over it and they do not raise even their little finger to condemn these things or put a stop to these things. Therefore, as a member of the legal profession, as an ordinary citizen, as a man who has got the profoundest faith in the integrity of the bar and the independence of the Bench and the judiciary, I feel that we cannot but condemn this action of the Government of India.

Some of us have spoken about the assurance that was given at the time the Act was passed. I do not know why my friends should refer at all to that assurance. Even supposing no assurance was given, what then? We do not stand in this matter on the assurances given. Assurances or no assurances, they had no right to go on doing a thing like this under the cloak and cover of the Defence of India Rules.

It is no good dilating on this because I cannot pass such a strong censure in this House as the censure that has been passed by the Honourable Chief Justice of the Allahabad High Court. If they do not feel ashamed of that censure and that condemnation, I do not think any censure motion passed in this House will improve the situation. It seems to me that all sense of decency and justice has disappeared from this ill-fated land of India.

**Maulana Zafar Ali Khan** (East Central Punjab: Muhammadan): Sir, I extend my whole-hearted support to the motion before the House. The conditions under which four hundred million people are living in India at the present moment are, to use a very mild expression, intolerable. We are being ruled, not by law, not by justice, but by an enactment of the executive called the Defence of India Rules. The Defence of India Rules are being used for purposes for which they were never intended. At the present moment, whoever talks of independence in India is looked upon as an offender. But I should like to ask those who hold our destinies in the palms of their hands whether they are not guilty of that offence themselves. Was it not Mr. Amery, the Secretary of State for India, who said in so many words that the right of self-determination shall be conceded to India, that India shall be emancipated. So, if he talks of independence and emancipation of India, he ought to be hauled up as an offender just the same and should be clapped into jail. Mr. Amery told us very recently that the principles of the Atlantic Charter were applied to India long before this Charter was signed in the Atlantic Ocean. How was this principle applied to India? In this way: Pandit Baij Nath, a legal practitioner who dared to defend



[Maulana Zafar Ali Khan.]

the case of a political suspect, was charged into jail. The High Court coming to learn of this, when the case was brought before the Allahabad High Court, acquitted him and ordered him to be released; but they came to know afterwards that he was not released. This is how the law is being respected; this is how British traditions of justice and fair play are being maintained and respected. This war, we are told, is being fought for the emancipation of the weak nations of the world, for the independence and rights of civil liberty being exercised by all the nations of the world; but unfortunately India is an exception to this general rule. Russia, of which we used to think as a dictator-country, has recently extended the fullest liberty to all its component parts; sixteen soviet states have been declared independent in foreign affairs as also in military affairs.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member is talking of matters which have no relevance to this motion.

**Maulana Zafar Ali Khan:** All right, Sir; I shall not apply the laws of Russia to India.

I should like to know whether we are not fit to be treated as human beings. Are there no laws in this country which are going to defend us? Certainly you have the right to limit the liberties of the subjects during the pendency of the war to a certain extent, but here the scope is widened and nobody is safe. The police is all powerful, the executive are all powerful, the High Courts are paralysed, paralysis has seized the judiciary, and nobody considers himself safe. I think this is a state of affairs which requires the earnest and sympathetic consideration of my learned, honourable and dear friend, Sir Reginald Maxwell, before he leaves India. He is shortly to vacate his high office. (Interruption.) I should personally like his reign to extend because sometimes when I speak to him, he speaks to me as a friend. But if unhappily, unfortunately he leaves this country, he should carry with him the satisfaction that he did something at least for the civil liberties of the peoples of India. With these few words I extend my support to the motion.

**The Honourable Sir Reginald Maxwell:** I had hardly expected on an adjournment motion to be in the position of having to defend the distribution of responsibilities between the Central Government and the Provincial Governments under the Defence of India Act and Rules, but since certain allusions have been made to that subject, I might first say a few words about it.

My Honourable friend, the Mover, said that, while the Central Government was not responsible for acts of Provincial Governments enjoying provincial autonomy, the situation was different in the case of provinces administered under section 93. I should like to point out that the introduction of section 93 administration in any province in no way lawfully alters the distribution of responsibilities between the provinces and the centre. The use of section 93 in any province does not transform this Legislature automatically into a provincial legislature competent to deal with the subjects which are properly allotted to that province under the schedule of the Government of India Act. Then the Honourable the Mover advanced the argument that, because the Government of India had brought in certain legislation—he was referring to the Defence of India Act—therefore, they are also responsible for its working. But I should like to point that the responsibility for any legislation does not necessarily confer on the Central Government the executive authority which is required for carrying out that legislation, and in any legislation the distribution of executive authority remains and must remain as provided under the Government of India Act.

Let us consider the question of conferment of powers on the Provincial Governments under the Defence of India Act and Rules. It has taken place under section 2(4)(b) of the Defence of India Act,—that is, the Act itself and not any rules framed by the Central Government. The Act provides that the Central Government may confer powers on a province. Whether or not the power or duty conferred relates to a matter with respect to which a provincial legislature has power to make laws, the Central Government may direct that those powers

may be exercised or discharged by any Provincial Government or by any officer or authority subordinate to such Government. The point has been raised before in this House and discussed here and I have explained that in the administration of such a thing as the Defence of India Rules detailed control by the centre would not be possible. It could be effected only in one of two ways; either by retaining all the powers under the rules with the Central Government itself, and that is a completely impossible undertaking. From the very nature of these rules, many of them have to be exercised as matters of urgency, and it would defeat the whole purpose of the rules if each and every exercise had to be retained in the hands of the central secretariat. If we dismiss that expedient the only other way in which the centre could exercise control is by revision or by exercising the power of an appellate authority in every case. That is not provided for by the Act as passed by this House, and logically it would mean that the Government of India would have to deal almost automatically with every case; in fact, Provincial Governments, in all cases where they thought orders were necessary, would have to refer them first to the Central Government. That again would mean an enormous volume of work coming to the centre. We should have to multiply our central secretariat ten times in order to deal with it, and, in fact, concentrate at the centre all the secretariats which are dealing with these matters in the provinces. We are always being pressed to exercise influence on or make suggestions to Provincial Governments on particular matters which have been left to them. I can remember instances in which we have been asked to press the Provincial Governments to give family allowances to persons detained, or to release individuals on parole, or to control their action in respect of the press, and even to interfere where it is alleged that M.L.A.'s have been detained by the Sind Ministry in order to prevent them from performing their functions. I do not know what attitude the Muslim League would take up if the Central Government or this House attempted to interfere with the Muslim League Ministry in the discharge of its ordinary powers under the Defence of India Rules and subject their action to a review in this House. (Interruption.) Nor, again, do I know what view they would take if this House arrogated to itself the power to discuss in detail the action taken by the Bengal Government in regard to its press. These are instances in point: where we have Ministerial Governments, they have their own local legislatures in which those aggrieved by the working of the rules can make their complaints and ask questions and they are the proper forum for any such complaints. As I have pointed out, although there are no legislatures working in section 93 provinces, the situation is not in principle altered by the fact that they have no legislatures working.

**Sardar Mangal Singh** (East Punjab: Sikh): What about the centrally administered areas? The position is the same.

**The Honourable Sir Reginald Maxwell:** May I be allowed to go on? Where powers have been properly conferred on the provinces—and no other expedient would have been possible—the Central Government can only be censured if it can be shown that they have omitted to do something which they ought to have done in any particular case. They cannot be censured merely because as a result of conferment of powers something has been done in this or that province.

I should like to give the House certain facts which happen to be within my knowledge as regards the two cases which have caused such concern in this House, because one of them has been alluded to in a paragraph which appeared in the newspapers. First, I will deal with the case of Mr. Pardivala who is mentioned in the adjournment motion. There was no interference by

5 P.M. the Punjab Government with this gentleman's professional activities. My information is that he came to Lahore only to supply a barrister engaged in a certain case with documents bearing on the habeas corpus petition which was to be filed before the High Court. His arrest took place after he had completed his professional engagement and after the habeas corpus application had been filed in the High Court.

**Mr. K. S. Gupta** (Ganjam cum Vizagapatam: Non-Muhammadan Rural): He was arrested because of it.



**The Honourable Sir Reginald Maxwell:** There was no interference with his professional duties.

**An Honourable Member:** Then why was he arrested?

**The Honourable Sir Reginald Maxwell:** The reason for his arrest was that the Provincial Government had good reason to believe that he was connected in a way, which I cannot explain openly to this House, with the underground Congress organisation and that he had come to Lahore for quite other purposes than his professional engagement.

**An Honourable Member:** Then why was he released immediately?

**The Honourable Sir Reginald Maxwell:** He was released after a very short interval—four days after his arrest, after a brief interrogation—because he stated that he did not wish to remain in the Punjab; and as the Punjab Government found that he did not wish to remain there, they released him and he went away. That is all I can tell the House about his case.

In the case of Pandit Baij Nath of Agra, in regard to whom these remarks of the Allahabad High Court have been quoted, the reason for his arrest again had nothing to do with his professional activities. The United Provinces Government had good reason to suppose that he was connected with a dangerous gang which had already committed several acts of sabotage involving the use of explosives. This happened a year ago. That was the reason for his detention. (*An Honourable Member:* "A year ago?") Yes, at the height of the Congress disturbances.

**An Honourable Member:** Why was he not arrested then and there?

**The Honourable Sir Reginald Maxwell:** They also had good reason to believe that he was rendering financial assistance to this gang and acting as a link between the security prisoners in the jails and subversive workers outside.

**Mr. Lalchand Navalrai** (Sind: Non-Muhammadan Rural): It is very easy to say that.

**The Honourable Sir Reginald Maxwell:** The order in his case, which was passed by the Commissioner of Agra, was quite recently reviewed by the United Provinces Government and they were quite satisfied that the grounds for detention were proper.

**Pandit Lakshmi Kanta Maitra:** You are very easily satisfied.

**The Honourable Sir Reginald Maxwell:** The detention had nothing to do with his professional activities.

Now, the remarks of the Allahabad High Court which have been quoted were passed at a stage of the case when the merits of the case were not before them. The only matter before them at this stage was the validity of section 2 of Ordinance XIV of 1943. At that stage, the Government Advocate submitted to the Court that the case was for decision on the law point only and he promised to argue the merits later when that point had been decided. The law point was subsequently decided by the Court. But with a view to the further proceedings which were to come before the Court, the Commissioner of Agra was instructed by the Provincial Government to swear an affidavit stating that the order of detention had been passed after full consideration of the case on its merits and that affidavit has already been transmitted to the High Court. I do not know what the result of that case is. That is not the case referred to in *Dawn*. The case referred to in *Dawn* is quite a different case and the remarks quoted are mostly remarks in connection with the pending miscellaneous proceedings in regard to the case of Pandit Baij Nath, and the case may at this moment be *sub judice*. I could not take that ground against the adjournment motion but I know that on the 31st of December, the case was still *sub judice*, because the miscellaneous application relating to the merits of the case had then not come before the High Court at all.

Well, now, I have explained to the House what I know about these cases. We cannot be expected to have details of every case in all the provinces but I have been able to give the House some information about it, and I ask once more what action the Central Government could have taken at this stage of the case and what action ought they to have taken which they did not take. It is only if they failed to take any such action that they can be legitimately censured in this House.

There is one other point which I should like to bring to the notice of the House. That is the remark of the High Court that they had been paralysed by the Defence of India Rules. Actually the provision to which they must be alluding, and the only one which in any way restricts their power, is not based on the Defence of India Rules at all. It was part and parcel of the Defence of India Act as passed by this House. The section in question is section 16 of the Defence of India Act which reads:

"No order made in exercise of any power conferred by or under this Act shall be called in question in any Court."

That section was passed by this House.

**Mr. Akhil Chandra Datta:** Are you referring to the observation of the Chief Justice?

**The Honourable Sir Reginald Maxwell:** Yes, Sir, and I would remind the Honourable Member that we have no authentic copy of what the High Court actually said. That is only a statement quoted in the adjournment motion. It says that the High Court said that they were paralysed by the Defence of India Rules and not by the Act. I am pointing out to the House that there is nothing in the Rules by which the High Court are paralysed, or gagged or debarred in any way whatever. It is the Act itself as passed by this House, which constitutes a bar to the revision of the proceedings by the High Court. I would therefore submit to the House that the Honourable the Deputy President was quite wrong in calling upon the House to condemn this action, as he alleged, of the Government of India.

There is one other thing which I should like to add. That is, I must deplore the remarks made by Mr. Anthony in which he cast certain aspersions on the magistracy of this country. He described it as a servile magistracy virtually subordinate to the police and taking orders from the executive. (*Honourable Members:* "Perfectly correct".) I must protest in this House against such aspersions on an honourable body of Government servants.

**An Honourable Member:** You may protest. You are absolutely ignorant.

**The Honourable Sir Reginald Maxwell:** These magistrates do not become monsters or servile creatures merely because they have entered Government service. They are drawn from respectable classes of the population and they are Indians. (*Interruption.*) I must deplore any general aspersions cast upon a very respectable class of the population on whom the public depend in very many matters for their every day protection. Sir, I oppose the motion.

**Nawabzada Muhammad Liaquat Ali Khan:** The speech which the Honourable the Home Member has made is not only not convincing but is a weak defence of the Government's position which has been placed before this Honourable House. His argument was that the execution of the Defence of India Act and the rules made thereunder was the responsibility of the Provincial Governments, and the Government of India, as such, had neither any control nor anything else to do with it. Sir, by way of example, he was good enough to remark how would the Muslim League Party feel about it if the Government of India interfered with the affairs of the Muslim League Ministry in Sind or the Ministry in Bengal. Surely, my Honourable friend does not think that we on this side of the House are so ignorant of the constitutional position. He knows fully well that the special responsibility for the maintenance of law and order in every province is that of the Governor, who is the creature of the British Government. What is the use of saying that the responsibility is of these Ministries. My Honourable friend and the Government of which he is a Member do not hesitate to send directives to these Ministries when there are matters of very trivial importance,—matters whether there should be 200 rationing shops controlled by Government or there should be 250 shops controlled by Government. But when there is the question of the liberty of the people, my Honourable friend takes shelter under the Government of India Act. It was this Legislature and the Central Government which were responsible for the passage of the Defence of India Act. It is this Government which is responsible for framing the rules under that Act. And if this Government feels that the Provincial Governments are incapable of applying that Act judiciously

[Nawabzada Muhammad Liaquat Ali Khan.]

and fairly, then it is their duty to withdraw that Act. If they feel that they cannot interfere even when grossest injustice is done by any Provincial Government under this Act and these Rules, then it is like handing over a live bomb to a child and then leaving him free to create a disaster. The responsibility is of the parent who takes such a foolish action.

Sir, war is the responsibility of the Central Government; the prosecution of war is the responsibility of this Government and it is under that excuse that these wide powers have been taken by the Executive. I say that in the interests of winning this war, which is your responsibility and not that of the Provincial Governments, and in the interests of creating confidence and goodwill amongst the people, it is your duty to see that no agent of yours does anything which is likely to prejudice the people against you and against your war effort. From that point of view alone I submit that in order to see that this Act and these Rules are executed judiciously, justly and fairly it is the duty of this Government to keep a constant watch over the activities of Provincial Executives.

Two instances have been quoted by my Honourable friend who moved this adjournment motion. Although this adjournment motion has been moved with special reference to these two particular instances, who does not know that there are a number of instances like these happening every day in this country. For every one case that comes to the notice of this House, there are scores of cases that do not see the light of the day. Who is there in this House or outside it with a fair mind who does not know that the Executive, especially the underlings of the Executive, are using these powers most unjudiciously. I am putting it very mildly.

I need not say anything about the case that has been quoted except this that my Honourable friend the Home Member stated that this lawyer who came from Bombay was arrested after he had discharged his professional duties of handing over the documents to the lawyer in Lahore. The charge that is being made on the floor of the House is that the action that was taken against this particular lawyer and the lawyer from Agra was not so much to prevent the discharge of their legal or professional duties but was to create a terror in the mind of the legal profession, namely, that if they have the audacity to come forward and interfere in the proceedings that the Executive may choose to take against any individual, then they must be prepared to face similar actions as have been taken against the accused himself. The charge is not that they were prevented from discharging their professional duties. The charge is that this action that was taken in these two particular instances was taken with the object of terrorising the members of the bar. It reminds one of the time when India was still far away from the constitutional position which it occupies today.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Akhil Chandra Datta).]

Who does not remember that in the olden days it was difficult to find lawyers to defend patriotic Indians? Who does not know that it were only men like Mr. C. R. Das and Mr. Jinnah who could have the audacity or the courage to defend men like Mr. Tilak and others? They want to repeat the same thing today. India has advanced since then. Let me tell you that it is not wise and it is not in the interests of the object which you have in view of mobilising the resources of the country and of winning the good-will of the people of the country to win this war to exercise these powers which have been given to you in the manner in which they are being exercised. I would request the Central Government that in the cause of winning the war which is dearest to their heart, in the cause of mobilising the resources of this country and in the cause of winning the good-will of the people of this country, they should issue strict injunctions to their underlings and to their subordinate Governments—whatever my Honourable friend may say about these Provincial Governments, they are subordinate to the Central Government—and impress upon

# MOTION FOR ADJOURNMENT

them that they should take the greatest possible care when the question of executing these Rules comes in. When a man has got wider powers, his responsibility becomes all the greater. These Provincial Governments and their executive officers should realise that the powers with which they have been entrusted have not been given to them to terrorise and demoralise the people of India but to protect them and guard them against any mischief that may be done. I am sure, Mr. Deputy President, if the Central Government succeed in bringing this home to these provincial executives, there will be no occasions of a similar kind to censure this Government. My Honourable friend cannot escape his responsibility and I think when we are censuring the Central Government, we are censuring the whole administrative machinery which is responsible for the exercise of these powers. I support the motion which has been moved by my Honourable friend Mr. Kazmi.

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): Sir, I should like very briefly to examine the points that have been made by the Honourable the Home Member in replying to this motion. The Honourable Member first dealt with the scheme of the Defence of India Act and the rules, and pointed out that having regard to the distribution of responsibilities thereunder between the Centre and the Provinces, it is difficult for the Central Government to interfere in the detailed administration of those rules. He further said that no powers of revision or appeal have been provided for in the Defence of India Rules and the Act, and it is not possible for that reason also for the Government of India to interfere with the administration of those rules in the Provinces. Now, Sir, if that be the real difficulty, why does not the Honourable Member bring forward an amending Bill to amend the Defence of India Act so as to invest the Central Government with the necessary authority either for giving detailed instructions or for revising the orders of the Provincial Governments in, say, certain given circumstances. The Honourable Member reminded the House that the Act was an Act of this Legislature. It has been pointed out that when the Act was passed certain assurances were given; the Act was not passed without opposition, and if now, the House feels that the intentions of this House have not been carried out in practice, it is certainly open to this House to call upon the Government either to bring forward an amending Bill so that in future the intentions of this Legislature might be correctly carried out; or the House might call upon the Executive Government so to amend the rules which they have been authorised to frame under the Act as to carry out those intentions. Now, Sir, my Honourable friend says that there is no distinction as regards the constitutional position of a Province which may be administered under section 93 of the Government of India Act and the position of a Province where a Ministry may be functioning. So far as that point is concerned, I am reminded of a little difference and that is this. As an incident of the operation of section 93-A of the Government of India Act in the case of a particular Province, the Governor who is invested with the authority of the Provincial Government is placed under the control of the Governor General. I admit that the Governor is not in terms of the constitution placed under the control of the Governor General in Council, but I do maintain, Sir, that the Governor General in Council are not altogether strangers to the Governor General; and that if they so choose they can whisper a few words of advice to the Governor General, if need be, so that the erring Governors of Provinces might be pulled up and restrained from their mischievous activities as illustrated in this particular instance.

Now, Sir, my Honourable friend said that even if it were desirable or possible to have powers of appeal or revision provided for in the Government of India Act, even if it were possible for the Central Government to be invested with the authority of interference with the decision of the Provincial Governments, it would lead to such an enormous volume of work, it would lead to such great expansion of the Secretariat that it would be undesirable, perhaps, on financial grounds. We do not know that the Government of India are very chary of expenditure being undertaken for the expansion of the

[Mr. K. C. Neogy.]

Departments of Government. There are Departments, I understand, where the officers and the staff find it very difficult to get seating accommodation in the Secretariat and even then, I understand, officers are being employed afresh to swell their number. It seems to me that after all the Central Government is not so powerless as the Honourable Member sought to make out. He seems to have obtained full information in regard to both these specific cases which were referred to by my Honourable friend the Mover, from the Provincial Governments concerned and he utilised that information for the purpose of prejudicing those two Members of the legal profession who will have no opportunity of defending themselves of the charges that have been brought against them. Let the Honourable Member utilise his influence, the influence that he exercises for the purpose of obtaining the version of the Provincial Governments in regard to these two cases, let him utilise that influence for the purpose of restraining these Governments from undertaking such adventures in future and dealing fairly with these two Members of the legal profession, at least one of them who is still in detention. If in any case the Honourable Member finds himself unable to intercede in the particular case now under discussion, will he give the guarantee to this House that he will see to it that that gentleman will be placed upon his trial on the charges which he has read out to this House? It would otherwise be a most cowardly action on his part to have said things which would go to prejudice an honourable member of society, an honourable member of the legal profession, without giving him a proper chance of clearing himself of the charges that have been read out to us today. We all know that the legal profession is considered to be a sort of tolerated nuisance by the executive government. My Honourable friend, Mr. Krishnamachari, has given me instances which are well-known in his own Presidency, where very drastic action has been taken against lawyers with the result that there is such a state of demoralisation prevailing in certain districts of the Madras Presidency that it is very difficult to get lawyers to come forward and defend people who are accused of political crimes or charged under the Defence of India Rules. That is certainly not an achievement of which any Englishman can be justly proud. It is also a very well-known fact that when lawyers are convicted of political offences, or are dealt with under the Defence of India Rules, they are also proceeded against under the disciplinary jurisdiction of the Bar Councils and their names in some cases at least are sought to be removed from the rolls of the profession. The executive government have done all they can to demoralise and terrorise the legal profession and I should like to utter a note of warning in this connection. The Honourable the Home Member may not be aware of the fact that one of the bulwarks of the British Government in India, perhaps the greatest bulwark of the British Government in India, has been the judicial system that was established by the predecessors of the Honourable Member; and if by any action which he or his lieutenants may take, and which may have the effect of prejudicing that institution, it will not be doing a service to the cause which he has so much at heart, namely, the cause of maintaining the sway of the British Government over this country.

Sir, I am reminded in this connection of a well-known case reported in the law journals, which occurred not very long ago in Calcutta. The case arose out of a decision which a Division Bench of the Calcutta High Court had given ordering the release of certain persons who had been detained under the provisions of the Defence of India Rules. And in the course of the proceedings under section 491 of the Criminal Procedure Code in the nature of habeas corpus the learned Judges set those persons at liberty. They were not allowed to leave the court precincts but were immediately rearrested under Regulation 3, because the Bengal Regulation 3 of 1818 contains a provision which ousts the jurisdiction of the High Courts under section 491 of the Criminal Procedure Code. And the police who were under the control and orders of a man called Javrin, Deputy Commissioner of Police in Calcutta, exhibited such an indecent haste in taking hold of these people barely after they had left the court room that contempt proceedings were initiated against him and

other police officers concerned. And this is what a learned Judge says in describing what took place on that occasion, in his judgment reported at page 875 of the 47th volume of the Calcutta Weekly Notes. Referring to a particular person who was rearrested in this fashion the Judge says:

"He was arrested a few minutes after we rose. Just before the order of release was passed, because the policemen present in the court room showed such a degree of alertness which indicated that they would close up on the detenus immediately after the order of release, I directed the policemen present in the court room to move out side."

They did not care very much for the dignity of the court and the Judge had to order the police to get outside because they were showing this indecent alertness even before the judgment had been pronounced. That order was, of course, obeyed. Then the Judge proceeds:

"The obedience to that order cannot lead to the only inference that all the policemen had, irrespective of their instructions, a genuine desire to obey all lawful orders of the court. They had to move out, for otherwise they would have been guilty of contempt in court. The face of the court and there would have been no scope of inventing explanations. The description of the proceedings of the court as '*tamasha*' by Javrin, a statement which has not been denied by him, showed which way the wind was blowing."

This Javrin said "Well, well, the *tamasha* is over," when he was putting these people under arrest: that is how he described these proceedings in the High Court of Calcutta. The Judge proceeds:

"To say the least, it is the height of impudence on his part to describe proceedings in this court in that manner, and that itself constitutes contempt."

The rest of the judgment does not bear much on the present discussion. Now, Sir, how is it that policemen in the provinces find it possible to defy the authority of the High Court, in the manner they did in the case to which I have made reference? It is due to the fact that wide and uncontrolled powers have been given to the executive, and the executive think that the judiciary is really a subordinate branch of the administration which can be trampled upon just as the executive likes because of the present emergency of the war. The war is being trotted out as an excuse for many of the outrages which we have been witnessing day after day; and the grossest outrage that one can imagine is that which is now being perpetrated, and that is upon the temple of justice.

Several Honourable Members: The question may now be put.

**Qari Muhammad Ahmad Kazmi:** Sir, I listened very carefully to the speech of the Honourable the Home Member and I sympathise with him in the predicament in which he has been placed by his subordinates.

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

I do not say for a minute that these are the instructions of the Home Member that the legal profession must be terrorised and arrested because they defend persons who are charged with political offences. I know very well that on account of the extraordinary amount of work he has to do he cannot be expected to know all that is done by his subordinates. But he should look to the working of the Act, specially in view of the promise that was given to this House at the time of enactment of the Act. I do not want to enter into a discussion of section 93 or other sections at this stage,—and I said at the outset of my speech that I have no desire to enter into that discussion,—but I have not heard one word of explanation by the Home Member as to how he intends to fulfil the pledge that was given to this House. If he was not in a position to fulfil that pledge, it ought not to have been given and the promise ought not to have been made. So, in spite of the Government of India Act and the way in which they are issuing directives to the executive of the provinces I think it is only fair that he should look to the functions and duties and take the responsibility for what is done in the provinces.

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

"That the Assembly do now adjourn."

The Assembly divided:

AYES—43.

Abdul Ghani, Maulvi Muhammad.  
Abdul Qayyum, Mr.  
Anthony, Mr. Frank R.  
Azhar Ali, Mr. Muhammad.  
Banerjee, Dr. P. N.  
Chattopadhyaya, Mr. Amarendra Nath.  
Choudhury, Mr. Muhammad Hussain.  
Dam, Mr. Ananga Mohan.  
Das, Mr. B.  
Datta, Mr. Akhil Chandra.  
Deshmukh, Mr. Govind V.  
Essak Sant, Mr. H. A. Sathar H.  
Fazl-i-Haq Piracha, Khan Bahadur Shaikh.  
Gupta, Mr. K. S.  
Gupta, Mr. R. R.  
Hans Raj, Raizada.  
Hegde, Sri K. B. Jinaraja.  
Hosmani, Mr. S. K.  
Ismail Khan, Hajee Chowdhury Muham-  
mad.  
Joshi, Mr. N. M.  
Kailash Bihari Lall, Mr.

Kazmi, Qazi Muhammad Ahmad.  
Krishnamachari, Mr. T. T.  
Lahiri Chaudhury, Mr. D. K.  
Lalchand Navalrai, Mr.  
Lalljee, Mr. Hooseimbhoy A.  
Liaquat Ali Khan, Nawabzada Muham-  
mad.  
Maitra, Pandit Lakshmi Kanta.  
Mangal Singh, Sardar.  
Mehta, Mr. Jannadas M.  
Misra, Pandit Shambhudayal.  
Naidu, Mr. G. Rangiah.  
Nairang, Syed Ghulam Bhik.  
Neogy, Mr. K. C.  
Pande, Mr. Badri Dutt.  
Ramayan Prasad, Mr.  
Raza Ali, Sir Syed.  
Sham Lal, Lala.  
Siddique Ali Khan, Nawab.  
Srivastava, Mr. Hari Sharan Prasad.  
Yamin Khan, Sir Muhammad.  
Yusuf Abdoola Haroon, Seth.  
Zafar Ali Khan, Maulana.

NOES—42.

Ahmad Nawaz Khan, Major Nawab Sir.  
Ambedkar, The Honourable Dr. B. R.  
Azizul Huque, The Honourable Sir M.  
Bentham, The Honourable Sir Edward.  
Bewoor, Sir Gurunath.  
Bhagchand Soni, Rai Bahadur Seth.  
Caroe, Mr. O. K.  
Daga, Seth Sunder Lall.  
Dalal, Dr. Sir Ratanji Dinshaw.  
Dalpat Singh, Sardar Bahadur Captain.  
Greenfield, Mr. H.  
Gwilt, Mr. E. L. C.  
Habibur-Rahman, Khan Bahadur Sheikh.  
Haidar Khan Bahadur Shamsuddin.  
Imam, Mr. Sayid Haidar.  
Inskip, Mr. A. C.  
Ismail Alikhan, Kunwer Hajee.  
James, Sir F. E.  
Jawahar Singh, Sardar Bahadur Sardar  
Sir.  
Khare, The Honourable Dr. N. B.  
Krishnamoorthy, Mr. E. S. A.  
Kushal Pal Singh, Raja Bahadur.  
Lawson, Mr. C. P.

Maxwell, The Honourable Sir Reginald.  
Miller, Mr. C. C.  
Muazzam Sahib Bahadur, Mr. Muham-  
mad.  
Mudalhar, The Honourable Dewan Baha-  
dur Sir A. Ramaswami.  
Ogilvie, Mr. C. M. G.  
Pare Lall Kurcel, Mr.  
Raisman, The Honourable Sir Jeremy.  
Richardson, Sir Henry.  
Roy, The Honourable Sir Asoka.  
Shahban, Khan Bahadur Mian Ghulam  
Kadir Muhammad.  
Spence, Sir George.  
Srivastava, The Honourable Sir Jwala  
Prasad.  
Stokes, Mr. H. G.  
Sukthankar, Mr. Y. N.  
Sultan Ahmed, The Honourable Sir.  
Thakur Singh, Capt.  
Trivedi, Mr. C. M.  
Tson, Mr. J. D.  
Zahid Husain, Mr.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 10th February, 1944.

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

## STARRED QUESTIONS AND ANSWERS.

### (a) ORAL ANSWERS.

#### LOWER WAGES, ETC., OF INDIAN SEAMEN EMPLOYED ON BRITISH-OWNED SHIPS.

71. \*Mr. Govind V. Deshmukh: Will the Honourable Member for Commerce please state:

(a) if it is a fact that Indian seamen employed on British-owned ships are paid wages which are approximately only one-fourth of that paid to the Britishers employed on the same vessels and that the cubic space allowed to Indian seamen on those ships is approximately one-half of that allowed to the rest of the crew; and

(b) if he has devoted any serious consideration to matters mentioned above; if so, what steps, if any, have been taken to remove inequality in pay and inconvenience and discomfort due to insufficient accommodation to Indian seamen?

The Honourable Sir M. Azizul Huque: (a) and (b). So far as the inequality in wages is concerned, the position has been correctly stated by the Honourable Member. Government are, however, considering the question of increase in the wages of Indian seamen. As regards accommodation space allowed to lascars, there is no difference in the sleeping accommodation between lascars and European seamen, the sleeping accommodation being 12 superficial feet and 72 cubic feet for both.

Mr. Govind V. Deshmukh: Since when have Government been considering the increment of wages of Indian seamen?

The Honourable Sir M. Azizul Huque: Well for some time.

Mr. Govind V. Deshmukh: When is it going to stop this exploitation of Indian seamen?

The Honourable Sir M. Azizul Huque: I cannot answer that. But I can say this much that the question is under active consideration and we hope further quick decisions will be arrived at.

Mr. N. M. Joshi: Is the Government of India aware that Chinese seamen are paid the same wages as the British seamen, and it is only on account of the Government of India not being very active that the Indian seamen are not paid the same wages as the Chinese or the British seamen.

The Honourable Sir M. Azizul Huque: I can say that the Chinese seamen are not exactly paid the same as the British seamen. There is some difference.

Mr. Govind V. Deshmukh: Are they paid more than the Indian seamen?

The Honourable Sir M. Azizul Huque: Yes.

Mr. Govind V. Deshmukh: Then why isn't the pay of the Indian seamen increased to the same level as the Chinese seamen?

The Honourable Sir M. Azizul Huque: I said the question is under very active consideration of the Government of India.

Mr. Lalchand Navalrai: Will the Honourable Member see that these Indian seamen get as much wages as the British people?

The Honourable Sir M. Azizul Huque: I can assure the House that on the question of seamen, I have taken a personal interest for quite a long time and I will do everything possible in my power.

#### INTERVIEWS OF SIR SHAFAAT AHMAD KHAN WITH FIELD MARSHAL SMUTS RE STATUS OF INDIANS IN SOUTH AFRICA.

72. \*Mr. Govind V. Deshmukh: Will the Honourable Member for Indians Overseas please state:

(a) if Sir Shafaat Ahmad Khan, the Indian High Commissioner in South Africa, had interviews with Field Marshal Smuts in the month of December, 1943; and

(b) if he had any discussion with him about the status of Indians in South Africa; if so, what the upshot of the whole discussion is?

**The Honourable Dr. N. B. Khare:** (a) On return from India Sir Shafaat Ahmad Khan, High Commissioner for India in South Africa, called on Field Marshal Smuts on 18th December, 1943.

(b) I regret I am not in a position to make a statement on the nature of subject of the conversation.

**Mr. Govind V. Deshmukh:** Was there any interview?

**The Honourable Dr. N. B. Khare:** Yes.

**Mr. Govind V. Deshmukh:** Then was that not in connection with some Indian affairs? Was it a social interview?

**The Honourable Dr. N. B. Khare:** I cannot make a statement on what transpired at the interview because it is not in the public interest to do so.

**Mr. Lalchand Navalrai:** May I know from the Honourable Member whether the High Commissioner went into the question of the Pegging Bill and also suggested something to remove the difficulties?

**The Honourable Dr. N. B. Khare:** I have already given the answer. The main scope of the High Commissioner's duties is to look after Indian interests and it is reasonable to expect that he would be naturally interested in the status of Indians there.

**Mr. Lalchand Navalrai:** Did the Honourable Member give him any instructions or any information about the discontent here and did he ask him to do something about it?

**The Honourable Dr. N. B. Khare:** He was here. He saw me.

**Mr. Lalchand Navalrai:** Did the Honourable Member communicate to him anything and ask him to do something?

**The Honourable Dr. N. B. Khare:** Well, he saw me. That is all.

**Mr. Lalchand Navalrai:** I am not asking whether he came to see your face. I am asking whether you gave him any instructions? Did you tell him anything or did you keep mum?

**The Honourable Dr. N. B. Khare:** My face is not beautiful. Naturally a discussion must have taken place. The question interested both of us.

**Qazi Muhammad Ahmad Kazmi:** Has the Honourable Member received any communication from Sir Shafaat Ahmad Khan, or has he any information as to what happened?

**The Honourable Dr. N. B. Khare:** Sir, I am constantly in communication with him.

**Mr. Govind V. Deshmukh:** I may not be told the nature of the discussion but was any report of this interview made to the Honourable Member after the interview took place?

**The Honourable Dr. N. B. Khare:** I have already said that I am in communication with him.

#### DELAY IN ENFORCING THE DRUG CONTROL ACT.

**73. \*Mr. Govind V. Deshmukh:** Will the Secretary for Education, Health and Lands please explain the delay in enforcing the Drug Control Act passed more than three years ago?

**Mr. J. D. Tyson:** The Act has to be brought into force in all Provinces simultaneously. Provincial Governments were consulted in 1942 and the majority expressed the view that the enforcement of the Act should be deferred. Provincial Governments have been asked to agree to publication of the draft rules in March next.

**Mr. Govind V. Deshmukh:** Did the Provincial Government give any grounds as to why the enforcement should be deferred?

**Mr. J. D. Tyson:** Yes, Sir. They thought it was not a suitable time. Some Governments mentioned that there was a dearth of the requisite reagents and chemicals for use in the Drug control laboratories.

**Mr. Govind V. Deshmukh:** Did those Governments who favoured deferment on account of the time not being suitable explain what they meant?

**Mr. J. D. Tyson:** Sir, there are eleven provinces. I cannot answer that offhand.

#### TRADE MARKS LEGISLATION IN INDIAN STATES.

**74. \*Sir E. E. James:** (a) Will the Honourable the Commerce Member be pleased to state if he is aware:

(i) that Travancore has enacted trade marks legislation based upon the British Indian Act;

(ii) that a draft Bill has been placed before the Cochin Legislative Council;

(iii) that other States, large and small, are contemplating similar legislation; and

(iv) that the result will be the establishment of many separate registering authorities involving companies operating in British India and the Indian States in the payment of a number of separate registration fees and other legal charges?

(b) What steps are being taken by the Government of India to approach the Indian States concerned, with a view to making reciprocal arrangements between them and British India which will avoid complicated procedure, duplication of registration fees, and other legal charges?

**The Honourable Sir M. Azizul Huque:** (a) (i) Yes.

(ii) Government have no information so far.

(iii) Government are aware that certain other States are contemplating Trade Marks Legislation.

(iv) Yes.

(b) Question of reciprocal arrangements with the States concerned is already under active consideration of Government.

#### RAISING OF GOVERNMENT INTERMEDIATE COLLEGE, QUETTA, TO DEGREE COLLEGE.

**75. \*Mr. H. A. Sathar H. Essak Salt:** Will the Secretary for Education, Health and Lands please state:

(a) whether the number of students in the Intermediate College Section of the Government Intermediate College at Quetta has reached 120; and

(b) whether, in view of this evidence of very keen demand for higher education, Government propose to raise it to the standard of a Degree College, especially as it involves no extra expenditure on buildings, and a further expenditure on additional staff is expected to be covered by the extra fee to be collected for the degree classes?

**Mr. J. D. Tyson:** (a) The actual number is 95.

(b) The question of raising the Sandeman Higher Secondary School, Quetta, to the Degree Standard will be considered in due course.

**Mr. Lalchand Navalrai:** Will it be referred to Pakistan when it is established there or after?

(No answer.)

#### GRANTING PERMANENT RECOGNITION TO DENOMINATIONAL SCHOOLS IN BALUCHISTAN.

**76. \*Mr. H. A. Sathar H. Essak Salt:** Will the Secretary for Education, Health and Lands please state whether he is aware of the fact that the year to year recognition granted to denominational schools in Baluchistan operates as a bar against the betterment of educational facilities in such schools, and whether Government propose to accord permanent recognition to such schools in Baluchistan?

**Mr. J. D. Tyson:** Government do not share the view the Honourable Member has expressed in the first part of his question. As regards the second part, the matter is receiving the attention of the Government of India.

**Mr. H. A. Sathar H. Essak Salt:** With regard to the first part, will the Honourable Member explain why he thinks it is advisable to have this recognition granted yearly rather than to keep it for a longer period?



**Mr. J. D. Tyson:** If the matter could be settled it would be better than giving recognition from year to year. But until it is settled it is better, for the institutions to have it yearly than not at all.

**Mr. H. A. Sathar H. Essak Salt:** What is the particular matter to be settled?

**Mr. J. D. Tyson:** The matter to be settled is whether recognition for these higher classes is to be given to a fairly large number of denominational schools who can each in the present state of development have only a small number of students in the higher classes; or whether the students in the higher classes should be concentrated in the Government schools which alone are properly equipped for dealing with them and could take them all in.

**Mr. H. A. Sathar H. Essak Salt:** Is the matter under active consideration now and when does my Honourable friend think it will be settled?

**Mr. J. D. Tyson:** The Educational Adviser hopes to go to Baluchistan and discuss the matter with the new Agent to the Governor General, who has just taken over-charge, when the latter has had time to form an opinion.

**Mr. Muhammad Azhar Ali:** Is that a general rule of recognition or is it specially coined?

**Mr. J. D. Tyson:** The circumstances in Quetta are quite exceptional.

#### STATEMENTS BY SECRETARY OF STATE ON INDIAN FOOD SITUATION.

77. **Mr. K. C. Neogy:** (a) With reference to the statements made by him in answer to supplementary questions in connection with starred question No. 24 on the 9th November, 1943, that the Secretary of State had "got so many sources of information" apart from the reports sent by the Government of India on the food situation, will the Honourable the Food Member be pleased to indicate whether there is any other official source of information open to the Secretary of State in such matters, to the knowledge of Government?

(b) Will the Honourable Member be pleased to refer to his answer to starred question No. 58 of the 9th November, 1943, stating that an enquiry had been made from His Majesty's Government in this connection, and that their reply was awaited, and state the purport of any reply that may have been received?

(c) Will the Honourable Member be pleased to refer to the various statements made by the Secretary of State in Parliament on the food situation during the last six months and indicate the points on which such statements were not fully in accord with the facts as known to the Government of India?

**The Honourable Sir Jwala Prasad Srivastava:** (a) Yes.

(b) The Secretary of State, in reply to a question by Mr. Sorensen, gave what purported to be a very rough estimate of the death rate in Bengal, prefaced by the caution that reliable statistics of mortality were not available. This was later superseded by another reply to the same gentleman, in which the Secretary of State said that between August 15th and October 18th about 8,000 persons were estimated to have died in Calcutta from causes directly or indirectly due to malnutrition, and that no reliable figures were available for the districts, in some of which conditions were feared to be worse than in Calcutta.

(c) Apart from mortality statistics, of which full and reliable information has not been available either to Secretary of State or the Government of India, I am not aware of any statement made by the Secretary of State on food which does not correspond with the facts.

I should like, Sir, with your permission to take this opportunity to remove any misunderstanding which may have arisen from a reply which I gave to the recent supplementary question on mortality statistics. I said that I did not know how the figures given by the Secretary of State were obtained. I meant that we had indicated no precise figure. I now find, Sir, that we had on the basis of the best information then available to us expressed an opinion at the beginning of January that on the overall picture it was unlikely that exceptional mortality due to famine and disease had yet exceeded one million. I did not

have that communication before me when answering to the supplementary questions. It was no doubt to that expression of opinion which the Secretary of State referred when he quoted the figure one million in Parliament.

**Mr. K. C. Neogy:** Does that mean that apart from the information which the Government of India supply to the Secretary of State on this as well as other matters, the Secretariat of the Governor General constitutes a rival source of information and inspiration for the Secretary of State?

**The Honourable Sir Jwala Prasad Srivastava:** I am not aware of that fact and I do not know all the official sources of information available to the Secretary of State; but I may say this, that the Government of India's reports from the Food Department are not the only sources of information available to the Secretary of State. I would like to indicate that the Secretary of State gets some kinds of reports from the Education, Health and Lands Department on mortality, and he gets direct from the Provincial Governments weekly or fortnightly reports, which give figures of mortality—two sources I can think of: but there may be others.

**Mr. K. C. Neogy:** Will the Honourable Member make an attempt to get copies of all the reports that may have been sent to the Secretary of State from all these various other sources that he has mentioned for the purpose of ensuring the accuracy of the statements that he makes himself in this House?

**The Honourable Sir Jwala Prasad Srivastava:** I will endeavour to, but as I have indicated I do not know all the sources and I do not know where to fish for them.

**Sir F. E. James:** Will my Honourable friend explain whose is the primary responsibility for supplying information on a matter like this to the Secretary of State under the present constitution? There must be some primary responsibility fixed on some authority. Which is that authority?

**The Honourable Sir Jwala Prasad Srivastava:** It is certainly not the Food Department. I will have to study the question; I do not know whose responsibility it is.

**Mr. Govind V. Deshmukh:** Is not the report of the Government of India based on the reports of the Provincial Governments?

**The Honourable Sir Jwala Prasad Srivastava:** Yes, Sir, to a large extent. I may inform the House that the opinion expressed by us to the Secretary of State was based very largely on reports from the Regional Food Commissioner and also a report from the Government of Bengal. But no reliable figures were supplied to us by either of these parties. They were in the nature of estimates.

**Mr. K. C. Neogy:** The Honourable Member mentioned that the Education, Health and Lands Department may be sending reports to the Secretary of State; do I take it that one Department of the Government of India does not know what the other is doing?

**Mr. N. M. Joshi:** That is so.

**The Honourable Sir Jwala Prasad Srivastava:** That is not the implication.

**Mr. Akhil Chandra Datta:** Has the Government of India taken any steps up to now in order to prevent any incorrect or misleading statements by the Secretary of State to be made in Parliament?

**The Honourable Sir Jwala Prasad Srivastava:** We are collecting reliable data. As soon as that data is received from the Bengal Government I hope the Secretary of State will be in possession of authentic figures.

**Mr. Govind V. Deshmukh:** Has the Secretary of State informed the Government of India that their reports are incorrect, or vice versa the Government of India told the Secretary of State that his reports are incorrect?

**The Honourable Sir Jwala Prasad Srivastava:** No.

**Mr. Govind V. Deshmukh:** Why not?

**Dr. P. N. Banerjee:** Does not the Information Department of the Government of India send reports to the Secretary of State?

**Nawabzada Muhammad Liaquat Ali Khan:** Does the Secretary of State communicate directly with the Provincial Governments without the knowledge of the Government of India?

**The Honourable Sir Jwala Prasad Srivastava:** I am unable to say.

**Mr. N. M. Joshi:** May I ask what is the constitutional position, whether the Governor of Bengal cannot directly deal with the Secretary of State for India?

(No answer was given.)

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

#### APPLYING FAMINE CODE TO CERTAIN DISTRICTS IN BENGAL.

**78. \*Mr. K. C. Neogy:** (a) With reference to his statement in answer to starred question No. 86 on the 9th November, 1943, that "the question of applying the Famine Code to certain districts is under the consideration of the Provincial Government", will the Honourable the Food Member be pleased to state in regard to which districts the question was under consideration, and what decision has been arrived at in the matter?

(b) What are the reasons for not applying the Famine Code to the famine affected areas in Bengal so long?

(c) Has the Honourable Member studied the provisions of the Bengal Famine Code and compared them with the system of relief that has been in operation in the rural areas of Bengal? If so, in what principal features do the former differ from the latter?

(d) Will the Honourable the Food Member be pleased to refer to his answer to parts (a), (c) and (d) of starred question No. 61 of the 9th November, 1943, in this connection and give a complete reply thereto?

**The Honourable Sir Jwala Prasad Srivastava:** (a) and (b). The question was considered in relation to all districts of Bengal, and particularly Midnapore, the 24 Parganas, Burdwan, Chittagong and Noakhali. It was decided that the Bengal Famine Code was not applicable to the situation which required special measures. Instructions which in certain respects differed from and amplified the provisions of the Bengal Famine Code, were issued on the 20th August, 1943.

(c) and (d). Yes: a statement is laid on the table of the House.

#### Statement containing replies to parts (a), (c) and (d) of Starred Question No. 61 of the 9th November, 1943.

(a) The supplies of foodgrains during August, September and October, 1943 are shown in the annexed statement.

(c) The main points of difference between the Bengal Government's relief scheme and the Famine Code are as under:

(i) The difference with regard to the controlling organization is that the union and not the circle has been adopted as the unit of relief and relief officers have been substituted for charge Superintendents. Great responsibility is placed on village relief committees and the accounts of expenditure have been simplified to enable the work of distribution to be carried out by honorary agency so that Relief Officers may be set free for other duties. The Relief Commissioner performs most of the functions of the Famine Commissioner though he has not the same powers over Railways, etc., which a Famine Commissioner could exercise under the old administration.

(ii) In regard to relief works the difference is that the method laid down in the Famine Code for the management of such works having been found too labourious, a simpler system has been adopted. Under this system instead of paying the earnings of individual labourers and endeavouring to exact from each labourer an appropriate task, the labourers are split up into sub-gangs and each of these sub-gangs is paid for the amount of work done by it after daily measure.

(iii) As to allowance of food to different classes of persons, the average rate—prescribed in the Famine Code is  $7\frac{1}{2}$  chittacks per day. This rate was generally adopted previously but owing to the serious shortage of foodgrains in August the average rate was reduced to about 3 chittacks for dry grain doles and 2 chittacks for the *khichri* excluding vegetables. This rate was however increased to an average of four chittacks for both dry doles and cooked doles shortly afterward as soon as the supply position became slightly better. It is also to be noted in this connection that in view of the extent of distress that prevailed in the Province, gratuitous relief was given to more classes of persons than are mentioned in the Famine Code.

(iv) As regards relief of poorer families among the middle class, the Famine Code provides for free distribution of clothes and blankets and for sale of foodgrains at cheap rates from charitable funds only. But such relief is being given where necessary in Bengal at Government expense as well.

#### STARRED QUESTIONS AND ANSWERS

(d) As far as the standard gruel prescribed for Calcutta was concerned, one portion of it had a calorific value of about 750 calories and, although somewhat deficit in fat, was empirically found adequate to sustain idle destitutes. Specific instructions were given to all free kitchens in Calcutta that the gruel was not suitable for persons in any advanced state of starvation. A nutrition expert was consulted informally by the officer in charge of the work in Calcutta and he did not consider the gruel inadequate in the circumstances. The same remarks as made in regard to Calcutta apply more or less to the mofussil districts, except that in rural kitchens the average quantity of grains prescribed was 4 chhitaks per head instead of 3 chhitaks as in Calcutta.

#### Despatches made to districts from Calcutta in August, 1943.

|                | Tons.            |
|----------------|------------------|
| Rice           | 1,891.47         |
| Paddy          | 661.10           |
| Gram           | 1,114.87         |
| Pulses         | 642.33           |
| Wheat          | 31,325.58        |
| Wheat Products | 4,231.06         |
| Millets        | 2,454.40         |
| Maize          | 1.07             |
| <b>TOTAL</b>   | <b>42,121.88</b> |

(Figures district by district not available).

[10TH FEB. 1944]

*Despatches to Districts from Calcutta.*

Despatched during the period September, 1943.

| To Districts. | (Figures in Tons) |        |       |                 |        |        |        |
|---------------|-------------------|--------|-------|-----------------|--------|--------|--------|
|               | Rice.             | Paddy. | Wheat | Wheat products. | Jowar. | Bajra. | Maize. |
|               | Tons.             | Tons.  | Tons. | Tons.           | Tons.  | Tons.  | Tons.  |
| 24-Parganas   | 1,688             | ..     | 275   | 735             | ..     | 773    | 15     |
| Nadia         | ..                | ..     | ..    | ..              | ..     | ..     | ..     |
| Murshidabad   | ..                | ..     | ..    | 220             | ..     | ..     | ..     |
| Jessore       | 37                | ..     | ..    | ..              | ..     | ..     | ..     |
| Khulna        | ..                | ..     | ..    | ..              | ..     | ..     | ..     |
| Burdwan       | 18                | ..     | ..    | ..              | ..     | 246    | ..     |
| Birbhum       | ..                | ..     | ..    | 1,836           | ..     | ..     | ..     |
| Bankura       | ..                | ..     | ..    | ..              | ..     | ..     | ..     |
| Midnapur      | 1,372             | ..     | ..    | 1,409           | ..     | ..     | ..     |
| Hooghly       | 198               | ..     | ..    | 1,844           | 187    | 694    | ..     |
| Howrah        | 690               | ..     | 294   | 700             | 130    | 300    | 9      |
| Rajahmahi     | ..                | ..     | ..    | 690             | ..     | 574    | ..     |
| Dinaipur      | ..                | ..     | ..    | ..              | ..     | ..     | ..     |
| Jalpaiguri    | ..                | ..     | ..    | 73              | ..     | ..     | ..     |
| Darjeeling    | 194               | ..     | ..    | ..              | ..     | ..     | ..     |
| Rangpur       | ..                | ..     | ..    | 290             | 37     | 56     | 233    |
| Bogra         | ..                | ..     | ..    | ..              | ..     | ..     | ..     |
| Pabna         | ..                | ..     | ..    | ..              | ..     | ..     | 89     |
| Malda         | ..                | ..     | ..    | ..              | ..     | ..     | ..     |
| Deoga         | 318               | ..     | ..    | 3,243           | ..     | 588    | ..     |
| Mymensingh    | ..                | ..     | ..    | 74              | ..     | 690    | 520    |
| Faridpur      | 771               | ..     | ..    | ..              | ..     | 590    | ..     |
| Bakarganj     | 331               | ..     | ..    | ..              | ..     | 184    | 1,370  |
| Chittagong    | 124               | ..     | ..    | 1,409           | ..     | 1,059  | 515    |
| Tippora       | ..                | ..     | ..    | ..              | ..     | ..     | 2,652  |
| Noakhali      | ..                | ..     | ..    | 735             | ..     | ..     | 735    |
| TOTAL         | 5,751             | ..     | 569   | 13,377          | 355    | 5,754  | 247    |
|               |                   |        |       |                 |        | 2,664  | 28,717 |

*Despatches to Districts from Calcutta.*

Despatched during the period October, 1943.

| To Districts.           | (Figures in Tons) |         |        |            |        |                 |        |
|-------------------------|-------------------|---------|--------|------------|--------|-----------------|--------|
|                         | Ex-Calcutta.      |         |        | Ex-Punjab. |        |                 |        |
|                         | Rice.             | Pulses. | Jowar. | Bajra.     | Wheat. | Wheat products. | Total. |
|                         | Tons.             | Tons.   | Tons.  | Tons.      | Tons.  | Tons.           | Tons.  |
| 24-Parganas             | 1,409             | 735     | ..     | 2,314      | 605    | 1,168           | 6,364  |
| Nadia                   | ..                | ..      | ..     | ..         | ..     | 37              | 55     |
| Murshidabad             | ..                | ..      | ..     | ..         | ..     | 148             | 148    |
| Jessore                 | ..                | ..      | ..     | ..         | ..     | ..              | ..     |
| Khulna                  | ..                | ..      | ..     | ..         | ..     | 18              | 18     |
| Burdwan                 | 37                | ..      | ..     | ..         | ..     | 1,089           | 1,726  |
| Birbhum                 | ..                | ..      | ..     | ..         | ..     | 239             | 239    |
| Bankura                 | ..                | ..      | ..     | ..         | ..     | 753             | 753    |
| Midnapur                | 1,623             | 1,397   | ..     | 481        | ..     | 992             | 4,989  |
| Hooghly                 | 488               | 202     | 73     | 408        | 213    | 248             | 2,298  |
| Howrah                  | 776               | 220     | ..     | 387        | 759    | 1,183           | 3,325  |
| Rajahmahi               | ..                | ..      | ..     | ..         | ..     | ..              | ..     |
| Dinaipur                | ..                | ..      | ..     | ..         | ..     | 149             | 18     |
| Jalpaiguri              | ..                | ..      | ..     | ..         | ..     | ..              | 73     |
| Darjeeling              | ..                | ..      | ..     | ..         | ..     | ..              | 443    |
| Rangpur                 | ..                | ..      | ..     | 56         | 162    | 294             | 823    |
| Bogra                   | ..                | ..      | ..     | 81         | ..     | 661             | 1,185  |
| Pabna                   | ..                | ..      | ..     | ..         | ..     | 937             | ..     |
| Malda                   | ..                | ..      | 122    | 77         | 263    | 73              | 1,230  |
| Deoga                   | 735               | 382     | ..     | 527        | ..     | 881             | 3,113  |
| Mymensingh              | 160               | ..      | 308    | 328        | ..     | 18              | 1,360  |
| Faridpur                | 367               | ..      | 372    | 3,275      | 805    | 55              | 6,133  |
| Bakarganj               | 367               | 184     | ..     | 462        | 403    | ..              | 1,916  |
| Chittagong              | 1,240             | 429     | 69     | 457        | 328    | 129             | 2,935  |
| Tippora                 | 220               | 27      | 396    | 1,558      | 658    | 73              | 3,484  |
| Noakhali                | ..                | ..      | 221    | 154        | 160    | 331             | 1,335  |
| Chittagong Hill Tracts. | ..                | ..      | ..     | ..         | ..     | ..              | ..     |
| GRAND TOTAL             | 7,482             | 3,587   | 1,561  | 10,686     | 4,498  | 8,274           | 43,982 |

**Mr. K. O. Neogy:** Has the Honourable Member's attention been drawn to a statement that has appeared in the *Hindustan Times* this morning from the Honourable Pandit H. N. Kunzru to the effect that during his recent visit to some of the affected parts of Bengal, he found the fear that was being entertained, both among officials and non-officials, that another famine is impending?

**The Honourable Sir Jwala Prasad Srivastava:** Well, Sir, I have read the letter to which the Honourable Member refers.

**Dr. P. N. Banerjee:** With reference to the answer to part (c) will the Honourable Member inform the House why it was not possible to give effect to the Famine Code? Was it because of the shortage of foodgrains or for any other cause?

**The Honourable Sir Jwala Prasad Srivastava:** The reasons are explained in the statement which is attached to my reply. One of the main reasons, of course, was that you could not give relief in cash, cash relief would not have been of much use. There was no grain. We were obliged to find grain, and generally this famine was of such dimensions that it could not have been tackled by the ordinary provisions of the Famine Code.

**Mr. Lalchand Navalrai:** If the Honourable Member has read Pandit Kunzru's letter, may I know what steps the Honourable Member has taken or proposes to take to see that that disaster is averted?

**The Honourable Sir Jwala Prasad Srivastava:** Well, we are working day and night to that end.

**Mr. Hoesseinbhooy A. Lalljee:** Does the Honourable Member agree with the statement made by Pandit Kunzru?

**The Honourable Sir Jwala Prasad Srivastava:** No. I think it is unnecessarily alarmist.

**Dr. P. N. Banerjee:** Can the Honourable Member assure this House that there is no possibility of another famine next year?

**The Honourable Sir Jwala Prasad Srivastava:** I am not a prophet.

**Dr. P. N. Banerjee:** Then why do you say he is alarmist?

**Mr. Lalchand Navalrai:** Is not the Honourable Member a food prophet?

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

#### STOCKS RELEASED FROM ARMY RESERVES FOR CIVILIANS IN BENGAL.

**79. \*Mr. K. O. Neogy:** With reference to his answer to part (a) of unstarred question No. 7 of the 9th November, 1943, regarding stocks released from army reserves for civilians in Bengal, will the Honourable the Food Member be pleased to state the different periods during which 23,000 tons of wheat referred to by him had been released for the benefit of the civilian population in Bengal from imports ordered for the Defence Services, and indicate the quantities that were distributed out of this assignment in the different areas of Bengal at different times? Was this action taken in pursuance of a direction of the Government of India? Was the desirability of temporarily lending a portion of the army reserves of foodgrains held within Bengal at earlier stages, ever considered by the authorities concerned? If so, with what result?

**The Honourable Sir Jwala Prasad Srivastava:** The wheat in question was imported for the defence services and released on various dates between the 1st January, and the 30th April, 1943. Its precise distribution in Bengal is not known to the Government of India. The action was taken at the request of the Government of India to His Excellency the Commander-in-Chief. The need for lending army stocks for civilian consumption had not arisen before the dates in question.

**Mr. K. O. Neogy:** Is it not a fact that specific suggestions were made in the course of the debate in this House on the food situation in Bengal, that the military might be requested to temporarily lend as much as possible of their stocks held within Bengal to the Provincial Government for the purpose of meeting the situation, and, if so, what action was taken on those suggestions?

**The Honourable Sir Jwala Prasad Srivastava:** To what debate is the Honourable Member referring?

**Mr. K. O. Neogy:** The first debate that took place here on the food situation, the very first debate that took place just a year ago.

**The Honourable Sir Jwala Prasad Srivastava:** I was not present in that debate.

**Mr. K. O. Neogy:** The Honourable Member had not assumed charge of the portfolio.

**The Honourable Sir Jwala Prasad Srivastava:** . . . but I believe the army had already done so as far as they could.

**Mr. Hoesseinbhooy A. Lalljee:** 23,000 tons of wheat were imported for the Defence Services. I want to know whether the Defence Services indent separately or jointly with the Civil Services?

**The Honourable Sir Jwala Prasad Srivastava:** I want notice of that question. I will look into the position and let the Honourable Member know.

#### CONSERVATION OF COAL IN INDIA.

**80. \*Mr. K. O. Neogy:** (a) Has the attention of the Honourable Member for Labour been drawn to the observations on the question of conservation of coal in India made by Dr. H. K. Sen, Director, Indian Lac Research Institute, Namkum, Ranchi, and Chairman of the Fuel Research Committee of the Board of Scientific and Industrial Research, in the course of certain lectures delivered in December, 1943, at the Patna University?

(b) Is it a fact that this question has from time to time been raised for the consideration of Government by different experts? If so, what action has so far been taken by Government in this matter?

(c) To what extent and in what manner has the larger utilisation of low grade coal, particularly on the part of the Railways, as suggested by Dr. Sen in his aforesaid lectures, been carried out or is proposed to be carried out in future?

(d) Are these questions being taken up for immediate consideration in view particularly of difficulties of the present coal position in the country?

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

(b) Yes. (i) In 1939 the Government of India passed the Coal Mines Stowing Act. The Stowing Board has, by assistance given to voluntary stowing, achieved considerable success in the conservation of high quality coal.

(ii) Under certain regulations under the Indian Coal Mines Regulations passed in 1939 restrictions were imposed on the dimension of workings which, apart from their safety value, have led to the conservation of coal.

(c) Expert Combustion Engineers have been attached to the office of the Controller of Coal Distribution, one of whose duties will be to ensure that industries that can consume a lower grade of coal are not supplied with a higher grade. The assistance of Provincial Governments has been invited in conducting a survey of coal consuming factories through the agency of Boiler Inspectors in consultation with Combustion Engineers. Government attach importance to a vigorous fuel economy campaign and this is already receiving the attention of the Coal Commissioner. Low grade coal is supplied to the maximum extent possible for the various services against Railway demands.

(d) These questions are constantly under the attention of Government.

**Mr. K. O. Neogy:** I think the Honourable Member said that his attention has not been drawn to the observations to which I refer.

**The Honourable Dr. B. R. Ambedkar:** My attention has not been drawn to the lectures to which the Honourable Member refers.

**Mr. K. O. Neogy:** But they were reported in the press.

**The Honourable Dr. B. R. Ambedkar:** They might have been.

**Mr. K. O. Neogy:** But is it not expected that the Honourable Member should take some notice of such important observations?

**The Honourable Dr. B. R. Ambedkar:** Not everything that appears in newspapers.

**Mr. K. O. Neogy:** But the gentleman holds rather a responsible position.

**The Honourable Dr. B. R. Ambedkar:** I would like the Honourable Member to send me a copy. I have not seen it.

ants in certain agreed quantities. In addition, wages together with bonus allowance have been raised to 50 per cent. above their 1939 level. Further, Government of India are encouraging all collieries to introduce a production bonus based either on attendance or on out-put, and it is understood that the collieries have already introduced such a bonus.

(iii) Every effort is being made to obtain machinery from abroad. Government is prepared to allow depreciation both for Excess Profits Tax and Income tax on new coal cutting machinery now to be purchased at an annual rate of 50 per cent. on the written down value of such machinery. The trade has been asked whether they will accept these terms and if so, to send details of the machinery they require. Their reactions are awaited.

(iv) A proposal to encourage production by granting bonuses on increased output free of Excess Profits Tax is under discussion with the trade.

(v) Steps are also being taken to provide consumer goods, standard clothing and medical stores in adequate quantities.

(d) (i) Government are not aware of any colliery owner who is deliberately refraining from producing the maximum possible. In order, however, to prevent any such possibility, a scheme is under consideration and is being discussed with the trade by the Coal Commissioner, whereby a target figure of production will be fixed for each colliery. It is proposed under the scheme that where a mine owner fails to produce the target tonnage, the Coal Commissioner will, unless he is satisfied that there is some good reason for such default, issue a formal warning to the mine owner that in the event of persistent default, Government will requisition his mines and may, if circumstances so require, acquire the mines outright.

(ii) The distribution of coal is made by the Controller of Coal Distribution working under the direction of the War Transport Department, in accordance with a rationing scheme approved by the War Resources Committee of Council. All coal despatches are made against licences or priority certificates issued by the Controller of Coal Distribution's office. These are based on the quotas fixed for each industry within the general rationing instructions and in line with the recommendations made by the Departments concerned with the various industries. Detailed day-to-day instructions are issued to each colliery as to the consignee against whom they should load. The actual loading on the part of the collieries receives a check at the weighment depot stations. The returns compiled by the depot stations are further scrutinised by the allotment office. Inspectors working under the Railways and the Controller's organisation make frequent checks of actual booking at stations of arrival and at destination stations to ensure that collieries have booked the wagons to the consignee for whom the wagon has been allotted, in accordance with the priority certificate, and that at the destination stations the wagon is delivered to the proper consignee and not allowed to go into the open market. Several cases of coal having been sold in the black market have been detected and prosecutions have been launched.

(e) Every possible step is being taken to develop the capacity of the Railway collieries to their full extent as quickly as circumstances permit. While considerable progress has been made I am not yet in a position to state that all Railway Collieries are being worked to their full capacity. Present difficulties are due to:

- (i) shortage of labour,
- (ii) unavoidable delay in the introduction of mechanical plant,
- (iii) want of line capacity to move the increased output.

All these difficulties are expected to be overcome shortly.

**Sir Muhammad Yamin Khan:** In reply to part (b), the Honourable Member said about the collieries which are not working to full capacity. How many of them are represented by European companies?

**The Honourable Dr. B. R. Ambedkar:** I am unable to give any answer to that at this stage. I do not think we can have any information as to which

are not working to full capacity and which of them are European-owned and which Indian-owned.

**Sir Muhammad Yamin Khan:** Will the Honourable Member be pleased to make an inquiry and inform this House during this session before the Railway Budget comes in?

**The Honourable Dr. B. R. Ambedkar:** I do not think I can undertake to make such an inquiry.

**Mr. K. C. Neogy:** Is the Honourable Member in a position to give the information asked for by Sir Muhammad Yamin Khan, not with reference to the nationality of the owning interest but as to whether all the collieries, big and small, are doing the work properly, and whether the Honourable Member's scheme is intended to apply to the smaller collieries as much as to the larger?

**The Honourable Dr. B. R. Ambedkar:** It is intended to apply to all collieries and with regard to the first part of the question put by my Honourable friend all I can say is that I am prepared to undertake an inquiry which will help in producing more coal. I do not want to hold any assize enquiry over the coal mines.

**Mr. N. M. Joshi:** May I ask, whenever the Honourable Member makes a statement that the wages of the miners have been increased by 50 per cent., he will also state at the same time that the cost of living in the colliery areas has increased three times the pre-war cost of living index, in order to avoid misunderstanding regarding the statement which he makes?

**The Honourable Dr. B. R. Ambedkar:** I believe that this is a direction to me and not a question.

**Nawabzada Muhammad Liaquat Ali Khan:** Is any quantity of coal exported from India?

**The Honourable Dr. B. R. Ambedkar:** No, except to Ceylon.

**Mr. N. M. Joshi:** Is it a fact that the Honourable Member had stated that women miners are not compelled to go underground and if he has made such a statement, may I ask how he reconciles that fact with the statement which he has just now made that the Government of India are taking steps to refuse employment to miners elsewhere?

**The Honourable Dr. B. R. Ambedkar:** I do not see any contradiction.

**Sir Muhammad Yamin Khan:** In reply to part (c) of the question about the taxation adjustment, the Honourable Member has not explained what was the demand of the colliery owners—whether they were unwilling to pay the E. P. T. and whether they have wanted exemption from the payment of E. P. T. On what ground do they want to be exempted from E. P. T.?

**The Honourable Dr. B. R. Ambedkar:** On the ground that coal was a wasting asset.

**Maulvi Muhammad Abdul Ghani:** May I know the quantity of coal exported to Ceylon?

**The Honourable Dr. B. R. Ambedkar:** I must have notice of that question.

#### EXPORT QUOTAS FOR COMMODITIES.

**83. \*Sardar Mangal Singh:** Will the Honourable Member for Commerce please state:

- (a) the conditions on which the export quotas for various commodities are determined;
- (b) whether the claims of the manufacturers who expanded this business during the war, were also considered; and
- (c) whether Government propose to grant quotas in future to manufacturers also, particularly to those who have orders from abroad for the supply of different commodities?

**The Honourable Sir M. Azizul Huque:** (a) Export quotas for controlled goods are fixed with reference to the internal supply position of the commodities concerned and also in certain cases with reference to the minimum essential requirements of the importing countries and past exports for a basic period.

(b) and (c). Wherever restrictions are imposed on exports of a particular commodity the general policy of the Government is ordinarily to confine the



grant of export licences to those who were established in the trade prior to the imposition of the restrictions. Manufacturers who expanded their business during the war will be eligible for export licences only if they had established themselves in the export trade during the prescribed basic period which, in most cases, is the official year 1941-42.

**Sardar Mangal Singh:** Is it not a fact that Government is giving a practical monopoly to old exporters?

**The Honourable Sir M. Azizul Huque:** I cannot understand how it can be called a monopoly. After all, if exports have to be restricted, we have to give them on a certain basis, and the basis which we have accepted is those who have been in business at the time the restrictions were put in. If you call it a monopoly, you might, but I do not think I can call it so.

**Mr. Hooseinbhoj A. Lalljee:** What is meant by the term "those who have been in business"?

**The Honourable Sir M. Azizul Huque:** It is just what it conveys.

**Mr. Hooseinbhoj A. Lalljee:** Is it not a fact that many of those who were in business at that time have now ceased to be in business?

**The Honourable Sir M. Azizul Huque:** For a vast country like India it is extremely difficult to find out individual cases who have ceased or not ceased to be in business. If individual cases are brought to our notice, we take steps to stop them. But I am merely enunciating the general principle that only those who have been in business are entitled to the quota.

**Seth Yusuf Abdoola Haroon:** Is it not a fact that those people who have come into business just now have been given quotas?

**The Honourable Sir M. Azizul Huque:** As I have said, it is possible in exceptional circumstances to grant quotas to a few others who have come at a later stage, but each such individual case is examined on its merits. For example, if there is an industry that has got a surplus after meeting all the internal needs, we have to give it a quota in exceptional cases. But these quotas are given in absolutely exceptional cases.

**Sardar Mangal Singh:** May I ask whether the Government will consider the grant of quotas to those manufacturers who have got supply orders from abroad?

**The Honourable Sir M. Azizul Huque:** I do not think we can be guided by the supply orders from abroad because in view of the inflationary position in some of the countries outside India any amount of supply orders will be coming to India and if we are to allow exports to these countries, I am sure the civilian consumption will be very badly affected.

#### EXPORTERS ON THE ESTABLISHED LIST OF SHIPPERS.

**84. \*Sardar Mangal Singh:** (a) Will the Honourable Member for Commerce please lay on the table of the House the list of exporters who are on the established list of shippers?

(b) How many of these approved exporters belong to the Punjab?

(c) Were the Punjab Government consulted when this list was prepared?

(d) Did the Punjab Government recommend any firm or firms of manufacturers to be registered as exporters?

**The Honourable Sir M. Azizul Huque:** (a) to (c). No "established list of shippers" is maintained by Government but Export Trade Controllers are generally guided in the issue of export licences by the evidence produced by shippers themselves regarding their exports during a prescribed basic period. It may, however, be added that the exporters are not classified on a provincial basis.

(d) A firm in Ludhiana has submitted a representation through the Punjab Government asking for special treatment outside the existing export control regulations. The representation is under consideration.

#### REJECTION OF CANADIAN GOVERNMENT'S OFFER OF WHEAT TO INDIA.

**85. \*Dr. P. N. Banerjee:** (a) Has the attention of the Honourable the Food Member been drawn to the extract in the *Amrita Bazar Patrika*, dated the 9th December, 1943, from the newspaper *P.M.* which devoted two entire pages to a story headlined "Britain says 'no' to wheat gift for starving India—Canadian Government's offer of a hundred thousand tons rejected by Mr. Leopold Amery"? If so, is *P.M.*'s statement correct?

(b) If the *P.M.*'s statement be correct, does the Honourable Member propose to consider the desirability of taking steps towards the renewal of the rejected offer, in view of the fact that the food situation in India is not yet normal?

**The Honourable Sir Jwala Prasad Srivastava:** (a) I have seen the statement. It is not correct.

(b) Does not arise.

**Mr. K. C. Neogy:** Is the Honourable Member sure that he has got a full catalogue of all the acts of foolishness that Mr. Amery has committed?

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

#### SUPPLY AND RATIONING OF FOOD IN PROVINCES.

**86. \*Mr. Lalchand Navarai:** (a) Will the Honourable the Food Member be pleased to state the final adjustment made by the Government of India with Provinces for the procurement, distribution and rationing of food in each of the Provinces?

(b) What prices of rice in respect of the present *Kharif* have been finally fixed in each of the Provinces? Have Government accepted the requirement of the Sind Ministry to increase the price of rice in Sind, in spite of protests by consumers? If so, how?

**The Honourable Sir Jwala Prasad Srivastava:** (a) There can be no finality at this stage of the development of India's Food Organisation. The policy of the Government of India with regard to procurement, distribution and rationing of foodgrains has been stated in the White Paper laid on the table of the House during the last session. No departure has been made from the declared policy.

(b) In view of the wide variations in the price of rice in different regions, the Government of India have deferred the fixation by statute of uniform or coordinated maximum prices for rice, until the ruling prices have been brought to an appropriate level. The answer to the second part of this question is in the negative.

**Mr. Lalchand Navarai:** May I know what price of rice of the *Kharif* production has been fixed for Sind?

**The Honourable Sir Jwala Prasad Srivastava:** We have not fixed any price yet, as I have said.

**Mr. Lalchand Navarai:** In that case, may I know whether the price of rice that is already ruling there has not yet been interfered with?

**The Honourable Sir Jwala Prasad Srivastava:** No; the price which was fixed by the Sind Government still holds.

**Mr. Lalchand Navarai:** Have not there been speculative forward contracts for the *Kharif* cultivation and some of the members of the Ministry themselves are anxious that the price should be increased? Are the Government of India aware of it?

**The Honourable Sir Jwala Prasad Srivastava:** No, I am not aware of such an occurrence.

**Mr. Lalchand Navarai:** Will the Honourable Member make inquiries about it? There are forward contracts which will affect the consumers if the price is increased.

**The Honourable Sir Jwala Prasad Srivastava:** I cannot make a roving inquiry like that on allegations which are not supported by facts.

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

### APPOINTMENT OF AN AUSTRALIAN AS GOVERNOR OF BENGAL.

87. \***Mr. Akhil Chandra Datta:** (a) Will the Honourable the Leader of the House be pleased to state whether the Government of India were consulted in the matter of the recent appointment of the Governor of Bengal?

(b) Did the Government of India express any opinion in the matter?

(c) Did the Government of India know that the appointment of an Australian as Governor of Bengal is resented to by the people of India?

**The Honourable Sir Sultan Ahmed:** (a), (b) and (c). The subject matter of this question does not concern the Governor General in Council. Governors are appointed by His Majesty the King under section 48 of the Government of India Act, 1935.

**Sardar Sant Singh:** May I know if the Honourable Member is aware that this appointment has created a good deal of discontent and dissatisfaction over His Majesty's Government's policy with regard to India?

**The Honourable Sir Sultan Ahmed:** No, Sir.

**Sardar Sant Singh:** Have the Government of India tried to gauge the feelings of the country in respect of this appointment?

**The Honourable Sir Sultan Ahmed:** I have answered the question. We were not consulted in the matter and we have nothing to do with it.

### UNSTARRED QUESTION AND ANSWER.

#### PUBLICATION OF CERTAIN ANNUAL REPORTS CONCERNING LABOUR ON RAILWAYS.

43. **Mr. Lalchand Navarai:** Will the Honourable Member for Labour be pleased to state if the following reports have since been issued? If not, why not, and when are they likely to be issued?

(i) Annual report on the working of the Payment of Wages Act, IV of 1936, by the Conciliation Officer (Railways) and Supervisor of Railway, Labour, Calcutta; and

(ii) Annual report on the working of the Hours of Employment Regulations on the Indian Railways during the year 1941-42?

**The Honourable Dr. B. R. Ambedkar:** The last reports published were for the year 1940-41. Printing of future reports has been temporarily discontinued due to acute shortage of paper.

### MOTIONS FOR ADJOURNMENT.

#### ORDERS PASSED ON NATIONAL CALL AND HINDUSTAN TIMES BY CHIEF COMMISSIONER OF DELHI.

**Mr. President** (The Honourable Sir Abdur Rahim): Mr. Krishnamachari has given notice of an adjournment motion with respect to the orders passed by the Chief Commissioner of Delhi on the *National Call* and the *Hindustan Times* which is exactly the matter which has already been dealt with and so I rule it out of order.

#### DILATORY TACTICS OF GOVERNMENT IN ENFORCING THE RECIPROCITY ACT

**Mr. President** (The Honourable Sir Abdur Rahim): The next adjournment motion is in the name of Mr. Deshmukh. He wishes to adjourn the business of the Assembly for the purpose of discussing a definite matter of urgent public importance, namely, "the dilatory tactics of the Government to defeat the purpose of the Reciprocity Act as evidenced by the answers given on Monday to a question relating to the framing of rules to give effect to it".

Has the Government Member anything to say on this motion?

**The Honourable Dr. N. B. Khare** (Member for Indians Overseas): As I explained the other day when a similar motion came up before the House it is inopportune in my opinion to raise this matter at present.

**Mr. President** (The Honourable Sir Abdur Rahim): I want to know first of all whether the Government have any objection to this motion being moved on the ground that it is not in order.

**The Honourable Dr. N. B. Khare:** There is nothing urgent; it is not of recent occurrence. I may inform the House that we have not been idle. I submit that nothing will be lost, and something positive will be gained if this motion is not taken up now. I hope my Honourable friend will accede to my request and I appeal to my Honourable friend to withdraw his motion.

**Mr. Govind V. Deshmukh** (Nagpur Division: Non-Muhammadian): I do not respond to any appeal. All appeals fall flat on me. If there is an assurance that in the very near future something will be gained for Indians who are in South Africa, then I might see my way to withdraw this adjournment motion. Otherwise, I must do what is my duty as a Member of this House.

**The Honourable Dr. N. B. Khare:** I have already given the assurance here. I can assure my Honourable friend that nothing will be lost, but something might be gained by postponing this adjournment motion.

**Mr. President** (The Honourable Sir Abdur Rahim): As objection has been taken to leave being granted—that is what the Honourable Member for Government meant by his remarks—will those Honourable Members who are in favour of leave being granted rise in their places.

(Not less than 25 Honourable Members stood up in their places.)

As not less than 25 Honourable Members have stood up for leave being granted, the motion will be taken up for discussion at Four of the Clock today or earlier if the business of the House is finished before.

#### ELECTION OF A MEMBER TO THE STANDING COMMITTEE FOR ROADS.

**Mr. President** (The Honourable Sir Abdur Rahim): I have to inform the Assembly that upto 12 Noon on Wednesday, the 9th February, 1944, the time fixed for receiving nominations for the Standing Committee for Roads one nomination was received. As there is only one vacancy I declare Mr. A. C. Inskip to be duly elected.

#### ELECTION OF MEMBERS TO THE DELHI UNIVERSITY COURT.

**Mr. President** (The Honourable Sir Abdur Rahim): I have to inform the Assembly that upto 12 Noon on Wednesday, the 9th February, 1944, the time fixed for receiving nominations for the Court of the University of Delhi four nominations were received. As there are only four vacancies, I declare the following Members to be duly elected, namely, (1) Sir F. E. James, (2) Dr. Sir Zia Uddin Ahmad, (3) Sir Muhammad Yamin Khan, and (4) Syed Ghulam Bhik Nairang.

#### THE COAL MINES SAFETY (STOWING) AMENDMENT BILL.

**The Honourable Dr. B. R. Ambedkar** (Labour Member): Mr. President, in view of the desire expressed by some Honourable Members of the House that they would like to have some more time to consider the Bill, I do not propose to make the motion for consideration of the Bill which is put down against my name.

#### THE INDIAN COMPANIES (AMENDMENT) BILL.

**The Honourable Sir M. Azizul Huque** (Commerce Member): Sir, so far as the Bill further to amend the Indian Companies Act is concerned, there has been a feeling among various sections of the House that the notice given to them has been short. I therefore do not propose to move the motion for consideration of the Bill today.

#### THE COFFEE MARKET EXPANSION (AMENDMENT) BILL.

**The Honourable Sir M. Azizul Huque** (Commerce Member): Sir, I move: "That the Bill further to amend the Coffee Market Expansion Act, 1942, be taken into consideration."

Sir, this is a very simple measure. It has been found that there is some defect in the Act. Whereas in the Act there is a provision for the fixation of price, in the penal provision one section altogether escapes. It is with a view to remove the defect that I have brought in this Bill, namely, in the penal provision, the dealer also and not merely the licence securer or the owner shall be liable. So far as the first section is concerned, it is merely to define the dealer. Again at the present moment, any prosecution can only be at the instance of certain bodies. Here we propose that the Provincial Government or an officer of the Board can proceed. Otherwise, it is extremely difficult, if a dealer in an out of the way place, in Orissa or in Bihar, violates the provision of the law, for an officer of the Coffee Marketing Board to take steps to prosecute. My intention is merely to bring about these changes in the law. Sir, I move that the Bill be taken into consideration.

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

"That the Bill further to amend the Coffee Market Expansion Act, 1942, be taken into consideration."

The motion was adopted.

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

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Sir M. Azizul Huque**: 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 INDIAN COCONUT CESS BILL.

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

"That the Bill to provide for the creation of a fund for the improvement and development of the cultivation, marketing and utilization of coconuts in India be referred to a Select Committee consisting of Mr. H. A. Sathar H. Essak Sait, Mr. Muhammad Ashar Ali, Pandit Lakshmi Kanta Maitra, Rai Bahadur Seth Bhagechand Soni, Sir F. E. James, Sir Abdul Halim Ghuznavi, Mr. Y. N. Sukthankar, and the Mover, with instructions to report on or before the 20th February, 1944, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Time was, Sir, when India was one of the chief suppliers of coconuts and coconut products to the markets of the world. But, today, so far from exporting any appreciable quantity of either commodity, even in peace conditions, India is to a great extent dependent upon imports from abroad. Hence this Bill. It is only since the beginning of the century that India has become on balance an importing country. The extent of our import may be gauged from the fact that—I give it in terms of copra—in the period 1935-37, we were importing at the rate of 91,000 tons per annum from Ceylon, and that figure has doubled since then. The loss through enemy occupation of the principal coconut producing countries of the world, the Philippine islands and the Netherland East Indies, has thrown a very heavy burden upon another principal producer, Ceylon, from which we have been supplementing our own indigenous supplies. The result is that at present we are able to obtain from that source only about one-third of the quantity we require to import for our own internal consumption.

**Pandit Lakshmi Kanta Maitra** (Presidency Division: Non-Muhammadan Rural): Has the Honourable Member got any figure for our internal consumption?

**Mr. J. D. Tyson**: I have not got figures handy at present. I will try to get them.

Owing to increased industrialisation in India, our own demand for internal consumption is going up. The immediate thing, therefore, obviously is an intensification in the production of coconuts and a better utilisation of the coconut in manufacture. But though that can probably be brought about, the

### THE INDIAN COCONUT CESS BILL.

time does also seem opportune, when competition from abroad has relaxed, to try to rehabilitate an industry which in the past did not apparently have scope for proper development owing to competition from abroad. The Bill seeks to establish a committee to do research and development for coconut and for its products and our idea is that the committee should operate both on the agricultural and on marketing and the technological side, as does its prototype the Indian Central Cotton Committee, and as do also the Indian Lac Cess Committee and the Indian Central Jute Committee. It will, I think, generally be admitted that these Committees have done very valuable work for the commodities in which they are interested, and we believe that the best way of helping the coconut industry,—by which I mean coconut "from the tree to the bottle",—will be by setting up another such committee. I may mention that the Indian Central Cotton Committee was set up by an Act of this Legislature in 1922 and the Indian Lac Cess Committee by an Act of this Legislature in 1930. I mention that because Honourable Members will find that the Bill before the House follows one or other of those Acts, whichever happened to be the more appropriate, in substance and to a very great extent in wording. I might also mention that Ceylon has been before us in this matter. In the year 1935 they set up a Board with somewhat similar functions, which has, I believe, benefited the whole industry in Ceylon. Certainly in the matter of coconuts, Ceylon is far ahead of us in as regards cultivation, marketing and manufacture.

I do not propose to take the time of the House by recapitulating the functions of the proposed committee; they will be found in clause 9 of the Bill. I should, however, like to explain that it was our intention originally to bring coir, coir yarn and coir manufactures within the scope of this committee. This proposal met with strenuous opposition from the Government and the Chambers of Commerce in the State of Travancore, which is the principal centre of the coir industry. We are very anxious to have the co-operation of Travancore in the work of this committee for the reason that it has the second biggest acreage in coconuts in India and is the principal centre of the crushing industry in India. So out of deference to their very strongly held views in this matter we have decided to omit coir from the scope of the committee. Their wish was that coir should be dealt with, if at all, in some other committee which might perhaps deal with fibres of that kind,—a committee on which they would naturally expect, in view of their great interest in the matter, to have a higher representation than on a more general committee such as is proposed in our Bill.

**Pandit Lakshmi Kanta Maitra**: Did the mercantile community also oppose it?

**Mr. J. D. Tyson**: Yes, they did.

Coming now to the proposed composition of the committee, I should perhaps say that coconuts are grown commercially in Madras, Travancore, Mysore, Cochin, Bengal, Orissa and Bombay, in that order of importance; and on the commercial side they are crushed in Travancore, Bombay, Cochin, Sind and Madras,—again in the order given. Counting representation of every kind, Honourable Members will find that the committee can be distributed in the following way,—Two members from the Central Government, nine from the provinces concerned and nine from the States concerned; or, to look at it again in another way, Honourable Members will find that its number of 20 includes nine to represent the growers, six to represent manufacturers and five to represent the Governments,—and in that last five we hope to have some technical people at least, probably Directors of Agriculture. So the growers will have nine, manufacturers six and Government nominees (who, we hope, will include experts) five. We are anxious to keep the size of the committee small both for reasons of efficiency and of economy.

**Mr. Muhammad Ashar Ali** (Lucknow and Fyzabad Divisions: Muhammadan Rural): Is the Honourable Member referring to clause 4?

**Mr. J. D. Tyson**: Yes.

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**Mr. Muhammad Azhar Ali:** In sub-clause (f) only one person is to be appointed by the Central Government.

**Mr. J. D. Tyson:** Yes, but the Central Government also appoints the Chairman, who would be a member. So there are two.

**Mr. Muhammad Azhar Ali:** There is none from the Central Assembly?

**Mr. President (The Honourable Sir Abdur Rahim):** I think the Honourable Member had better wait till the Mover has finished.

**Mr. J. D. Tyson:** The point I particularly wish to emphasise is that the distribution proposed in clause 4 reflects complete agreement among all the interests concerned, agreement not reached without a certain amount of travail but now wholeheartedly accepted. The intention is to set up the committee as soon as legislation is passed. The States are very keen on this committee and I think we can count on similar legislation being passed and put into effect in the States as soon as our Bill goes through.

Now, Sir, as regards finance, I venture to say that it is always desirable in setting up a committee of this kind to give it a regular and assured source of income. It is desirable in the interests of efficient planning, so that they may know what they have got to work on, and desirable also in the interest of execution of their plans. The Cotton Committee is financed by a cess on cotton consumed in the mills in India and by a duty on cotton exports; the Lac Cess Committee is financed by an export duty only. We propose, following in part the Cotton Act, to finance this committee with a cess on copra consumed in mills. The rate suggested is calculated to give the income we require with a margin for development. It works out to just over 1½ annas a maund, and I may say that this too has been accepted by all the Governments concerned.

I am asking for a select committee with a short date as both the Governments and the States concerned are in a hurry to have this committee, and I think that the quickest way of having the legislation passed through is to have a select committee with a short date to examine the Bill and recommend any changes that may be found necessary in a piece of legislation which is based largely on existing and successful precedents.

In conclusion, Sir, I would only say that coconut represents from time immemorial the mainstay of the people in the south-western coastal belt of India; and though it is to many of them practically the only source of their daily bread, the industry there has not been notable for any material progress or scientific development, and was before the war and the recent rise in prices in a most depressed state. With the higher prices now current there is a good chance to rehabilitate a very valuable industry. The coconut palm ought in fact to be a source of great wealth seeing that—to quote one writer on the subject—"every part of the tree is utilized in one manner or the other. Raw nuts and edible copra are important articles of food and the indispensable items of devine oblation, and the oil from the copra is utilized in cooking and in the making of vegetable ghee, soaps and toilet requisites". He might have added that the residue of the copra, when the oil has been extracted provides a valuable fertiliser, that the coconut has a war-time value as a source of glycerine for explosives, and, finally, that the "rare and refreshing fruit" of this tree has given to the English language one of its pithiest expressions—"Which accounts for the milk in the coconut, if not for its hairy exterior". Sir, I move.

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

"That the Bill to provide for the creation of a fund for the improvement and development of the cultivation, marketing and utilization of coconuts in India be referred to a Select Committee consisting of Mr. H. A. Sathar, H. Esak Sait, Mr. Muhammad Azhar Ali, Pandit Lakshmi Kanta Maitra, Rai Bahadur Seth Bhachand Sani, Sir F. E. James, Sir Abdul Halim Ghuznavi, Mr. Y. N. Sukthankar and the Mover, with instructions to report on or before the 20th February, 1944 and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

**Mr. T. T. Krishnamachari (Tanjore cum Trichinopoly Non-Muhammadan Rural):** Mr. President. My object in rising is to ask the Mover of this motion or a few more particulars about this Bill. In fact, Sir, what he said about the

genesis of this Bill does not amount to anything more than what is to be found in the Statement of Objects and Reasons. I am afraid the House has been led to believe that the question of coconut is on a par with coffee, cotton, jute, rubber and the like. I think that is a fundamental misconception which I beg leave of the House to correct. The utility of coconuts, as the House knows, is largely due to the oil that is extracted from it, and the demand in the oil market does not really distinguish very much between coconut oil, groundnut oil, linseed oil, rape-seed oil, mahua oil and so on. After all today in this country the oil trade covers the whole lot of oils produced from out of the various oil seeds and coconut, and the question of the future of the coconut industry largely depends upon the control which the Government of India and the Provincial Governments and the States can have on oil seeds and the oil industry as a whole. It is a fundamental misconception to say that coconut growing and marketing is on a par with other commodities which the Government of India have, in collaboration with the Provinces and States, sought to control by means of committees like the one proposed in this Bill. I would like to ask the Honourable the Mover of this Bill if he expects to maintain the price of coconuts at a particular level at a time when the prices of groundnuts and the price of other oil seeds are dropping. Knowing something, as I do, about the oil trade in this country over the past 20 years, I am afraid that is not possible.

The Honourable the Mover of this Bill mentioned to the House that between the years 1935 and 1939 the price of coconuts had slumped. It slumped because the price of coconut oil has slumped. Why? Because of the serious competition from Ceylon for one thing and because the general oil seeds and oil prices all over the world had slumped.

**Mr. J. D. Tyson:** I do not wish to interrupt the Honourable Member, but evidently I did not make myself clear in this matter. I was not referring to prices between 1935 and 1937 but to a heavy and growing import of copra and coconut products from Ceylon.

**Mr. T. T. Krishnamachari:** It is a distinction without a difference. Copra in Ceylon was cheaper than the copra which is produced in India. Naturally there being no ban on the importation of copra from Ceylon, copra from Ceylon came in and the plight of the coconut industry in India became very bad indeed. I do not think that the whole position could be covered merely by the constitution of the committee proposed in this Bill. I am not saying that the committee should not be constituted. I say that the committee must have a very much larger scope than what has been visualized in this Bill. Otherwise I cannot see how it is going to function effectively. It is therefore from that point of view I feel that it would have been of considerable assistance to this House if the Honourable the Mover of this Bill had taken us into confidence and told us more than the genesis of this Bill than what is contained in the Statement of Objects and Reasons. He should have told us all about the views of the various provinces and State Governments on this matter.

The price of copra can only be maintained at a particular level if the price of coconut oil can be maintained relatively at the same level. The price of coconut oil is dependent on other oils. The Honourable the Mover must be aware that today the largest consumers of oil in this country are the factories which are engaged in hydrogenation of oils. Their demand is growing. And it does not matter two hoots whether all they get is coconut oil, groundnut oil or some other oil. They can, by the chemical process through all oils pass in the process of hydrogenation, make all oils look alike, taste alike, smell alike and also reduce their caloric contents, if any, to one level. So coconut oil cannot be isolated and its future looked after by means of a committee. I think that is the first and chief lacuna in this Bill.

I would like the Honourable the Mover of this Bill to tell us how he proposes to circumvent the difficulty which inevitably will face any work that this committee undertakes. If as a result of increased coconut production the price of coconut oil comes down, the price of groundnut oil will go down, and if the

[Mr. T. T. Krishnamachari.]

price of groundnut oil goes down the price of other oils also goes down. Of course, we are now in a period when the oil market is bullish. But this state of things does not always stay. The oil market will slump sometime and consequently the price of coconut will also slump. Therefore, the committee which will encourage and perhaps control coconut growing should also include in its scope the growth of other oil seeds and fixation of their prices. Merely taking up one aspect of the coconut trade and saying that it corresponds to cotton, it corresponds to jute, it corresponds to coffee, it corresponds to tea and to rubber, I think, is telling this House a thing which is not true. I am not accusing the Honourable the Mover of any wilful intention of hiding the real facts, but I see from the very framework of this Bill that enough consideration has not been given to all aspects of the question and I cannot see how that lacuna can be adequately filled in while the Bill is in the process of investigation by a Select Committee.

Sir, I have no comments to make with regard to the format of the Bill. As the Honourable the Mover has said it is a copy of other Acts and experience of the Government of India probably supports them in copying the framework of these other Acts. I have not been briefed by any interests to oppose this motion of the Bill. But before I sit down I would like to ask this: What is going to be the policy of the Government of India in this matter? Do not look at it purely as a war need, after what the Honourable Member has said, coconut is very important from the point of view of glycerine, which commodity is a war necessity. But he forgets it is not coconut alone which produces glycerine. All oils do so when they go into the manufacture of soap. If it is merely a matter of obtaining glycerine it is again a matter of looking into all the oils. I think in trying to emphasise the importance of coconut he has lost sight of the other related facts. I firmly believe Sir, that control over the production and marketing and the fixation of prices for coconut and like products can be effective only if it takes into account all other oil producing commodities in this country. The Mover should also tell the House why there was intense opposition from producers and dealers in coir in Travancore. It would be a very interesting and revealing information.

**Mr. Hoeseinbhoy A. Lalljee** (Bombay Central Division: Muhammadan Rural): I rise to support the Bill. I have very carefully listened to my friend from Madras, but I do feel that in introducing this Bill Government have done a thing which they ought to have done long ago. It is a very well known fact that the use of copra all over India is so vast that everything should be done to encourage the cultivation of this plant and to see that we get as much more copra as possible.

It was about 20 years ago (and my friend has not mentioned it) that the Kathiawar States realised that their people, as well as the people of Rajputana, were always short of copra and that they were paying large prices. In fact 15 years ago the Bhawanagar State spent lakhs of rupees and put down a plantation in Bhawanagar and Mowar, and today they are making no less than 3 to 4 lakhs of rupees for the State, besides helping the people of Rajputana, Cutch, Sind and other places where they are short of copra. Because of this coconut plantation sprang up, but I do not know whether my friend the Member in charge would like to get the cooperation of these oil mills in Kathiawar States. At the present moment they are producing very large quantities and very recently they have been sending the coconut oil right up to Delhi in large quantities where there is so much shortage at present. The coconut oil is really a sort of food. It is much better than the ground seed oil and the other oils. I quite agree with my friend from Madras that the price of the coconut oil will depend largely on the other oil-seed oils but I should like the other oil-seed oils to be regulated. We are doing nothing which is going against that. We ought to stop importation, if possible. But we ought not to rely on imported articles from Ceylon or other places.

My friend has said that vegetable oils are being prepared in the country. I wish they would be prepared more and more from the raw produce. If vegetable oils are produced from coconut oil, it is much better in quality as a food than other oils. Above all, it is also a well-known fact that so far as producing good soap goes—my friend is much more of an expert than myself. I believe he is an expert in the soap trade. I do not pretend to know anything about soap-making—as a businessman, who has been dealing with oils at times, I have found out that for manufacturing good soap, the coconut oil is the best oil that can be used in its manufacture, and we ought also to realise that hereafter the country must produce good soap: but a great deal depends upon the coconut oils as such.

As a lubricant, there is no doubt that it is one of the best. It is of course costlier than any other lubricant by about 25 per cent., but at the same time, Sir, we also want lubricants, without the necessity of importing large quantities of lubricants from outside—though we have been importing all sorts of mineral oils mixed with coconut from abroad and brought in in place of pure coconut oil. It is a fact, which any industrialist will tell you, that a large quantity of imported oil into this country as lubricants from abroad does contain, besides mineral oil, coconut oil and even sometimes castor oil. We are sending out seeds. Sometimes the coconuts are imported by the Foreign Companies not only from Ceylon but from other countries as well and they prepare and make mineral oils or lubricant oils for a large number of industries in this country.

I say that the move is in the right direction. The only thing that I wish the Government to provide is that they should see that cultivation is made all over India. India has got a lot of sea coast and this coconut grows well on the sea coast. The coconut plantation should be confined not only to the South but also towards the Bengal side, the Orissa side and in other places similarly situated.

With these words I support the motion.

**Mr. H. A. Sathar H. Essak Sait** (West Coast and Nilgiris: Muhammadan): I extend my wholehearted support to this measure. I come from a part of the country which produces the largest amount of coconut in the world. It has been stated that out of the 14 lakhs of acres under coconut cultivation in India, 13 lakhs acres are situated in that part of the country from which I come, that is the Malabar coast, comprising of the British District of Malabar and the Indian States of Cochin and Travancore.

This question of copra has a very painful history behind it, especially for the last 10 years. I certainly do not want to detain the House by going into the details of that history but I must remind the House that for the last ten years we on this side have been trying our best to get this government to take a sympathetic view of our difficulties and to help us by giving some protection to this produce which, as stated by my Honourable friend, is the mainstay of our people in that part of the country. We tried our best; we put questions and resolutions and cut motions were moved; but the Government was adamant. They somehow had a soft corner for the Ceylonese producers and they always stood up against any protection being granted to this industry; with the result that today when war needs our production they find that the production is not up to the mark. Had they been more alert in those days, probably there would not have been any need for them to face this difficulty. However, I am glad that my friend has realised the importance of copra even as a war measure, and he has come up with this measure. I agree with my friend, Mr. Krishnamachari, that he should not consider this question from the point of view of war needs alone. He must consider what the position of copra is going to be after this war is over. As stated by Mr. Krishnamachari the question is not only of helping the production of copra but we will have to face the question of what we will do with the increased production of a better variety of coconut that will come out as a result of this measure. As soon as the war is over, I am sure Ceylon will again begin to dump its subsidised copra in this country. What are we going to do for that? I agree with Mr. Krishnamachari that the committee that may be



[Mr. H. A. Sathar H. Essak Sait.]

appointed should have this question under its review and should have power to do whatever is necessary in the matter.

Then with regard to the other question raised by Mr. Krishnamachari, I too find it very difficult to reconcile myself with the view that coir and coir manufactures should be taken out of the purview of this committee. I do not see that my friend has given any reason—except this, that the Travancore and Cochin Governments wanted greater representation on this committee. I do not know why their demand for greater representation cannot be provided for, so that these important by-products may also be brought into the purview of this committee, and any benefit that may accrue from this measure may also come to these important manufactured by-products. But there is the other point also. If my Honourable friend submits to the pressure of the Travancore and Cochin Governments, what is to happen to my people in the district of Malabar? If an unnecessarily higher proportion of representation is given to the Travancore and Cochin states, and if they are allowed to exert undue pressure on the Central Government, my people in British Malabar and in South Canara will have to suffer. I, therefore, think that the Select Committee will have to go into this more carefully and see that the position is reversed, that is to say, that these manufactured by products.

**Dr. P. N. Banerjee** (Calcutta Suburbs: Non-Muhammadan Urban): Coir is included.

**Mr. H. A. Sathar H. Essak Sait**: Yes, coir is included. There are certain other points but they are minor points, and because I am expected to be on the committee, I will not detain the House on those questions now. But I must call the attention of this House to one more difficulty in the Bill which I think is very important. When we come to the rule-making powers, which really give us an inkling as to what the Government expect this committee to do, it appears that the committee is merely to make rules for the appointment of officers, the emoluments of officers, pensions and such like. But so far as the main function of the committee is concerned, viz., the improvement and development of the cultivation, marketing and utilization of coconuts in India, there is very little provided for. I want my Honourable friends to be careful to see that this does not become an official committee which provides for certain safe seats for officials and does nothing else. With these words I support the motion.

**Mr. N. M. Joshi** (Nominated Non-Official): Sir, I rise to support this measure. I have no doubt that if the Government of India passes this Bill and levy a cess and appoints a committee, it will lead to better cultivation and marketing and utilization of the coconut. But I want to make only a few remarks regarding the composition of the Central committee. Generally, whenever the Government of India introduces a measure of this kind for promoting the cultivation or marketing of certain articles, the Government of India take into consideration only the interests of the growers or of the industrialists. They forget all the time that an industry can only prosper if there are consumers for the articles of that industry, and, as always, the Government of India on this occasion also have forgotten that no industry can prosper without consumers. I make that remark because in the composition of the Central committee there is no representation of the consumers. They have got representation of the growers, about which I shall have one more remark to make. There is representation of the industry. About that again, I shall offer a remark later. Then there is representation of the Governments of Travancore and Cochin and of other Governments, but I see no representation of the consumers on this committee at all. I would, therefore, suggest to the Government of India and to the Select Committee to give as much representation to the consumers of the articles of these industries as they have given to the growers and manufacturers. I feel that the consumers are of equal importance with the grower and the manufacturer put together. I would suggest that that should be provided and provided adequately. If the Government of India does not know how to get the consumers represented, for want of proper organisation, I would suggest that the Legislature which represents a fairly large body of consumers may be given representation. I am not suggesting that

that is a very proper method of representing the consumers, but if there is no other method available, the consumers may be represented by the Legislature. Or I would make a better suggestion, that is, from the Trade Union movement in this country. It is a well organised movement consisting of individuals who are consumers, and, therefore, if representation is given to a body like the All-India Trade Union Congress for representing the interests of the consumers.

**Dr. P. N. Banerjee**: No, no.

**Mr. N. M. Joshi**: I am not suggesting that that is the best way but it is some way of securing representation of the consumers.

**Dr. P. N. Banerjee**: The Legislature is quite all right.

**Mr. N. M. Joshi**: All right; the Legislature then; I am not against it at all. Then there is another remark which I want to make regarding the composition of the committee and that is that whenever Government thinks of either the growers of particular articles or the industry, they only think of one element, namely, the grower capitalist. Coconuts are not always grown by capitalists; I know that in India the coconut industry to some extent is still in the hands of small individual growers, but not entirely. But, Sir, in these modern times coconut growing is passing into the hands of capitalists and big coconut gardens are in the hands of capitalists and the cultivation is passing from the hands of small individual growers to the hands of big scale growers or capitalists. I, therefore, suggest to the Government of India they should provide for the representation of labour engaged as mere wage earners working under large growers of coconut. Similarly, when Government gives representation to the industry, they mean only giving representation to the capitalists in the industry. There again I say that industry consists not only of the capitalists; it consists of labour also. I would, therefore, suggest to the Government of India and to the Select Committee to provide by some means for the representation of labourers and workers who work in the growing of coconuts and also in the manufacture of the oil. If the Government of India want to find some organisation from which representatives of labour should be selected, I again suggest to them the name of the All-India Trade Union Congress as the best organisation from which workers may be represented. The Government of India, if they had considered the functions of this Committee, would have immediately found that the suggestions that I have made are very necessary. This Committee is going to consider the question of fixing the maximum and minimum prices. In fixing such prices you cannot omit the interests of the consumers and, therefore, it is wrong for the Government of India to have omitted that interest. Similarly, the Committee will encourage the adoption of improved methods of cultivation. If improved methods of cultivation are to be adopted, they are sure to affect the interests of the wage earners engaged in coconut cultivation. I, therefore, feel that the suggestions which I have made are necessary and are justified, and I hope that the Government of India will accept them, and that the Select Committee will accept them. As I am not in the Select Committee, I shall request the Honourable Secretary of the Department to act as my advocate on that Committee.

**Mr. E. L. C. Gwillt** (Bombay: European): In supporting this motion there is just one point I would like to make and which is consistent with the principle that I have proposed in regard to agriculture on previous occasions. I hope now that that opportunity presents itself to the Government they will avail themselves of it and safeguard the interests of the individual cultivator, not only now but also after the war. I have no doubt but that at the moment the coconut cultivator together with so many other cultivators in the country is making a substantial amount of money. I hope that Government will take steps to see when the war is finished that the coconut cultivators will continue to get a fair share for their produce. Mr. Joshi referred just now to the interests of labour, he touched quite briefly on the individual owner cultivator but left him isolated. I hope his interests will also be safeguarded if only for the reason that there is such a very large number of people who are individual cultivators and dependent for their living upon coconuts in south India.

[10TH FEB. 1944.]

**Mr. Govind V. Deshmukh** (Nagpur Division: Non-Muhammadan): The Government propose to frame by this measure a body on the lines of the Indian Central Cotton Committee. I know something about the Indian Central Cotton Committee, and if the same procedure as regards the composition of the Committee that will manage all these affairs is to be adopted, then I can very well say that this Act is not likely to benefit the growers. What is the position so far as the Indian Central Cotton Committee is concerned? If you look into its composition, how many persons representing cotton growers are on the Committee? As a matter of fact, there are very few. The persons who benefit are the traders, the persons who benefit are the bankers. I have seen what happens on the Central Cotton Committee. The same person, once he represents the growers, the same person, at another time represents the bankers, again at another time the co-operative societies and so on. And what is more? There are very few persons who represent the cotton growers. They are always outvoted and, therefore, their interests are not properly looked after. If this Coconut Committee also is to be constituted and it is to function properly, then it is very necessary that the number of persons representing the coconut growers should be larger; if anything, their number should outweigh the banker, the trader and the consumer put together. I hope these suggestions will be borne in mind by the Select Committee.

**Mr. Muhammad Azhar Ali:** I rise to support the motion for reference to Select Committee. It is a matter of gratification to find in the Statement of Objects and Reasons, "Even before the outbreak of the present war the supply of coconuts and coconut products from indigenous sources was insufficient to meet Indian's growing requirements". I am glad that it has dawned on the Government of India that those things which were imported from outside for such a long time should no more come into India and that production should be made of these things in India itself. It has dawned, though very late, but, of course, after all, better late than never. Whether it be the Central Cotton Committee or any other committee which is set up by this House, and whatever the rules and regulations framed by this House, I find that this House is very seldom represented on these committees. I find on the Central Cotton Committee there is only one member from the Council of State but none from this House. I do not know why. Mr. Deshmukh has just now said that representation is given to traders and to others, but, as Mr. Joshi says, the consumers are not represented at all. Again, in the composition of the proposed committee I do not find anything in the rules except that the Central Government will nominate one person; otherwise, there is no representation at all from the public on this Committee. I would request Members of this House to rise in a body and to ask Government to remove this very grave and serious defect on these committees. I do not see why Government should be so suspicious of Members of this Assembly and not give them any representation at all on such committees on behalf of consumers, and even on behalf of growers as Mr. Deshmukh has just now said. The Legislature represents all the interests and not to give any representation to the Legislature ought to be considered a very serious defect in the constitution of these committees. I want to ask the Mover of this motion why is it that only one member from the Central Government will be nominated and why no representation is given to the Assembly and the Central Legislature. With these words, I support the motion.

**Sir F. E. James** (Madras: European): I support the motion. The proposed Board is another useful example of the kind of federal statutory body which, in various directions, has proved to be very useful in this country. I have first hand experience of the value of such a body in the case of products grown in British India and the Indian States such as coffee, rubber and tea in South India. My Honourable friend, Mr. Essak Sait, probably confused the rule-making powers with the functions of the Board. If he will look at the clause dealing with the functions of the committee, he will see that they cover a very wide sphere of activities. The rules themselves merely provide for the actual machinery of the work of the Board.

I admire the persistence of my friend Mr. Joshi who is anxious to secure the representation of labour on these bodies. He is also anxious to secure the representation of the consumer. He did not say consumer of what?

**Mr. N. M. Joshi:** Consumer of oil, copra.

**Sir F. E. James:** The coconut industry produces a good many things, oil, copra, milk, food, medicine, coir yarn and so on and it will be difficult to have on the Board consumers of all these separate products. But in any case, the main consumers of the coconut are the producers, and we have already provided for a very large representation of them on the Board. He suggested that the Trade Union Congress was the proper body for providing the representation of the consumer. I venture to differ, but in any case it should be remembered that this body is a federal body and I do not know whether the activities of the Trade Union Congress cover the Indian States. We must bear that in mind. That is also the objection to the representation of the consumers by representatives from this Legislature, because this Legislature only covers British India and if we were to provide in this Bill for representation of Members from the Legislature we should immediately have requests from the legislatures of the Indian States concerned for representation also, and the result would be a body which would be unwieldy. I think the interests of the consumers as such will be safeguarded by the representatives of the Governments of the States and the Provinces and the Centre.

**An Honourable Member:** Not necessarily.

**Sir F. E. James:** The only other point I would mention is the exclusion from the Bill, as now presented to the House, of any reference to the coir industry and coir yarn. I share the regret which has been expressed by Members of the House that this industry and its by-products are not included in the scope of the Bill. I know that the industry itself was anxious to be excluded because they feared that this measure implied some degree of control. That was a fundamental misunderstanding as to the purpose of the Committee. The Committee is not set up to control either production or the industry. It is set up essentially to improve the methods of production and although it is being financed by one section of the industry I am quite sure that the funds which are raised will be used to very good advantage in connection with the improvement of the yield. Although India is the largest coconut producer in the world, I believe the yield of the Indian coconut is the lowest in the world and it is in order to improve that yield and make India self-supporting in the matter of her produce that this committee is really being set up.

I have no time to tell the House of the great value of the work of the Coconut Board set up in Ceylon some years ago. In a sense, there was less need for such a Board in Ceylon where the coconut industry is organised on a plantation basis. And here let me assure my Honourable friend, Mr. Joshi, that there are no capitalists as such engaged in producing coconuts in this country. If the experience of Ceylon is anything to go by, I am perfectly certain that this committee which is to be set up under this Bill will mark the turning point in the attitude of the Governments concerned towards one of India's greatest productive industries, the coconut industry.

**Mr. J. D. Tyson:** In the first place, I should like to thank this Honourable House for the reception which it has given to this measure which, I am perfectly sure, will prove a beneficial one for the coconut industry and the coconut growers in the various parts of India.

I will now refer very briefly to one or two points that have been raised. My friend, Mr. Krishnamachari, raised certain points which I shall certainly study when a transcript of his speech becomes available to me. I gather that he does not oppose the Bill. I think his feeling is that it does not go far enough. I am not sure whether he complains that we are going to control the industry, because there is a reference under the head of 'Functions of the Committee' to the recommendation of maximum and minimum prices to be fixed for copra. There is no question of controlling the industry. The Committee will only advise on maximum and minimum prices. I think perhaps my friend complains that we are not going far enough in the matter of controlling

## MOTION FOR ADJOURNMENT.

DILATORY TACTICS OF GOVERNMENT IN ENFORCING THE RECIPROCITY ACT.

**The Honourable Dr. N. B. Khare** (Member for Indians Overseas): Sir, I understand that my Honourable friend, Mr. Govind V. Deshmukh, is not anxious to move his motion. I can give a further assurance to this House that the Government of India are doing their best in this matter and will continue to do all that they can in securing a satisfactory result. Negotiations are going on between the Governments concerned; and nothing will be lost, but something may be gained if this motion is not moved.

**Mr. Govind V. Deshmukh** (Nagpur Division: Non-Muhammadan): In view of the statement made and the assurance which that statement carries, I do not wish to move the adjournment motion.

## STATEMENT OF BUSINESS.

**The Honourable Sir Sultan Ahmed** (Leader of the House): Sir, I have to inform you that there is no official business for tomorrow, and I would, therefore, request you to cancel the sitting for tomorrow. This matter has also been mentioned to Leaders of Parties.

**Mr. President** (The Honourable Sir Abdur Rahim): Under the circumstances, there will be no meeting of the Assembly tomorrow. The answers to questions set down for tomorrow will be printed in the usual course. The Assembly will adjourn till Monday next.

The Assembly then adjourned till Eleven of the Clock on Monday, the 14th February, 1944.

## LEGISLATIVE ASSEMBLY.

Monday, 14th February, 1944.

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

## STARRED QUESTIONS AND ANSWERS.

### (a) ORAL ANSWERS.

†88\*—105\*.

ABOLITION OF THE LOWER GAZETTED SERVICE ON INDIAN RAILWAYS.

†106. \***Mr. Lalchand Navalrai**: Will the Honourable Member for Railways be pleased to state:

(a) what progress has been made to arrive at a decision in connection with the abolition of the Lower Gazetted Service on Indian Railways, since his reply to starred question No. 3, asked on the 8th November, 1943; and

(b) when the final decision is likely to be taken?

**The Honourable Sir Edward Benthall** (a) and (b). I shall be referring to the matter in my Budget speech.

METHODS OF RECRUITMENT THROUGH SUBORDINATE SERVICES COMMISSION ON NORTH WESTERN RAILWAY.

†107. \***Mr. Lalchand Navalrai**: Will the Honourable Member for Railways be pleased to state:

(a) what categories of Railway appointments are filled through the agency of the North Western Railway Subordinate Services Commission;

(b) which of these posts are filled as a result of the competitive examination held by the Commission, and which of them on selection by the Commission;

(c) if no appointments are made through the agency of the North Western Railway Subordinate Service Commission by competitive examination, why; and

(d) whether the Honourable Member is aware that all appointments even in the lowest subordinate service in the Posts and Telegraphs Department are made by competitive examination; if so, whether the Honourable Member proposes to adopt a similar policy on the North Western Railway, specially when a Subordinate Services Commission has been appointed for recruitment on this Railway; if not, why not?

**The Honourable Sir Edward Benthall**: (a) All subordinate appointments on the Railway.

(b) A large number of posts, particularly those not requiring technical qualifications are filled up as a result of an examination-cum-selection.

(c) Does not arise.

(d) Yes; I am satisfied that the method now adopted by the North Western Railway Subordinate Services Commission is satisfactory and suited to the requirements.

TRANSFER OF TWO SIGNAL ENGINEERS FROM EAST INDIAN RAILWAY TO NORTH WESTERN RAILWAY.

†108. \***Mr. Lalchand Navalrai**: (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that in December, 1942, the cadre of officers in the Railway Signal Engineering Department for the various State-managed Railways was separated with the approval of the Secretary of State for India? Is it also a fact that the officers in these branches were required to look for promotion on the particular State Railway they were employed?

(b) Is it a fact that two Signal Engineers were transferred from the East Indian Railway to the North Western Railway after the issue of the orders

†For these questions and answers, see pages 226—34 of these debates.  
‡Answer to this question laid on the table the questioner being absent.

referred to in part (a) above, to officiate as Deputy Signal Engineers? If why?

(c) If the reason for the transfer of the East Indian Railway officers was their seniority, will the Honourable Member be pleased to state what was the significance of separation of cadres on the different railways, and whether the General Manager, North Western Railway, protested? If so, will the Honourable Member please lay a copy of the same on the table of the House?

(d) What was the effect of these importations on the staff on ranks lower than the Deputy Chief Engineer, Signals, on the North Western Railway?

(e) Do Government propose to return the East Indian Railway officers referred to in part (b) above, to their parent Railway? If not, is it proposed to follow the policy of general seniority of officers in these posts on various State-managed Railways?

**The Honourable Sir Edward Benthall:** (a) The orders of December 1942, in which the Honourable Member refers, involve the separation of the cadres in all Departments of State-managed Railways but Government retain discretionary power to transfer officers from one Railway to another in the public interest.

(b) An officer from the East Indian Railway was selected as Deputy Chief Engineer, Signals, on the North Western Railway when the previous Deputy Chief Engineer, Signals, retired. As this officer was on military service, another officer was selected in his place also from the East Indian Railway to officiate as Deputy Chief Engineer, Signals, N. W. Railway.

(c) Does not arise.

(d) None.

(e) I would refer the Honourable Member to the reply to part (b). Only one officer was actually transferred to the North Western Railway and it is not intended at present to re-transfer him. The answer to the second part is in the negative. I would refer the Honourable Member to the reply I have just given to part (a). The transfer of the officers in question was in the interests of the public service.

#### UNSTARRED QUESTION AND ANSWER.

##### EMPLOYEES DISCHARGED ON NORTH WESTERN RAILWAY.

**44. Mr. Lalchand Navalrai:** (a) With reference to the reply to my unstarred question No. 13, asked on the 12th November, 1943, calling for figures of employees discharged on the North Western Railway, is the Honourable the Railway Member aware that the information requested for is readily available, as it is required to be kept by all Divisions of the North Western Railway, vide instructions contained in Appendix (H) of the Agent's Circular 1 of 1936?

(b) Will the Honourable Member be now pleased to state the number of employees discharged from service as a disciplinary measure in each Division of the North Western Railway, separately, during the financial years 1940-41, 1941-42, 1942-43 and for the nine months ending 31st December, 1943?

**The Honourable Sir Edward Benthall:** (a) and (b). Government is aware that the information is available but its compilation and analysis are not easy and cannot be undertaken under present circumstances.

#### TRANSFERRED STARRED QUESTIONS AND ANSWERS.†

##### MEETINGS OF THE INDIAN SOLDIERS' BOARD.

**88. \*Mr. Govind V. Deshmukh:** Will the Honourable the Defence Member please state the number of meetings held, if any, of the Indian Soldiers' Board and the subjects discussed at those meetings from the year the Board was constituted to the end of 1943 with dates thereof?

**Mr. O. M. G. Oglvie:** 111 meetings have been held and a very large number of subjects have been discussed. Government regret that in view of the time and labour involved they cannot undertake to furnish a list of all these subjects.

†The meeting of the Assembly that was to be held on the 11th February, 1944, having been cancelled, the answers to starred questions for that day were, in pursuance of convention, laid on the table of the House today.—*Ed. of D.*

The functions of the Indian Soldiers' Board are defined in a Government of India Resolution of the 7th February, 1919. They are *inter alia* to secure Government employment for ex-servicemen, to provide for educational concessions for children of soldiers, to arrange for the after-care of the wounded and incapacitated servicemen, and to safeguard the general interests of servicemen and their families.

Printed copies of the annual report on the working of the Indian Soldiers' Board up to the year 1940-41 are available in the Library of the House. Subsequent reports have not been printed in view of the need for economy in paper, but summaries will be placed in the Library in due course.

##### WOMEN'S ORGANISATION OF THE NATIONAL WAR FRONT.

**89. \*Mr. Govind V. Deshmukh:** Will the Honourable Member for Information and Broadcasting please state:

(a) the exact nature of the work carried on by the Women's Organisation of the National War Front and its Lady Organiser, Begum Shah Nawaz, besides making contacts and speeches;

(b) the names of the helpers of the Lady Organiser, their qualifications and the province they belong to; and

(c) if this Women's Organisation has been of any use in securing any number of women for the Women's Auxiliary Corps (I) after the last session of the Assembly?

**The Honourable Sir Sultan Ahmed:** (a) Begam Shah Nawaz's work as Lady Organiser, National War Front, was to propagate the National War Front movement among women in India and the most effective means employed by her were contacts and speeches.

(b) The Lady Organiser was not given any staff by Government except a Stenographer, but the Provincial Organisers of the National War Front gave all necessary help during her tours.

(c) The Women's organisation of the National War Front ceased to exist before the last session of the House; hence the question does not arise.

##### PURCHASING GOLD FOR SALE IN INDIA.

**90. \*Mr. Govind V. Deshmukh:** Will the Honourable the Finance Member please state:

(a) if the Government of India are purchasing gold to sell it in India; if so, from what countries, through which agencies and on what terms; and

(b) whether Government make any profit; if so, how it is utilised?

**The Honourable Sir Jeremy Raisman:** (a) No.

(b) Does not arise.

##### LIMIT ON STERLING SECURITIES TO BE HELD BY RESERVE BANK OF INDIA.

**91. \*Mr. Govind V. Deshmukh:** Will the Honourable the Finance Member please state if Government have considered the effect of putting now a maximum limit on the volume of sterling securities to be held by the Reserve Bank of India as a measure against inflation? What is the conclusion to which they have come?

**The Honourable Sir Jeremy Raisman:** To fix a maximum limit as suggested would imply that although the war continues and the need for the maximum war effort on the part of all Allied Nations is greater than ever, India's effort in goods and services to the extent that it is a financial liability of His Majesty's Government under the existing settlement, should cease at an arbitrarily chosen point. This would involve serious damage to the cause of the Allied Nations and delay the victorious conclusion of the war. Alternatively, it would involve the assumption by India of the financial liability for all the goods and services which she continues to contribute to the war effort.

The Government have, however, in consultation with His Majesty's Government been considering to what extent the demands made on India's economy could be mitigated or met from alternative sources of supply. For the rest they must, like other belligerent nations, endeavour to neutralize, by such action as lies within their power, the inflationary tendencies which result from a high rate of war expenditure in the country. This course they are

pursuing, and I shall deal with the subject at greater length in my Budget Speech.

#### WAR FUND COLLECTIONS.

92. \*Mr. G. Rangiah Naidu: Will the Honourable the Finance Member please state:

(a) what the amount of War Fund collections is in the country province-wise in 1940, 1941, 1942 and 1943;

(b) how much of the amount collected has been spent in India, and how much outside India; and

(c) what agencies are employed by Collectors in provinces to collect war funds?

**The Honourable Sir Jeremy Raisman:** (a) and (b). As the Honourable Member is aware, Provinces have their own separate War funds, information with regard to which is not readily available here. The accounts of His Excellency the Viceroy's War Purposes Fund also are kept on a "purpose" as distinct from an "area" basis and it is not possible, therefore, to give the information in the form asked for. I lay a statement on the table showing the subscriptions to His Excellency the Viceroy's War Purposes Fund during the four years 1940 to 1943, and the amounts utilised from the Fund both inside and outside India. Apart from the grants made by His Excellency in consultation with the Appeal Committee, payments have in all cases been made in accordance with the wishes of the donors.

(c) The Government of India have no information.

*Statement showing the receipts and payments in His Excellency the Viceroy's War Purposes Fund during the years 1940, 1941, 1942 and 1943.*

|                                  | 1940. | 1941. | 1942. | 1943 |
|----------------------------------|-------|-------|-------|------|
| I. Receipts during the year      | 2,26  | 3,05  | 1,97  | 1,69 |
| II. Expenditure during the year: |       |       |       |      |
| (a) India                        | 40    | 1,48  | 83    | 1,80 |
| (b) Overseas                     | 1,34  | 1,57  | 55    | 19   |
| TOTAL                            | 1,74  | 3,05  | 1,38  | 1,99 |

#### COLLECTION OF MONEY ON WAR BONDS.

93. \*Mr. G. Rangiah Naidu: Will the Honourable the Finance Member please state:

(a) the methods that are adopted by Government to collect money from the people against war bonds;

(b) whether orders were issued either by the Central Government or Provincial Governments to Collectors of Districts to collect money on war bonds from public, especially from the agriculturists, fixing certain rate per acre on their holdings and also per candy of produce of foodgrains and commercial crops; and

(c) if it is a fact that School Masters and Sub-Registrars are also compulsorily asked to collect money on war bonds, fixing certain quota for each of them?

**The Honourable Sir Jeremy Raisman:** (a) The methods adopted by Government to collect subscriptions are the common and well known ones, viz. a loan programme designed to meet varying needs, persuasive publicity, and the offer of facilities for the tendering of subscriptions as far as possible at all places convenient to subscribers. A scheme is about to be introduced which is calculated to encourage and assist small investors in making their investments. A centrally paid staff will move about in the countryside, collect subscriptions, purchase savings certificates therewith and deliver the certificates to the investors in their own villages.

(b) and (c). It is absolutely imperative to stimulate savings to the maximum extent possible in order to check the degree of inflation which would otherwise result from the vast outlay in this country demanded by the effective prosecution of the war.

As conditions vary so much throughout India no rigidly uniform procedure has been laid down by the Centre for securing this end. Provincial Governments have been left to choose out of their own experience the manner of conducting their savings campaigns which they consider most likely to produce good results.

#### STATEMENT ON WAR SITUATION.

94. \*Mr. Lalchand Navarai: Does the War Secretary propose to make a full statement on the present war situation at the different theatres of War in India and Italy? How many Indian, British and American troops of all ranks are stationed in India for the defence of India?

**Mr. O. M. Trivedi:** Sir, I lay a statement on the table of the House on the present war situation. As regards the latter part of the Honourable Member's question for security reasons I am unable to disclose the size of the forces stationed in India for the defence of India.

#### Statement.

The columns of the daily press bear striking witness to the steady progress of the war in general on all fronts. But the hardest battles are still to come in the West as well as in the East. Allied dominance over the U-boat and the great sea routes in the West not only continues but has been increased by the Royal Navy's success in putting the "Tirpitz" out of action and by the sinking of the "Scharnhorst" while the use of the Azores as an Allied base has greatly strengthened our grip on the central Atlantic.

On land, Russia's magnificent Armies continue their unrelenting offensive action, switching their concentrations of force from one part of their colossal front to another with almost bewildering rapidity. In the North their forces are on the borders of Estonia. In the centre they have crossed the old Polish Frontier and in the South-West they are again developing a series of drives which must ultimately force the enemy right back into Rumania. On the Mediterranean front the land, sea and air forces of the Allies, forces which have scarcely ceased from a continuous offensive since the attack at Alamein nearly eighteen months ago, are now striking hard against the strong and desperate defence of the German Armies guarding the road to Rome. In the offensive on the Italian mainland, troops of the 8th Indian Division have played a notable part, particularly in breaking through successive German defence lines against the Eighth Army's advance Northwards. It is sometimes said that this struggle in Italy is progressing slowly, but it is well to remember that it is being carried on in mountainous country, highly helpful to defence and in the most bitter weather. Moreover, the importance of the Allied offensive in Italy is amply evidenced by the number of first-class German Divisions committed to the battle of Italy and by Hitler's own bitter announcement a short time ago that the difficulties of his troops on the Russian front were largely due to the tax the Italian campaign was placing on his resources.

In the air the weight of the strategic air concentration by the United Nations against Germany itself continues to grow in strength and frequency and is bringing systematic destruction to the German home front. The effects of this must be cumulative and, as the ring closes, the weight of air attack becomes greater and greater. Significant of this development is the appointment of Lieut-General Spaatz in command of all American strategic bombing forces in the European theatre, pointing to development of even greater air attack on Germany, both from the United Kingdom and the Mediterranean. New centres in the Nazi citadel are coming within range of heavy bomb loads as our forces advance in Italy from the South. As a result many vital installations which were hastily transferred Eastwards by the Germans as the Allied Air offensive developed will become open to attack. The bomb loads now being dropped by night by the Royal Air Force are almost incredible. In three days recently a heavier weight of bombs was dropped on Berlin than the Germans themselves dropped on London during the whole Battle of Britain.

While the war in the West is making steady progress and working up to the full climax which the opening of yet another front on the European Continent will mean, preparatory moves for more offensive action against the Japanese are going on. In the South West Pacific, General MacArthur's forces have asserted their supremacy at sea and in the air and are now engaged in strengthening their grip on New Britain and other islands which the Japanese, seized. Their advance has been slow because of the intervening stretches of ocean and the difficult nature of the terrain, but no doubt they will speed up their progress in the not so distant future. In the Central Pacific, United States Forces have penetrated the Marshal Islands group.

Nearer home, the establishment of the South East Asia Command under Admiral Lord Louis Mountbatten is the precursor of big developments when the time comes. There has been a limited advance made by the 14th Army in the Arakan, in the Chindwin Valley, and by American trained Chinese troops in the Hukawng Valley. Recently our land forces on the Burma front have been engaged in active offensive patrolling and persistent pressure on the enemy's forward positions. Our troops have shown their ability to strike hard at the Japanese whose casualties have been substantially greater than our own. At the moment,



however, the Japanese are making a counter-effort on the Arakan front to try and relieve the pressure being put on them.

The Allied Air Forces based on India and Ceylon and China have been maintaining and increasing their blows against the enemy in the whole of Burma and beyond. The effort of our air power is broadly speaking directed towards two main tasks, namely, to strike at the enemy in his air bases and the field of battle and to strike at his lines of communications and supply bases, thus further hampering the already difficult task of maintaining his forces in the field. To the weight of this regular air attack can be attributed what has been, compared with other theatres of war, the remarkable degree of immunity from concentrated air attack India's own soil has had despite the proximity of our enemy.

From our own point of view, India is now actively concerned in preparing for the day when major offensive operations will be launched by sea, land and air against our Japanese enemy. To that end immense work, not only in the training of our sea, land and air forces, but also in the development of our ports and transportation facilities, of our depots and large scale maintenance plants, is proceeding apace against the day when the full military power of the United Nations will be deployed for the ultimate, inevitable and complete defeat of Japan.

#### \* JAPANESE AIR ATTACKS ON INDIAN TOWNS.

95. \*Mr. Lalchand Navalrai: Will the Honourable the Defence Member be pleased to state how many air attacks Japan made on Calcutta, Chittagong, Assam and neighbouring places since this Assembly met last, and, with what casualties and damage?

Mr. C. M. G. Ogilvie: There have been ten air raids in all on places in British India and one on an Indian State between the 20th November, 1943, and 5th February, 1944. The total civilian casualties in British India were 884 and the material damage in all cases was slight.

#### SCARCITY OF SMALL COINS.

96. \*Mr. Kailash Bihari Lal: Will the Honourable the Finance Member be pleased to state:

(a) if Government are aware of the hardship that the people still have to undergo on account of the scarcity of small coins;

(b) if Government are aware that much of the hardship is due to the fact of some unscrupulous people resorting to hoarding for illegal gains;

(c) if the answer to (b) be in the affirmative, what steps have been taken to prosecute such persons;

(d) how many such prosecutions have been instituted in Bihar; and

(e) if Government propose to issue instructions to District Magistrates to use stricter measures to check the malpractice with regard to small coins?

The Honourable Sir Jeremy Raisman: (a) Government are aware that although there has been substantial improvement in the small coin situation generally, inconvenience and possibly some hardship are still being experienced in certain areas.

(b) The shortage of small coin is to a large extent the result of hoarding though, so far as Government have been able to ascertain, hoarding with intent to sell at a profit has not been such an important factor as general hoarding on a small scale in order to avoid personal inconvenience and hoarding of small coin by the lower classes in preference to notes. The latter type of hoarding among cultivators in the United Provinces and Bihar largely explains the slow response in these provinces to the measures hitherto taken to restore the situation.

(c) The importance of instituting prosecutions whenever possible has been impressed on Provincial Governments on more than one occasion and the Government of India are satisfied that this is well appreciated throughout the country.

(d) Government have no information.

(e) It is for Provincial Governments to issue instructions to District Magistrates and this has already been done.

#### CENSORING OF THE STATEMENT OF MRS. SAROJINI NAIDU.

97. \*Mr. Kailash Bihari Lal: Will the Honourable Member for Information and Broadcasting be pleased to say if it is a fact that the statement of Mrs. Sarojini Naidu, clarifying the Congress position with regard to violence and

Mahatma Gandhi's attitude, was censored and not passed by the authorities without assigning any reason? If so, why?

The Honourable Sir Reginald Maxwell: It is true that the Chief Press Adviser with the full authority of the Government of India advised against the publication of the proceedings of Mrs. Naidu's Press conference, which went considerably beyond the objects stated by the Honourable Member. It is not the practice for the Chief Press Adviser to assign reasons for the advice nor can his advice correctly be described as censorship. The reason for advising against publication in this case was that, in the opinion of the Government of India, the statement taken as a whole was such as to encourage support for the policy and activities of unlawful associations, namely the Congress Working Committee and the All India Congress Committee.

#### INDEPENDENCE DAY ARRESTS IN DELHI.

98. \*Mr. Kailash Bihari Lal: Will the Honourable the Home Member be pleased to say:

(a) how many persons have been arrested in Delhi in connection with the celebration of Independence Day for substantive offence, and how many as a precautionary measure;

(b) how long Government propose to detain those persons who have been arrested as a precautionary measure; and

(c) if it is a fact that those who are detained as a precautionary measure are kept in Police Station Hajat and have not even the facilities provided in Jails?

The Honourable Sir Reginald Maxwell: (a) 36 persons were arrested on substantive charges and two as a precautionary measure. These two have already been released.

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

#### RECENT STATEMENT OF MRS. SAROJINI NAIDU.

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

(a) whether his attention has been drawn to a press statement by Mrs. Sarojini Naidu published in the *Tribune*, dated the 27th January, 1944;

(b) whether it is a fact that Mrs. Naidu sent a communication to the Home Department of the Government of India from Aga Khan's Palace at the time of Gandhiji's fast; and

(c) whether that communication was brought to the notice of the Members of the Executive Council, or whether any other action was taken thereon?

The Honourable Sir Reginald Maxwell: (a) and (b). Yes.

(c) I have nothing to add to my reply to Mr. Gupta's question No. 46 on February 8th. The proceedings of the Executive Council are confidential.

#### INDEPENDENCE DAY ARRESTS, ETC., IN INDIA.

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

(a) the total number of arrests made throughout India in connection with the Independence Day celebrations;

(b) at how many places Congress processions and gatherings were dispersed by the police; and

(c) whether it is a fact that at some places the police removed the Congress flags from the houses?

The Honourable Sir Reginald Maxwell: I have no information nor is it possible to collect these details without an expenditure of labour which would not be justified in war-time.

#### LIMIT ON STERLING SECURITIES TO BE HELD BY RESERVE BANK OF INDIA.

101. \*Sardar Mangal Singh: Will the Honourable the Finance Member please state:

(a) whether Government intend to bring forward an amending Bill to fix the upper limit of Sterling holdings by the Reserve Bank of India during this session of the Legislative Assembly; and

(b) if the answer to (a) be in the negative, whether Government are satisfied with the present position or whether they contemplate to take some action in some other form to check inflation?

**The Honourable Sir Jeremy Raisman:** (a) No.

(b) Government are fully alive to the necessity of taking whatever measures are practicable to check inflation.

#### EXTRA FACILITIES TO DETENU SARDAR SARDUL SINGH CAVEESHAR.

102. \***Sardar Sant Singh:** Will the Honourable the Home Member be pleased to state:

(a) whether Sardar Sardul Singh Caveeshar was given any extra facilities during his detention from March to September, 1942, in the Lahore Fort over and above those allowed under the rules for security prisoners in the Punjab; if so, what those facilities were;

(b) whether he is aware of the fact that in his representations to the Lahore High Court, the Honourable the Home Member, Government of India, and other officials, Sardar Sardul Singh Caveeshar stated that no extra facilities were allowed to him beyond those allowed under the Punjab Security Prisoners Rules;

(c) whether it is a fact that Sardar Sardul Singh Caveeshar was punished during the period of his detention by the Deputy Inspector General (Criminal Investigation Department); if so, the reasons therefor; and whether he could do so under the Security Prisoners Rules;

(d) under whose order Sardar Sardul Singh Caveeshar, Lala Shanker Lal of Delhi, Mr. Dwijin Bose, Mr. Arvind Bose, nephew of Mr. Sarat Chandra Bose, were subjected to interrogation and tortured in the Lahore Fort for seven months during the year 1942; and

(e) whether it is a fact that several Government of India detenus, specially sent to the Punjab, made serious complaints in writing about the illegal and inhuman treatment meted out to them by the Punjab Criminal Investigation Department in the Lahore Fort to His Excellency the Governor in Council, His Excellency the Viceroy of India, the members of the Executive Council and the Honourable Minister of Provincial Governments and Home Member, Government of India, but they were withheld by the Punjab Criminal Investigation Department; if so, under whose orders this was done, and the reasons therefor?

**The Honourable Sir Reginald Maxwell:** (a) Yes; he was allowed the use of an electric fan and home food which are not sanctioned in the Punjab Security Prisoners' Rules.

(b) Yes; but Sardar Sardul Singh Caveeshar admitted that he was given the facilities referred to above, which he thought were admissible to him under the rules. These facilities were later withdrawn.

(c) No.

(d) Sardar Sardul Singh Caveeshar, Lala Shankar Lal of Delhi and Mr. Dwijen Bose were kept in the Lahore Fort for interrogation under the orders of the Punjab Government at the instance of the Government of India. They were not maltreated. Mr. Arvind Bose has never been detained in the Lahore Fort.

(e) Sardar Sardul Singh Caveeshar and Mr. Dwijen Bose submitted representations about their alleged maltreatment in the Lahore Fort, but as the allegations were baseless no action was taken by the Punjab Government.

#### REPRESENTATION BY SARDAR SARDUL SINGH CAVEESHAR AGAINST ILL-TREATMENT METED OUT TO HIM.

103. \***Sardar Sant Singh:** Will the Honourable the Home Member be pleased to state:

(a) whether he is aware of the fact that in his representation to the Lahore High Court under section 491, Indian Penal Code, in June, 1943, Sardar Sardul Singh Caveeshar made serious allegations against certain Criminal Investigation Department Officers of the Punjab Government about the illegal and criminal treatment meted out to him during his detention in the Lahore Fort in August, 1942;

(b) whether he is aware of the fact that the Lahore High Court recommended that the petitioner could file civil and criminal suits against the Criminal Investigation Department, Punjab, to get redress;

(c) whether it is a fact that Sardar Sardul Singh Caveeshar was not allowed to see his legal adviser so that he might give instructions to him to file civil and criminal suits against the Criminal Investigation Department, Punjab, for the inhuman and illegal treatment meted out to him during his detention in the Lahore Fort; if so, why; and

(d) whether it is a fact that the Punjab Criminal Investigation Department did not furnish a copy of the detention orders to Sardar Sardul Singh Caveeshar which he required for the purpose of making appeal to the Lahore High Court and to the Federal Court, India, if so, why?

**The Honourable Sir Reginald Maxwell:** (a) Yes.

(b) No.

(c) Yes; interviews with legal advisers were not permissible under the rules in force at that time.

(d) A copy of the detention order was not supplied to Sardul Singh Caveeshar but he was informed that he could see it if he wished to.

#### ILL-TREATMENT METED OUT TO GOVERNMENT OF INDIA DETENUS DETAINED IN PROVINCES.

104. \***Sardar Sant Singh** (a) Will the Honourable the Home Member be pleased to state the responsibility of the Government of India towards detenus detained under their orders, and sent to provinces for detention? How do the Government of India discharge those responsibilities? How do the Government of India see that their detenus are not ill-treated by the officers of the Provincial Government?

(b) Do Government know that under rulings from Indian High Courts, specially of the Lahore High Court, it is criminal to subject a person to interrogation for such a long period?

(c) If it was not under the orders of the Government of India, what action do they propose to take against those who treated their detenus in this manner in the Punjab?

(d) Do the Government of India propose to allow their detenus in the Punjab to write to them about their treatment by the C. I. D. in the Lahore Fort, and to instruct the Punjab Government not to interfere with these representations as was done in the case of Sardar Sardul Singh Caveeshar, Mr. Shanker Lal and Mr. Dwijin Bose?

**The Honourable Sir Reginald Maxwell:** (a) Central Government security prisoners detained in Provinces are subject to the Provincial Government's Orders governing the conditions of detention of Provincial security prisoners. These, as I have told the House before, are in general conformity with certain principles laid down by the Government of India, and I am satisfied that the acceptance of these principles combined with the fact that no responsible Government would tolerate the ill-treatment of prisoners committed to its charge, is a sufficient guarantee that Central Government prisoners are not in fact ill-treated.

(b) No.

(c) I entirely repudiate the suggestion that Sardul Singh Caveeshar or any other security prisoner was maltreated.

(d) Central Government security prisoners detained in the Punjab are entitled to address petitions to the Central Government on any subject, provided that they are not improper. The Government of India have already asked the Punjab Government to forward all petitions that may be received from Central Government security prisoners.

#### ILL-TREATMENT METED OUT TO GOVERNMENT OF INDIA DETENUS DETAINED IN THE PUNJAB.

105. \***Sardar Sant Singh:** (a) Will the Honourable the Home Member please state if it is a fact that not only Sardar Sardul Singh Caveeshar but some other

Government of India detenus, specially sent to the Punjab, have made similar complaints about the illegal and criminal treatment by the C. I. D. in Lahore Fort?

(b) Is it a fact that Lala Shanker Lal of Delhi and Mr. Dwijin Bose of Calcutta made complaints about such treatment to the Governor General in Council and the Home Member? If such complaints have not yet been received by the members of the Government of India, does the Honourable Member propose to enquire about the same from the Provincial Government concerned?

(c) Who were the Non-Punjabi Government of India's detenus sent to the Lahore Fort, and why, and what was the purpose for which this place was chosen?

(d) Do Government propose to allow the members of this House to visit the Lahore Fort, and to see for themselves in what conditions the Government of India's detenus who were sent to that place are kept?

(e) Do Government propose to allow the members of this House to see such detenus in the Lahore Fort, and to enquire from them about their treatment in the Lahore Fort?

**The Honourable Sir Reginald Maxwell:** (a) Apart from Sardul Singh Caveeshar, Mr. Dwijen Bose made representations.

(b) No representation was received from L. Shankar Lal of Delhi. It has already been stated that a representation was made by Mr. Dwijen Bose of Calcutta. No action was taken on his representation by the Punjab Government, as his allegations were baseless.

(c) It is not clear to what period the Honourable Member's question relates. If he will be more specific, I will secure the information required by him in due course.

(d) and (e). It would not be in the public interest to allow this at present. The Honourable Member may rest assured that conditions of detention in the Lahore Fort, and the treatment of prisoners detained there, are satisfactory.

#### MOTION FOR ADJOURNMENT.

**Mr. President** (The Honourable Sir Abdur Rahim): I have received notice of a motion of adjournment from Mr. Frank Anthony, but he is not in his place.

#### DECLARATION DIRECTING CERTAIN BUDGET HEADS OF EXPENDITURE OPEN TO DISCUSSION BY THE LEGISLATIVE ASSEMBLY.

**Mr. President** (The Honourable Sir Abdur Rahim): I have to inform Honourable Members that His Excellency the Governor General has passed an order under sub-section (3) of section 67-A of the Government of India Act as set out in the Ninth Schedule of the Government of India Act, 1935, directing that the heads of expenditure specified in that sub-section, other than those specified in clause (v) thereof, will be open to discussion by the Legislative Assembly when the Budget for the year 1944-45 is under consideration.

#### APPOINTMENT OF THE HONOURABLE SIR EDWARD BENTHALL TO PERFORM FUNCTIONS OF THE FINANCE MEMBER AT RAILWAY BUDGET GENERAL DISCUSSION.

**Mr. President** (The Honourable Sir Abdur Rahim): I have also to inform Honourable Members that His Excellency the Governor General has, under rule 2 of the Indian Legislative Rules, been pleased to appoint the Honourable Sir Edward Benthall to perform the functions assigned to the Finance Member under rule 46 of the said Rules on the occasion of the general discussion appointed for Monday, the 21st February, 1944, of the statement of the estimated annual expenditure and revenue of the Governor General in Council in respect of Railways.

#### ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR THE INFORMATION AND BROADCASTING DEPARTMENT.

**The Honourable Sir Sultan Ahmed** (Member for Information and Broadcasting): Sir, I beg to move:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, five non-official Members to serve on the Standing Committee to advise on subjects in the Department of Information and Broadcasting."

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

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, five non-official Members to serve on the Standing Committee to advise on subjects in the Department of Information and Broadcasting."

**Maulvi Muhammad Abdul Ghani** (Tirhut Division: Muhammadan): Sir, will the Honourable Member kindly enlighten the House as to the terms and functions of this body?

**The Honourable Sir Sultan Ahmed:** The motion itself shows that the function of this Committee will be to advise on subjects in the Department of Information and Broadcasting. There were three meetings of this Committee last year and every time the members have taken great interest in the working of the Department and given us most valuable advice.

**Sir Muhammad Yamin Khan** (Agra Division: Muhammadan Rural): Sir, when any delegation is sent outside India will it be one of the functions of this Committee to have the matter placed before them for advice?

**The Honourable Sir Sultan Ahmed:** No, Sir.

**Mr. Lalchand Navalrai** (Sind: Non-Muhammadan Rural): Sir, may I know why this Committee is only advisory when other Standing Committees are not advisory but possess full powers?

**The Honourable Sir Sultan Ahmed:** All the other committees are also advisory, as far as I know.

**Mr. N. M. Joehi** (Nominated Non-Official): Does the Honourable Member publish an annual report on the working of this Department? I have not seen any such report, and if he publishes such a report will he be pleased to circulate it to Members of the Assembly?

**The Honourable Sir Sultan Ahmed:** Most certainly, Sir.

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

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, five non-official Members to serve on the Standing Committee to advise on subjects in the Department of Information and Broadcasting."

The motion was adopted.

#### ELECTION OF MEMBERS TO THE STANDING COMMITTEE ON EMIGRATION.

**The Honourable Dr. N. B. Khare** (Member for Indians Overseas): Sir, I beg to move:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, eight non-official Members to serve on the Standing Committee on Emigration during 1944-45."

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

"That this assembly do proceed to elect, in such manner as the Honourable the President may direct, eight non-official Members to serve on the Standing Committee on Emigration during 1944-45."

The motion was adopted.

**Mr. President** (The Honourable Sir Abdur Rahim): I have to inform Honourable Members that for the purpose of election of Members for the Standing Committee for the Department of Information and Broadcasting and the Standing Committee on Emigration the Notice Office will be open to receive nominations up to 12 o'clock on Wednesday, the 16th February, 1944, and that the elections, if necessary, will be held on Friday, the 18th February, 1944. The election, which will be conducted in accordance with the principle of proportional representation by means of the single transferable vote, will be held in the Assistant Secretary's room in the Council House, New Delhi, between the hours of 10-30 A.M. and 1 P.M.

## THE INSURANCE (AMENDMENT) BILL.

**The Honourable Sir M. Azizul Huque** (Commerce Member): Sir, I beg to move for leave to introduce a Bill further to amend the Insurance Act, 1938.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That leave be granted to introduce a Bill further to amend the Insurance Act, 1938." The motion was adopted.

**The Honourable Sir M. Azizul Huque**: Sir, I introduce the Bill.

## THE TRANSFER OF PROPERTY (AMENDMENT) BILL.

**The Honourable Sir Asoka Roy** (Law Member): Sir, I beg to move for leave to introduce a Bill further to amend the Transfer of Property Act, 1882.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That leave be granted to introduce a Bill further to amend the Transfer of Property Act, 1882."

The motion was adopted.

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

## THE CENTRAL EXCISE BILL.

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

"That the Bill to consolidate and amend the law relating to central duties of excise, as reported by the Select Committee, be taken into consideration."

I do not think I need detain the House long on the form in which this Bill has emerged from the Select Committee. A few amendments have been made, the nature of which has been explained in the report of the Committee. Most of those amendments arise from the fact that the duty on salt, although it is in the nature of a central excise, is also in some respect *sui generis*. It is in order not to prejudice the somewhat different and constitutional status of the duty on salt that the wording of several clauses of the Bill has been somewhat changed. The measure is essentially a measure of consolidation and simplification. This comparatively small Bill, as will be seen from the list of enactments repealed, will replace no less than 17 enactments some of which date back for 60 years or more. It is surely desirable that the law relating to these duties should be simple and uniform so that it should be capable of being understood by the general public and of being efficiently administered by the Department. The measure is, therefore, desirable administrative as well as legislative reform. I do not think that there is anything more that I can usefully add at this stage. Sir, I move.

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

"That the Bill to consolidate and amend the law relating to central duties of excise, as reported by the Select Committee, be taken into consideration."

I notice that the Honourable Member, Mr. Krishnamachari, has given notice of many amendments. Mr. Krishnamachari.

**Mr. H. A. Sathar H. Essak Sait** (West Coast and Nilgiris: Muhammadan): Sir, I just want to speak for a few minutes on the motion itself.

**Mr. President** (The Honourable Sir Abdur Rahim): Let him move his first amendment.

**Mr. T. T. Krishnamachari** (Tanjore cum Trichinopoly: Non-Muhammadan Rural): Mr. President. I move:

"That the Bill be recommitted to the Select Committee."

Sir, in making this motion it is not my intention that it should be a dilatory one. Actually when the motion was first brought before this House and it was put to this House as a consolidating measure, I felt that much of the work that would have to be done by way of publicity to an important measure like this would be done by Government and the Select Committee would have been apprised of the views of the various interests that have been affected by this measure, and perhaps the Select Committee might even choose to ask people to give evidence or submit their views. But what has happened, as I see from the Report of the Select Committee, is that those provisions of this so-called consolidating measure which relate to defects in the constitutional position of this measure have been considered carefully and nothing else has been done.

Sir, my justification in moving this amendment is this: The Honourable the Mover of this motion mentioned that it seeks to replace no less than 17 enactments. The first of these Acts dates as far back as 1882 or 1884, more than 50 years back, and that relates to salt. Nobody really objects to a consolidation measure if consolidation is possible and if a consolidation measure is brought into being it must be that the least stringent provisions contained in the various Acts must become the greatest common factors and today we find, Sir, that the most stringent provisions of all these Acts have been pooled together and it has been brought before us as a measure which has been passed through the Select Committee.

Sir, it has not been mentioned on the floor of this House that there is any urgency for this measure. By reason of the House asking the Select Committee to reconsider the measure the revenue position of the Government is not going to be affected. It has not been said that this consolidation measure is going to help future excise measures that are going to be placed before this House, and therefore, Sir, I feel I am right in bringing forward this amendment. I shall presently show the need for greater consideration of this measure.

Sir, the Honourable the Mover, I think, did admit that several Acts which this measure seeks to consolidate . . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): Before the Honourable Member goes any further with his speech, I should like to point out that this is a dilatory motion and cannot be moved unless he can make out two things: first, that this recommitment to the Select Committee is rendered necessary by the manner in which the Select Committee had handled the Bill; or, secondly, that unforeseen circumstances have emerged after the Select Committee Report, requiring recommitment. Unless the Honourable Member can make that out the amendment is not in order.

**Mr. T. T. Krishnamachari**: Thank you very much. I shall attempt to make out that the Select Committee has not given to it its full consideration.

**Mr. President** (The Honourable Sir Abdur Rahim): What is your objection to the manner in which the Select Committee has handled the Bill?

**Mr. T. T. Krishnamachari**: If it is the intention of the Chair that I should prove that the Select Committee has done something which is objectionable . . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): At any rate, I want to know your objection to the way in which they have handled the Bill or whether any unforeseen circumstances have emerged after the Select Committee Report.

**Mr. T. T. Krishnamachari**: I shall mention it. I should like the Honourable the Mover of this motion to tell us how long the Select Committee took to consider this Bill.

**Mr. President** (The Honourable Sir Abdur Rahim): That does not matter.

**Mr. T. T. Krishnamachari**: And I should like the Honourable the Mover to tell us if the full implications of the Bill were explained to the non-official Members.

**Mr. President** (The Honourable Sir Abdur Rahim): I am not prepared to hold that the Bill has not been properly considered by the Select Committee. I am satisfied that this is a dilatory motion. It has not been made out that this course is rendered necessary by the manner in which the Select Committee has handled the Bill or that unforeseen circumstances have emerged after the Select Committee Report, calling for reconsideration by the Select Committee. I therefore rule that the amendment is out of order. Discussion of the motion will go on now.

**Mr. H. A. Sathar H. Essak Sait**: Sir, I want to put only one question.

**Mr. T. T. Krishnamachari**: May I speak on the main motion now or shall I have an opportunity later.

**Mr. President** (The Honourable Sir Abdur Rahim): Perhaps the Honourable Member had better go on with his speech.

**Mr. T. T. Krishnamachari**: Sir, I now oppose the motion before this House. In doing so I would like to make it clear to the House that the motion comprises a Bill which is sought to be taken into consideration with the Report of the

[Mr. T. T. Krishnamachari.]

Select Committee thereon, which covers several crores of revenue to Government and which has been sprung up upon us in a haphazard manner. There is really nothing common between the several Acts covered by the Bill except the fact that they are in nine out of ten cases called 'excise measures' and they are revenue producing measures. The commodities which these Acts seek to control and from out of which the Government of India expects a revenue have nothing in common actually, and so in the process of manufacture of the various commodities various aspects exist which cannot be pooled together in one measure. And I think, Sir, that this aspect has not been sufficiently emphasised by the Government at any stage of this Bill.

Sir, there is another factor which is very important. It is this: As I said, the first Bill dates back to 1882—about 50 years back. The position of this country at that time was totally different than what it is today. People had to be frightened into obeying the law. Punitive measures had to be resorted to which are totally unsuited to the conditions that prevail today. The Government is much stronger than it was at that time, and naturally the subsequent excise Acts that have seen the light of day do not contain the same stringent provisions of the Salt Act, the origin of which dates back to 1882. I do feel that in a consolidation measure Government should lighten the restrictions and the infringements on the liberties of the producer and of the ordinary citizen, and that it should be brought into line with the later excise measures brought before this House. The price paid for uniformity should not be that people should be subject to more harassment than they have been in the past. It may be that if I am a producer of salt I agree to the regulations that are now subsisting, but it does not mean that merely because salt, tobacco and vegetable products, sugar, matches and several other articles should be brought into line for the sake of administrative convenience, those people engaged in the trade and production of various other commodities should also be hampered by the severe restrictions that are now imposed on salt producers, on people who market salt and who carry salt about.

I think there is a case for the Government postponing consideration of this Bill, because the present Bill is extremely inopportune to consider any measure infringing on the liberties of the citizen. Today we are ruled by Ordinances. The economic activities of every person in this country happen to be governed by those Ordinances. Price control has come into being and very necessarily too: and to-day the people subject themselves to harassing restrictions for the sake of getting over the circumstances that exist in this country. It does not mean that those conditions should also be put into an Act which is to stay for all time to come. The danger of bringing forward a consolidation Act at the time when the Defence of India Rules hold sway is that the public are not likely to realise the various troubles that they are likely to be put to if this Bill becomes an Act.

Sir, there is another factor also. This so-called consolidation measure is going to make it very easy for the Government in regard to future Excise Bills. All they have to do is to bring in one clause with reference to just a particular commodity in the schedule, and very often people who merely accept what a Government does without much protest will not be alive to the consequent restrictions that may be imposed on production, manufacture and transmission of these commodities as a result of the excise duty being imposed thereon. From the point of view of educating the public in regard to their own rights, I think a measure of this type is not a good thing.

Sir, I feel in opposing this motion that if the Select Committee had been apprised of all these circumstances they would have taken more time about it. In fact, I think just at the time when the Bill was put in Select Committee and when the Select Committee sat to discuss this Bill, it was the duty of this Government to have addressed the interests concerned. I would ask the Honourable the Finance Member if the various Chambers of Commerce were told about it and whether the various associations that represent these interests were addressed. Were they asked for objections or amendments? I think it

was the duty of the Government to have undertaken that task. I think they have failed in the very elementary duty cast upon them. I, therefore, feel that the motion has to be opposed as there is no particular urgency for it.

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

Mr. T. T. Krishnamachari: Yes, Sir. But I am summing up. The Government have not shown that the people have been fully informed of the implications of this consolidation motion and in fact it seriously infringes on the liberties of those people who are engaged in all trades excepting salt, and I, therefore, oppose the motion.

Mr. H. A. Sathar H. Essak Salt: I have only one question, and that rather very pertinent. It will make the matter clear to the House and probably facilitate the further passage of this Bill. Would the Honourable the Finance Member state whether he has introduced any new principle which was not in existence before, and whether on the two points mentioned by Mr. Krishnamachari he can assure the House that he has not done anything or taken any powers which did not exist before? If that assurance is given to the House I think it would facilitate the passage of this Bill.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): The Honourable the Finance Member told us the other day, and he has told us again today, that this is a mere consolidating measure. But it appears to me that it is much more than that, and as for his plea that it is a measure which simplifies the procedure, I have only to observe that so far as the Government is concerned, it may be a simplifying measure, but so far as the general public of India is concerned, it is a measure for imposition of great restrictions and harassment.

Sir, we all know that the salt duty was imposed in this country at the very commencement of British Rule in India, and the measures which were necessary to secure the revenue from salt to the Government do not necessarily apply to the taxation measures which have been subsequently introduced.

There is one peculiar thing in this Bill. It is the setting up of administrative courts and the ousting of the jurisdiction of the ordinary Law Courts. In this Bill it is provided that the Excise Officer will have very large powers. He will have the power of arrest. He will have the power of punishing any offender and no appeal will lie to any of the ordinary law courts. But an appeal will lie in the first instance to another officer of the Board of Revenue and ultimately the Board of Revenue will have the power of revision. This is very unsatisfactory. When it is decided that all the taxation measures with regard to excises should be put in one enactment, it should be provided that the provisions should be subject to the ordinary law and procedure and no administrative courts should be set up. My Honourable friend knows that for income-tax purposes a separate arrangement is made, but even there provision exists for appeal to an independent tribunal. In respect of these excise duties, however, no such appeal to an independent tribunal has been proposed.

Besides, we find that there is no urgency for bringing forward such a measure. It may be simple from the point of view of the Government, but it is extremely harassing and difficult from the point of view of the taxpayer and the general public of this country.

Therefore, I would suggest to the Honourable Member that this matter should be given fuller consideration. This is not exactly the proper time when such a measure of a far-reaching character should be placed before the House. We were under a misapprehension, and if it were only a consolidating measure I would not have opposed it in the least. But I find now that the implications of this Bill are very far-reaching and, therefore, I would ask the Government to stay their hand for a while and to take up the measure after full and deliberate consideration.

At the present moment, if the measure is pushed through, there is likely to be a great deal of opposition, as will be evident from the number of amendments of which notice has been given by a friend of ours, and other Members also feel very diffident to support this measure. But as the motion for recommitment to



[Dr. P. N. Banerjea.]

the Select Committee has been ruled out by the Chair, I think the Government should postpone consideration of this Bill and take it up after the matter has been thoroughly discussed by the public and the Members of this Assembly.

**The Honourable Sir Jeremy Raisman:** Sir, there is one thing which I should like to emphasise before the House and that is this. This Bill was published three months ago, it has been before the country for the whole of that time, it affects, in so far as it affects anybody at all, a large number of people who are fully aware of the effect of legislation upon them, all the Chambers of Commerce have been aware that this Bill was brought forward in the last Session and not a single line of correspondence has been received from any Chamber of Commerce or from any interest which may be affected by this Bill . . . .

**Dr. P. N. Banerjea:** Very unusual.

**The Honourable Sir Jeremy Raisman:** My Honourable friend Mr. Krishnamachari has sought to raise a large number of vague apprehensions. I may say that I usually listen with great interest to Mr. Krishnamachari's speeches and I have noticed that he is usually endowed with a gift of limpid eloquence and quite a fluent flow. I was extremely concerned to find out exactly what was at the back of his mind, and I must say that although he spoke and was on his feet for some considerable time, I am entirely in the dark as to what was biting him. This measure is, as its name implies, a consolidation measure. It is a consolidating and amending measure because certain slight amendments are almost inevitable whenever you try to reproduce the gist of as many as 17 enactments. In reply to my Honourable friend, Mr. Essak Sait, I can honestly say that I am only aware of one new item which has been introduced into this Bill, and I will draw attention to it now. I would have drawn attention to it at a later stage. When the Bill was introduced, we gave very full notes on clauses in order to enable this House and the country to see exactly from what sources each provision of this measure was drawn. Now, the new item to which I referred has been included in the rule-making powers—item (vii) of sub-clause (2) of clause 37—that sub-clause enables us to make rules—

"requiring a manufacturer or the licensee of a warehouse to provide accommodation within the precincts of his factory or warehouse for officers employed to supervise the carrying out of regulations made under this Act and prescribe the scale of such accommodation."

That, I may say, is a power which I believe exists in relation to customs and it certainly exists in the United Kingdom, and it is something which is essential for the administration of excises. The position which may arise is this: that you have to have an excise officer on the premises in relation to a bonded warehouse or in relation to the manufacture of any excisable article. If no arrangements can be enforced by the Government for the presence of that officer on those premises, if no provision can be made for him, then the administration of that excise may be rendered exceedingly difficult, if not nugatory; and that is the necessity for a rule-making power of this kind. I leave it to the House to judge whether there is anything revolutionary in that. It is a provision which, as far as I am aware, exists already, certainly as I say in the United Kingdom, and I know from my own personal experience that we do make arrangements of this kind in regard to both customs and excise duties . . . .

**Mr. N. M. Joshi** (Nominated Non-Official): Living accommodation or office accommodation?

**The Honourable Sir Jeremy Raisman:** It may be both—office and private accommodation. If the factory is in some unusual place where even living accommodation cannot be obtained, it may be necessary to provide living accommodation. Of course I would expect that in such cases we would be able to provide living accommodation ourselves, but we should also need some room or something in which the official can carry out the duties imposed upon him.

**Mr. N. M. Joshi:** Who will pay?

**The Honourable Sir Jeremy Raisman:** I am not sure whether we do not ourselves pay rent when the question arises. We pay rent if it takes up any appreciable part of the accommodation.

That is the position in regard to this measure. The sources from which the provisions have been drawn have been exhibited to this House fully in the Notes on Clauses which were appended to the Bill as introduced. There is no new principle involved. The powers which are included in the Bill are powers which have to be exercised, which are already possessed by officers carrying out these and similar duties. Mr. Krishnamachari says that circumstances have changed, as far as I understand, and considers that the existing law should have been modified to meet the present situation. If I had attempted to do that, then I should indeed have been liable to the criticism which he himself hinted at, although he has not made it explicit. It was precisely because at this stage all that we sought was consolidation that we did not interfere with the provisions of the law even though some of them are somewhat ancient. I cannot understand the argument that the present moment is inopportune or how the existence of the Defence of India Rules bears on the question. I have always understood that one of the first requisites of taxation is that it should be simple and direct and that the working of it should be understood by the people, and I do not see how the maintenance of 17 separate enactments as compared with a single Act of 3 or 4 pages achieves that object. I should have thought that precisely for the reasons mentioned by my Honourable friend the present was a peculiarly suitable time to bring the taxation legislation into a convenient and simple form. I am afraid that Mr. Krishnamachari rather exposed something of his thoughts when he complained that this measure would make it easier for the Government to introduce a new excise; whereas at present they had to introduce a complete self-contained Bill they would henceforth, if they wished to introduce a new excise, have only to insert another item in the schedule to the Bill. If my Honourable friend's object is to make everything as difficult as possible both procedurally and legislatively whenever Government have to bring taxation proposals before the House, then there is no doubt that there is much force in that objection. But I should have thought—and here again I would revert to the principle I mentioned just now, that taxation should be simple and direct and its operation easily understood—I should have thought that anything which improved the present situation in this respect would have been advantageous to the country and would have been supported by this House.

As I say, I am very much at a loss to understand how this criticism and these voluminous amendments have been brought up at the last moment without any indication whatever that anybody in the country had anything to say to us in regard to this Bill which has been before them all these weeks. I still feel that there is no reason whatever why this House should not proceed with the consideration of this measure to-day. I am myself convinced—and I should say that a great deal of my personal experience has lain in the fields of revenue administration—I am myself convinced that the House by passing this measure will be doing an important and exceedingly useful duty to the country.

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

**Mr. Govind V. Deshmukh** (Nagpur Division: Non-Muhammadan): I want to speak.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member cannot speak now. The Mover of the motion has replied.

The question is:

"That the Bill to consolidate and amend the law relating to central duties of excise, as reported by the Select Committee, be taken into consideration."

The motion was adopted

**Mr. President** (The Honourable Sir Abdur Rahim): The House will now consider the Bill clause by clause. Clause 2.

**Mr. T. T. Krishnamachari:** Sir, I move:

"That in part (c) of clause 2 of the Bill, before the word 'process' the word 'industrial' be inserted."

[Mr. T. T. Krishnamachari.]

With your permission, I should like to make an explanation of my position, because this particular amendment itself might sound a very trifling one and it would look as if I have no other object in moving it than to retard the progress of this Bill. I admit that facility of expression on a subject like this is a little lacking as far as I am concerned. I have had no experience of holding the finance portfolio either in Delhi or in any provincial field. My argument was perhaps a little halting because I was not quite sure what the attitude of the Government was going to be in the matter of amending the provisions of the Bill. In regard to this particular amendment, let me make it very clear that there is nothing at the back of my mind excepting to suggest to Government that they have borrowed this particular clause from the Tobacco Excise Bill and not the whole of it either. The Select Committee have added three words "an unmanufactured product" in part (c) where they say:

"curing" includes wilting, drying, fermenting and any process for rendering an unmanufactured product fit for marketing or manufacture."

The words "an unmanufactured product" are new. Since this particular clause which is in the Tobacco Excise Bill is to be made applicable to the whole gamut of commodities that are coming within the scope of this measure, I think a little amplification is needed. They have themselves taken liberty in the Select Committee to make an amplification, and I think that the process referred to in part (c) of clause 2 should be limited to industrial process, and that is why I have brought in this amendment.

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

"That in part (c) of clause 2 of the Bill, before the word 'process' the word 'industrial' be inserted."

**Mr. H. Greenfield** (Government of India: Nominated Official): I oppose this amendment, and in doing so, I should like to explain that the object of substituting the words "an unmanufactured product" for the word "tobacco", which was in the original Bill, is simply to avoid particularisation of an individual commodity in a Bill which is to have general application. As regards the suggestion that the definition should be restricted to industrial processes, I must explain that in regard to tobacco, to discriminate in this way would be to discriminate against a particular section of tobacco consumers, and would also reduce our revenue from tobacco to a mere fraction of its present total. It would also discourage further expansion of the production of flue-cured tobacco which is at present a very promising feature of India's industrial development.

**Sir Cowasjee Jehangir** (Bombay City: Non-Muhammadan Urban): Does the amendment make a radical change?

**The Honourable Sir Jeremy Raisman**: Yes, the proposed amendment does.

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

"That in part (c) of clause 2 of the Bill, before the word 'process' the word 'industrial' be inserted."

The motion was negatived.

**Mr. T. T. Krishnamachari**: Sir, I move:

"That in part (f) of clause 2 of the Bill, before the word 'process' the word 'industrial' be inserted."

**Mr. President** (The Honourable Sir Abdur Rahim): The same principle?

**Mr. T. T. Krishnamachari**: Not quite. The original clause reads as follows:

"Manufacture" includes any process incidental or ancillary to the completion of a manufactured product."

This clause is rather new. The word 'manufacture' appears in a number of other tax measures as well, which this Bill seeks to consolidate. It appears in all references made to the manufacture of salt, to the manufacture of sugar, matches. Actually in regard to every measure excepting tobacco, the Government cannot exercise any control over any process excepting an industrial process. Actually an excise duty only visualises taxing a commodity after it passes through an industrial process, the only difference being in the case of tobacco. I think, unless this word 'process' is limited, it will go right to the root of all processes involved in the manufacture of sugar and even of production of sugarcane. So, this amendment is not on all fours with my previous amendment.

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It is different because this definition of manufacture appears in varying forms right through the several Acts which this Bill seeks to consolidate. Therefore, I move.

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

"That in part (f) of clause 2 of the Bill, before the word 'process' the word 'industrial' be inserted."

**Mr. H. Greenfield**: Sir, I oppose the amendment. I should perhaps explain first in regard to the Honourable Member's apprehension regarding cane, that this definition must be read in conjunction with the First Schedule, which limits the excise on sugar to that sugar which is "produced in a factory ordinarily using power in the course of production of sugar".

On general grounds, I oppose the amendment because the insertion of this word would lead to fragmentation of factories and thereby greatly handicap the administration and lead also to leakage of revenue and would incidentally discourage the development of organised industry. Sir, I oppose the amendment.

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

"That in part (f) of clause 2 of the Bill, before the word 'process' the word 'industrial' be inserted."

The motion was negatived.

**Mr. T. T. Krishnamachari**: Sir, I move:

"That in part (j) (i) of clause 2 of the Bill, for the word 'defined' the word 'declared' be substituted."

In moving this amendment, I want to know what exactly is in the mind of the Government. The sentence has been added by the Select Committee to this particular clause—"as defined from time to time by the Collector of Central Excise". I do not know what the process of definition is going to be, how the definition is going to be made, how it is going to be published. Usually, I think the language used in respect of such pronouncements by the revenue authorities is—"declared that such and such a place is intended to be used for the manufacture of salt". I feel that altogether the word 'declared' is safer than the word 'defined'. I move.

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

"That in part (j) (i) of clause 2 of the Bill, for the word 'defined' the word 'declared' be substituted."

**Dr. P. N. Banerjee**: I wish to ask whether 'defined' qualifies 'salt factory' or qualifies only 'a place'. If it qualifies 'a place', then it does not seem to be a very appropriate word. A place as defined from time to time by the Collector of Central Excise would not be happy phraseology. If, on the other hand, it qualifies 'salt factory', the power of definition should not be given to the Collector of Central Excise.

**Mr. H. Greenfield**: I oppose this amendment. The dictionary meaning of the word 'define' means 'to fix the limit' and the intention here is that the limits of such place shall be defined from time to time by the Collector. I oppose the amendment.

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

"That in part (j) (i) of clause 2 of the Bill, for the word 'defined' the word 'declared' be substituted."

The motion was negatived.

Clause 2 was added to the Bill.

**Mr. H. Greenfield**: Sir, I move:

"That in clause 3 of the Bill, after the words 'and a duty on salt' the words 'manufactured in, or imported by land into, any part of British India' be inserted."

These words appear in section 7 of the Indian Salt Act of 1882 but were omitted from the Bill as being inconsistent with the form in which clause 3 was drafted and it was intended that a countervailing customs duty on salt imported by land into British India would be imposed by means of notifications issued under the authority of clause 5 and of section 5 of the Tariff Act. Clause 3 having been recast in Select Committee in such a manner as to exhibit the duty on salt as differing somewhat from other central duties of excise, the insertion of these words can now be effected without any such inconsistency and it is considered desirable on grounds of general convenience that they should be restored.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That in clause 3 of the Bill, after the words 'and a duty on salt' the words 'manufactured in, or imported by land into, any part of British India' be inserted." The motion was adopted.

**Mr. T. T. Krishnamachari**: Sir, I move: "That in clause 3 of the Bill, after the words 'duty on salt' the words 'except such salt as may be exempted by any provision of this Act or by notification by the Central Government' be inserted."

There is a long history behind this amendment. I think it is now a practice consequent on an agreement between certain high contracting parties some time back that the salt produced by people living near the sea coast for their own consumption on the sea coast be exempted from duty. I believe that this exemption is already in operation. It is only fair that, when the Bill is consolidating a number of excise laws, a right recognised by high authorities as belonging to the people should find a place in the enactment. I am not suggesting anything new; I am merely inserting into the Bill a recital of a fact which has already been in existence. Sir, I move.

**Mr. President** (The Honourable Sir Abdur Rahim): Amendment moved: "That in clause 3 of the Bill, after the words 'duty on salt' the words 'except such salt as may be exempted by any provision of this Act or by notification by the Central Government' be inserted."

**Dr. P. N. Banerjee**: Sir, I rise to support this amendment. It is in the recollection of many of us that in 1931 an agreement was reached between the Government and certain parties in the country that salt manufactured on the sea coast by individuals on a small scale for the purpose of consumption within local limits would not be taxed and that such salt would be exempt from the operation of the provisions of the Salt Act. So far as I know, this agreement has been given effect to from 1931 to the present day. If that be so, it is desirable now to put this agreement on a legal footing. As we are going to have a comprehensive legislation on the whole subject of excise duties, it would be unsatisfactory to leave it to the discretion of the Executive authorities. The matter is a very serious one from the point of view of the poor people who live on the coastal areas. If these poor people are in the future deprived by the Executive authorities of the right which they have been so far exercising, it would be a source of great harassment and it would be wrong. Therefore, it is desirable that this matter should be regularised on the present occasion.

**Mr. H. Greenfield**: Sir, I oppose the amendment. In regard to the particular case of salt referred to by the last speaker, this matter will be fully discussed when we come to Item 17 on the list of amendments. I need only say here in passing that existing exemptions would be in no way disturbed by the passing of this Bill.

On the general question, I would point out that power to exempt particular goods from duty is conferred by clause 12 and it is clear that any goods so exempted would, by that very fact, be excluded from the operation of clause 3. Sir, I oppose the amendment.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That in clause 3 of the Bill, after the words 'duty on salt' the words 'except such salt as may be exempted by any provision of this Act or by notification by the Central Government' be inserted."

The motion was negatived.

Clause 3, as amended, was added to the Bill.

**Mr. T. T. Krishnamachari**: Sir, I move:

"That in clause 4 of the Bill, the words 'or is capable of being sold' be omitted."

Sir, the clause is not very clear. Any determination of value for purposes of public duty must take into account an article of the right kind and quality sold. The excise duty comes into being only when an article is sold. The words 'is capable of being sold' will lead to a number of interpretations. So, I think it is safer in the interests of the public that these words be omitted.

Sir, I move.

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

"That in clause 4 of the Bill, the words 'or is capable of being sold' be omitted."

**Mr. H. Greenfield**: Sir, I oppose the amendment. The words objected to are reproduced from the Sea Customs Act, which has stood the test of more than 60 years. I submit that it is obvious that these words are required because there might be no actual sales at the time of the removal of the goods.

Sir, I oppose the amendment.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That in clause 4 of the Bill, the words 'or is capable of being sold' be omitted."

The motion was negatived.

Clause 4 was added to the Bill.

**Mr. T. T. Krishnamachari**: Sir, I move:

"That in clause 5 of the Bill, after the word 'goods' the words 'other than salt' be inserted."

This clause gives the Government power to impose customs duty on goods that are brought through land. So far as salt is concerned, I do not think the Government, which has the monopoly of salt generally, should place any handicap on the ordinary citizens bringing a small quantity of salt manufactured in the States. I think it is safer in the interests of the public and in view of the fact that this is a consolidating measure that the exclusion of salt be made specific.

Sir, I move:

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

"That in clause 5 of the Bill, after the word 'goods' the words 'other than salt' be inserted."

**Mr. H. Greenfield**: Sir, Government are prepared to accept this amendment as an improvement, though not exactly for the reasons advanced by the Honourable Member.

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

"That in clause 5 of the Bill, after the word 'goods' the words 'other than salt' be inserted."

The motion was adopted.

**Mr. T. T. Krishnamachari**: Sir, I move:

"That to clause 5 of the Bill the following proviso be added:

'Provided that if any such goods are subject to an excise duty imposed by the Indian State a rebate equivalent to such duty but not more than the duty imposed under this schedule shall be given'."

Sir, it is very encouraging to me to know that I can improve on a Government Bill. But speaking personally I am accustomed to hostile attitude of Government to all non-official interference with its measures elsewhere, and so I am not daunted by the attitude of the Government. This particular amendment probably raises a point of fairly serious consequence, and at any rate, I should like to have information on this matter. It is this. If it happens that a State has imposed a duty on goods which are brought to British India, what is the attitude of the Government of India regarding these goods? In drafting this amendment, care has been taken that Government should not be asked to give any rebate which shall exceed the amount that they would collect by way of duty. If a duty is levied on a particular excisable article in a State, it only stands to reason that people should not be asked to pay British duty over and above what they paid to the State for the purpose of ordinary movement of commercial goods. I, therefore, feel that this is a fairly important amendment which ought to find a place in the Bill, that Government should give a rebate to the extent of the duty paid on the goods in any Indian State. The relationship between the State and the British Government happens to be a matter in which I cannot go, but I do think that a certain amount of co-operation between Indian States and the Government now exists or ought to exist and that is my provocation for moving this amendment. Sir, I move.

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

"That to clause 5 of the Bill the following proviso be added:

'Provided that if any such goods are subject to an excise duty imposed by the Indian State a rebate equivalent to such duty but not more than the duty imposed under this schedule shall be given'."

**The Honourable Sir Jeremy Raisman**: Sir, whilst I am in sympathy with the object which the Honourable Member seeks to achieve, I must object that

[Sir Jeremy Raisman.]

a provision of this kind would not effect that purpose. It is technically imperfect. The fact of the matter is that that object can only be achieved by agreement with the State concerned. It is not feasible for us to give a rebate of duty which has been paid in the State. Nor is it possible for this Legislature to enact that duty paid in a State shall be refunded in certain circumstances. The only thing which is possible is that the Government of India should arrive at an arrangement with these States to facilitate the free flow of goods and at the same time to secure the revenue interest both of British India and of the State concerned, and that is what we regularly endeavour to do, and hitherto I may say, with a general measure of success in this type of situation. I would ask the Honourable Member to withdraw his amendment for the reason I have given.

**Mr. T. T. Krishnamachari:** Sir, in view of the very graceful gesture shown by the Government to the previous amendment, I should like to withdraw this amendment.

The amendment was, by leave of the Assembly, withdrawn.  
Clause 5, as amended, was added to the Bill.

**Mr. T. T. Krishnamachari:** Sir, I move:

"That sub-clause (a) of clause 6 of the Bill be omitted."

Sir, this sub-clause is new. I cannot find anything nearly approximating the sub-clause in any of the various measures which this Bill seeks to consolidate. The only provision near enough to the object of clause 6 is found in clause 6 of the Tobacco Excise Act, wherein there is no specification of any limitation on production or manufacture or any process of production or manufacture of excisable goods similar to what is found in sub-clause (a) of clause 6. If, as I am induced to believe that this is a new provision very necessary perhaps from the point of view of Government, I should like to ask the Honourable the Finance Member, if he has considered the possibility of this provision affecting all industrial activities in the Provinces. There is no limitation to the field of the interference by the Government of India if any particular article becomes an excisable article; the Government of India can seek to control the whole field of activities from the time the article is produced to the time it is marketed. I think this is rather a sweeping provision and this House cannot allow it to pass without ascertaining the views of the Government and also without being assured that the whole position has been fully investigated and its consequences by way of limitations which it seeks to impose on industry in provincial field are ascertained. Sir, I move.

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

"That sub-clause (a) of clause 6 of the Bill be omitted."

**The Honourable Sir Jeremy Raisman:** Sir, I oppose this amendment. The Honourable Member seems to have conducted infructuous researches, but I would refer him . . .

**Mr. T. T. Krishnamachari:** I started doing that when I came to this House.

**The Honourable Sir Jeremy Raisman:** The Honourable Member left it to a rather late stage. I suggest he might have begun his studies when the Bill with the Notes on Clauses was first given to this House. If he would refer to the notes on those clauses which I have already mentioned, he will find that the provisions of clause 6 are drawn from no less than six already existing enactments and that the principle that manufacture of excisable goods should take place under licence is already embodied in those Acts and is a principle which is generally accepted in the excise practice of all countries. It is clearly impossible to administer an Excise Act satisfactorily if anybody can start production of a commodity anywhere without even informing the Government of where he proposes to begin production or giving us any opportunity to control the location of that production. He might choose to do it in some geographical situation where it would be administratively impossible to exercise that degree of supervision and control which is necessary in order to ensure the adequate collection of duty. It is clearly impossible for the Government to be placed in a position like that. This principle underlies the provisions of many

taxing Statutes not merely of excise. For instance, in the case of customs, you can always limit by control the people who can do certain processes, you can limit the place where people can do them and so on because unless you can localise these operations, unless they are subject to your approval, it will be impossible for you to deal with the administrative problems that may arise.

**Mr. T. T. Krishnamachari:** May I ask the Honourable the Finance Member if he visualises the fact that subsequent to all these measures to which he has referred, there has been a Government of India Act limiting the provincial and the central field?

**The Honourable Sir Jeremy Raisman:** Yes, Sir. I am aware of that. But it is not subsequent to all these measures; in the case of tobacco the Excise Act was passed in this House considerably after the Act of 1935. In any case I see the point that the Honourable Member is driving at, namely, that apart from the fiscal aspect the control of the supply and distribution of commodities is a matter for the Provincial Governments. But it is equally a principle of law that such control as may be necessary and proper in order to enable you to collect the central tax is undoubtedly within your jurisdiction. It would be useless for the constitution to confer on the Central Government the power to impose certain duties if that did not connote the power of making such ancillary provisions as are necessary in order to enable the duty imposed to be collected; and it is in that sphere that a license of this kind arises. Now there are certain commodities—I think matches, for instance, is one of them, and there are others—where the revenue interest of Government is actually larger than the financial interest of the producer. In other words, the amount of money involved for the Government may be actually larger, and sometimes several times larger, than the amount of money involved for the producer himself. The State therefore has an important interest in the process, and unless the State is brought in at the earliest stage and has a say in who shall produce and where they shall produce excisable goods, it is not possible satisfactorily to administer an excise system. This is a power that exists elsewhere and exists in this country. Sir, I oppose the amendment.

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

"That sub-clause (a) of clause 6 of the Bill be omitted."

The motion was negatived.

Clause 6 was added to the Bill.

**Mr. T. T. Krishnamachari:** Sir, I move:

"That clause 7 of the Bill be omitted."

The forms and conditions of licenses are usually covered by rules and I do not understand the necessity of bringing them into the body of the Act. In any case it visualises the possibility of monopolies being granted with a statutory backing, whereas acts of Government can be questioned if they emanate from powers given to them by rules. The statutory power given to Government covering a wide field is not justifiable. There is of course such a rigid provision in the Bombay Salt Act but so far as the Tobacco Act is concerned I think the conditions of granting a license are much less stringent and much less specific than what is contained in clause 7. Sir, I move.

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

"That clause 7 of the Bill be omitted."

**Mr. H. Greenfield:** Sir, if there are to be licenses it is clear that it must be possible to prescribe their forms and conditions, which may not be the same in every excise but may differ from one to another. Sir, I oppose the amendment.

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

"That clause 7 of the Bill be omitted."

The motion was negatived.

**Mr. T. T. Krishnamachari:** Sir, I move:

"That in clause 7 of the Bill, for the word 'shall' the word 'may' be substituted."

I do not know what the importance of this particular section is. In any case I think the operation of this section need not be mandatory and that is why I propose this amendment. Sir, I move.

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

"That in clause 7 of the Bill, for the word 'shall' the word 'may' be substituted."

**Mr. H. Greenfield:** Sir, I oppose this amendment for the simple reason that the change would authorise licensing officers to disregard the rules and orders of the Government of India.

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

"That in clause 7 of the Bill, for the word 'shall' the word 'may' be substituted."

The motion was negatived.

Clause 7 was added to the Bill.

**Mr. T. T. Krishnamachari:** Sir, I move:

"That in clause 8 of the Bill, after the word 'person' the words 'other than a manufacturer' be inserted."

This clause seeks to impose a restriction on the possession of excisable goods; it does not really say what quantity a manufacturer can have. It might be that the manufacturer has collected a lot of stuff and I do not see why he should be statutorily debarred from freedom to collect goods and keep them in stock so long as it is assured that before the goods are released for consumption and before sale the excise duty can be collected. This is a provision which should not be left to the good will of the officers concerned. Sir, I move.

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

"That in clause 8 of the Bill, after the word 'person' the words 'other than a manufacturer' be inserted."

**Mr. H. Greenfield:** Sir, I oppose this amendment. Its object is already provided for by the words "except as provided by rules made under this Act". Obviously such rules must, and in fact will, provide for the possession of excisable goods by the manufacturers of such goods. I would also point out that at present the operation of this section is limited, by the Second Schedule, to tobacco. Sir, I oppose the amendment.

**Mr. Hoosenbhoj A. Lalljee** (Bombay Central Division: Muhammadan Rural): Sir, I support the amendment. It would really infringe the right of the manufacturer to have his business conducted in the best manner he likes. It may be that for the purpose of the excise duty Government may try to have control over the goods; but it should not be the duty of the Excise Department to direct how the goods are to be manufactured and disposed of and how long they are to be kept. It has often happened that whenever merchants or manufacturers have foreseen certain contingencies they have kept a certain quantity as reserve for the future. And if the excise officers were to stop them from looking forward—as some manufacturers did when the war broke out—only because they think that not more than a certain quantity should be kept, it will be quite unfair and will interfere with the legitimate business of the manufacturers.

**The Honourable Sir Jeremy Raisman:** Sir, I should like to point out that the apprehensions of my Honourable friend who has just spoken are not very well founded. The restriction on possession of excisable goods does not apply to all excisable goods; it will only apply to such of them as this House decides to put in the Second Schedule. Now, hitherto this House has only legislated to put this restriction on possession in the case of tobacco which is a peculiar case. If at any future date the Government should desire to apply these restrictions to any other commodity, it will have to come before this House and justify that, and will have to ask that by a legislative enactment such new commodity be included in the Second Schedule. Sir, for that reason I consider the amendment unnecessary.

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

"That in clause 8 of the Bill, after the word 'person' the words 'other than a manufacturer' be inserted."

The motion was negatived.

Clause 8 was added to the Bill.

**Mr. T. T. Krishnamachari:** Sir, I move:

"That in clause 9 of the Bill, the words 'with imprisonment for a term which may extend to six months, or' be omitted."

I think, Sir, that in 1944 the Government should be so vindictive as to ask for punishment and imprisonment for persons who break excise laws which would not ordinarily come within the purview of the Penal Code seems to be out of place. I think in seeking to consolidate several Acts in the country, they should not insist upon imprisonment as a punishment. There is enough punishment provided by the imposition of a fine. Sir, I move.

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

"That in clause 9 of the Bill, the words 'with imprisonment for a term which may extend to six months, or' be omitted."

**Dr. P. M. Banerjee:** Sir, I support this amendment. This clause provides that punishment may be a fine to the extent of Rs. 2,000 and also imprisonment for six months. It is well-known that when a too severe penalty is provided it fails to meet the ends of justice and in the hands of persons who may not exercise this power with care and caution this may lead to a great deal of hardship. A fine of Rs. 2,000 is quite a sufficient punishment; and in addition to that imprisonment for six months would be too severe. In that view of the thing, I hope the Honourable the Finance Member will accept this amendment.

**Sir Cowasjee Jehangir:** May I ask whether this fine and imprisonment is applicable in the original Acts to all the sections mentioned in this clause, or has he inserted any new offence in this clause which was not included in any of the other Acts which he is now consolidating? In other words, is he making this fine and imprisonment applicable to some offences which were not on the Statute before this consolidation Bill came into existence.

**The Honourable Sir Jeremy Raisman:** In opposing this amendment I would answer first the question of Sir Cowasjee Jehangir. If he will refer to the notes on clauses which were furnished with the original Bill he will find that the provisions of this clause are present not only in the main Salt Acts which are being consolidated but also in all the Excise Duty Acts. And for a very simple reason. It would be quite futile to impose a mere fine, and certainly a fine limited to Rs. 2,000, in respect of offences of this character. I am sure the House will realize that people, who can evade the duty involved by complying with the provisions which are required under this Act, could make not two thousand rupees, not twenty thousand rupees, not two lakhs of rupees, but possibly two crores and it would be quite useless to attempt to deal with this matter merely by a fine. That is why the enactments concerned already contained a provision for imprisonment for a term which may extend to six months. In effect, therefore, the Mover of this amendment is seeking to make an important and substantial change in the law and that would certainly not be merely consolidation.

Sir, I oppose.

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

"That in clause 9 of the Bill, the words 'with imprisonment for a term which may extend to six months, or' be omitted."

The motion was negatived.

Clause 9 was added to the Bill.

**Mr. T. T. Krishnamachari:** Sir, I move:

"That in clause 10 of the Bill, the words 'and the animals, vehicles, vessels or other conveyances used in carrying the goods', be omitted."

Sir, I find that I am in a very happy position of being able to draw the attention of the Honourable the Finance Member to the extremely informative annexure to the Bill, namely, Notes on Clauses, and to point out that whoever is responsible for drafting these notes as part of the Bill is wilfully and deliberately misleading the Members of this House from the real facts of the situation. Sir, it is sought in the notes to the clauses of this Bill that clause 10 finds a counterpart in the Indian Salt Act of 1882, section 9; in Matches (Excise Duty) Act, 1934, section 15; in the Sugar (Excise Duty) Act, 1934, section 9; and in the Tobacco (Excise Duty) Act, 1943, section 11.

I am afraid in those Acts that I have mentioned the words "the animals, vehicles, vessels or other conveyances used in carrying the goods" do not find a place. Therefore I ask the Honourable the Finance Member whether it is not a fact that the Salt Act confines the powers of the Court, in regard to what



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it may order to be forfeited, to receptacles, etc. In the case of Matches it confines to splints, etc., in the case of sugar, only to sugar; in the case of tobacco to tobacco and the containers of the manufactured tobacco products, packages, etc. Wherein does this clause fit in? The Honourable Member might find a counterpart for something else, but it is not a common feature of these Acts which this consolidated Bill seeks to bring under one Statute. I, therefore, say that these words must be omitted.

The second fact is this: In the actual operation what happens? If there is smuggling or if there has been a transmission of excisable goods from one place to the other infringing the law no doubt, where do the animals, vehicles, vessels or other conveyances come in? Does the Government expect that the owners of these vehicles—unless it be that the ownership of the vehicles synchronizes with the ownership of the excisable goods which are carried—who merely are common carriers, are likely to know whether there has been an evasion of excise laws in respect of the goods that they carry? I think the provisions of this particular section are unduly harsh in respect of people who unwittingly may do many things and to throw the onus on them to prove that they have unwittingly done so is not called for. I therefore think that the Government cannot but accept my amendment if they are acting in fairness to the people of this country and to the Members of this House. I therefore move.

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

"That in clause 10 of the Bill, the words 'and the animals, vehicles, vessels or other conveyances used in carrying the goods', be omitted."

**Dr. P. N. Banerjee:** I support this amendment. It would be going too far to demand that all animals and carriages and other conveyances which are used for transporting goods from one part to another be confiscated. Sir, the goods which are contraband may themselves be confiscated or forfeited to His Majesty but to provide that an innocent carrier carrying these goods should have his animals and his carriage forfeited is, I think, going too far. As has been pointed out by my Honourable friend, Mr. Krishnamachari, this provision does not exist in all the Excise Acts. If such a provision exists in some of the Excise Acts, it should not be made general now. It would be extending the scope of this Bill, which is only a consolidating Bill, to put in all the restricting measures contained in all the Excise Acts. In the interests of justice we demand that the carriers should not be included within the provisions of this section.

**Mr. Govind V. Deshmukh:** As I understand, the object of any punishment or forfeiture that is prescribed in the Act is to deter a person from committing a breach of the Act. In this Act, as provided by the former section, we have already made provision for the punishment as well as for fine. The manufacturer himself is put in jail. It means that the manufacturing concern itself is stopped. Now, that by itself would be a very strong deterrent for any person to commit a breach of any provision. Now, why should there be any provision as regards the forfeiture of such articles as animals, vessels, etc., as have been mentioned in the amendment? I can understand the forfeiture of such implements as are used in the manufacture of the things which are made punishable, but not of such articles which are in themselves harmless. I hope, Sir, that in the circumstances, the amendment would be accepted.

**Mr. Lalchand Navalrai** (Sind: Non-Muhammadan Rural): With regard to this clause we find that there are three punishments provided. The man who is found guilty by the Magistrate will have imprisonment up to six months or fine also. In addition this clause provides there will be forfeiture of the goods and other materials. If the goods themselves are forfeited it is understandable. There is also sense in forfeiting the receptacle belonging to the person in which these goods are carried, but why forfeit the conveyance or the vessel which carries the goods? Then this clause does not say whether these conveyances or vessels should belong to the accused persons. It may be that they are secured on hire, so confiscate them when there is no evidence that the hirer had any knowledge of the contraband goods, or when it is

assumed that he is guilty merely by giving it on hire. To confiscate such a vehicle or animal is, I think, beyond any common sense. The accused himself may be punished in any manner or in various manners, but not any other person who has simply given the vehicle on hire. Even in the present clause it is not provided that forfeiture would be on proof that the animal or the vehicle belongs to the guilty man. Therefore, the amendment is very reasonable and it should be accepted.

**Maulana Zafar Ali Khan** (East Central Punjab: Muhammadan): Sir, I support the amendment. Contraband goods might be forfeited but to forfeit the animals carrying those contraband goods does not seem to be very reasonable. Supposing a peasant has got a couple of bullocks and he uses those bullocks for tilling. Unfortunately one fine day he carries certain contraband goods in a vehicle to which these bullocks are yoked and he is arrested and prosecuted. Now if the goods are forfeited, so far so good. No harm happens. But to forfeit the bullocks means that he will be deprived of the means of his livelihood, which is against the economic interests of the country as a whole. So, with these few words, I would like the Honourable the Finance Member to consider it and accept the amendment.

**The Honourable Sir Jeremy Raisman:** I would like to point out that the kind of offences that may be committed in respect of excisable goods are of two kinds. They may be offences in regard to the processes that take place in the manufacture of the goods, and in regard to those what may happen is that you may find illegal manufacture in a place which is not notified or not licensed as a factory or warehouse, and in regard to those I understand my friend, Mr. Deshmukh, to agree that it is reasonable to confiscate the implements and the machinery used in the manufacture of the goods. That of course is common excise practice. The other type of offence which may occur is in regard to the movement of the goods: in other words, it is of the nature of smuggling: the goods are moved away at the wrong time or without notice being given or in such manner that duty will not be paid on them. I would ask the House to consider the type of thing which happens then. The excise officers become aware that goods are being removed, say in a cart or in a motor car or in a boat.

**Dr. P. N. Banerjee:** Belonging to a third person!

**The Honourable Sir Jeremy Raisman:** This is what frequently happens. They make a raid and they capture a vehicle. As often as not, all the persons concerned in the smuggling disappear across country—you may or may not catch them. What you are left with is the vehicle and some goods. Now, if you are to be debarred from dealing with what you have in your hands, I suggest that you are not in a very good position to deal with that kind of offence. The cases which my Honourable friends are worried about are those where there may be a poor carter who did not know anything whatever about the goods—somebody came to him and paid him something and told him "You take this from here to there". That of course does happen, but I would point out that this relates to the powers of the court trying the offence: the court takes into account the degree of complicity or otherwise of a carrier. That is usually one of the important features of the case, because if the carrier is himself involved, he will be liable for arrest and penalties, possibly greater than that concerned merely with the vehicles. A very common type of case involves the use of motor cars; in fact motor cars are the most effective instruments for carrying out smuggling because they can move so rapidly and the excise authorities have got to be able to move with equal speed in order to catch them. It has happened frequently in my experience when a large sum has been involved, the motor car has been abandoned—you had nobody there but the motor car and the goods; and Honourable members, specially from South India, will remember cases of that kind which happen in regard to certain territories. It is absolutely essential that the courts should be at liberty to order forfeiture in proper cases.

**Mr. T. T. Krishnamachari:** May I ask the Honourable Member if he will kindly state whether this is a new provision or it is a provision

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copied from some other Excise Act other than the Acts I have mentioned in my speech moving the amendment?

**The Honourable Sir Jeremy Raisman:** The provisions of this clause 10 are drawn from the sections indicated in the Notes on Clauses.

**Mr. T. T. Krishnamachari:** I do not find this clause anywhere in any of those sections.

**The Honourable Sir Jeremy Raisman:** My Honourable friend's researches are curiously infructuous, as I said before. First of all, I quote from the Sea Customs Act, the provisions of which have been applied to . . .

**Mr. T. T. Krishnamachari:** That does not find a place in the Notes—the Sea Customs Act.

**The Honourable Sir Jeremy Raisman:** No; although it is not mentioned in the note, this is an additional provision of the law applicable . . .

**Mr. T. T. Krishnamachari:** Does the Honourable Member then withdraw his remark that my researches were infructuous?

**The Honourable Sir Jeremy Raisman:** I won't—yet; it is a very soft impeachment, and it often happens to me to pursue infructuous researches; but under section 12 of the Indian Act—

“All salt or saltpetre in respect of which any offence mentioned in section 9 has been committed, together with the vessels, packages or coverings in which such salt or saltpetre is contained, and the animals and conveyances used in carrying it, shall be liable to confiscation.”

Did my Honourable friend fail to discover section 12?

**Mr. T. T. Krishnamachari:** If the Honourable Member wants me only to read his Notes, it is merely a matter of section 9 and nothing else: the notes merely give section 9. The imperfection started with the Honourable Member's department.

**The Honourable Sir Jeremy Raisman:** There has been a misprint. Section 71 of the Madras Salt Act is given. The position under the Excise Acts is this, and I think it is not seriously contested that a provision of this kind in regard to salt has always been a feature of the law on the subject. . . .

**Dr. P. N. Banerjee:** So you are extending!

**The Honourable Sir Jeremy Raisman:** The position in regard to the Excise Acts is that they are not in themselves complete self-contained enactments but they import the provisions of the Sea Customs Act, and the provision of the Sea Customs Act on this subject is that every vessel, cart or other means of conveyance and every horse or other animal used in the removal of any goods liable to confiscation under this Act shall in like manner be liable to confiscation. The principle is that if you discover that an offence has been committed by the use of any vehicle or means of transport, then that vehicle or means of transport is liable to confiscation. I think that this is a perfectly well understood principle, that it has been in existence that it is essential for dealing with the cases in certain circumstances, and that the courts which try these offences regularly go into the justification for ordering such confiscation and that the hardships anticipated by various Honourable members do not occur because this is not a matter which is within the power of the excise officers alone. He has to convince the court that the confiscation which he suggests is justified in the circumstances of the case. For these reasons, I oppose the amendment.

**Sir Muhammad Yamin Khan** (Agra Division: Muhammadan Rural): Sir, the explanation of the Honourable the Finance Member is all right on paper, but in practice there must be some kind of guidance for the court to come to the conclusion whether to confiscate the goods or not. The words used are . . .

**The Honourable Sir Jeremy Raisman:** “May”—not “shall”.

**Sir Muhammad Yamin Khan:** The Court may—quite right; but on what grounds? Supposing the case which the Honourable Member himself was stressing takes place—a man borrows a cart and bullocks from his neighbour and he says “I am going to use it for a purpose”. This man lends his cart

and bullocks thinking that they will be used for a legitimate purpose; but they are dishonestly used; the sufferer is the person who really owns the bullocks and the cart, and not the man who used them actually for transport.

**The Honourable Sir Jeremy Raisman:** If the owner of the vehicle is not the offender, he has his remedy against the offender.

**Sir Muhammad Yamin Khan:** Quite right; you ask that the man must be punished first, and then he can seek his remedy in court; and it is very hard in these cases. Why not provide in the section itself that remedy, so that he may not have to go to the court? You can say that if anybody is found deliberately using, in order to deceive the authorities and with his connivance or his knowledge, his bullocks or cart for this illegitimate purpose, then they may be liable for confiscation. Then, of course, nobody can complain and I shall wholeheartedly support if the man deliberately uses his con-

veyance for the purpose of cheating the public department, but, why punish an innocent man and then ask him to go and find out a remedy. This is not proper. When we are framing the Bill we must take into consideration that no hardship may be caused to people who have really got no intention to cheat or deceive the public department. One explanation may be added to this section to the effect that if the Court finds that it has been deliberately used by the owner of the conveyance for the purpose; then it will satisfy us. I quite agree with the Honourable Member when he says that motor cars may be used in this respect, but as has been mentioned by my Honourable friend, Maulana Zafar Ali Khan, the poor agriculturist who innocently, absolutely without knowing anything, may lend his conveyance—his cart may be confiscated, then he has to come to the Court and find a remedy. The poor fellow has got no money to file a suit, and bad blood starts between himself and his neighbours, and all these complicated things will arise. I do not think it is a sound policy and some kind of explanation that the Court may punish when it comes to know that this act has been done deliberately and with his connivance for the purpose of cheating the public department is necessary. I cannot bring in an amendment now at this stage, but it is for Government to bring up such a one either here or in the other House.

**Sir Cowasjee Jehangir:** The main issue is whether any of the Acts that are being consolidated falls within the mischief of this clause 10, or, in other words, whether this punishment is prescribed for offences in all the Acts that are being consolidated? I understood the Honourable the Finance Member to answer that question in the affirmative, absolutely and completely in the affirmative. If he answers that question in the affirmative, then we are going into the merits of a provision contained in these Acts. If we went into the merits of the provisions of all the Acts that were being consolidated, then we would be revising all those Acts and not consolidating them. I presume that we are not doing that. Those Acts can be amended either by a private Bill or by Government bringing in amending Bills. We are not doing that. Therefore, if the question that I have asked is answered in the affirmative, then we cannot go into the merits of provisions that already exist. So far as I could understand the arguments, they were on merits. Nobody has tried to show successfully except Mr. Krishnamachari who pointed out that the Notes were not complete—nobody has tried to show that this clause 10 does not apply to any Act that is being consolidated. (Interruption.) If it can be shown that the clause did not apply to any one of these Acts, then Honourable Members may have a serious complaint that in consolidating these Acts you have made a radical change. If that complaint does not exist, then we are going into the merits of the question which we have no right to do.

**Mr. T. T. Krishnamachari:** That is my point. The complaint exists.

**The Honourable Sir Jeremy Raisman:** If I may answer the question, with your permission, Sir, of Sir Cowasjee Jehangir. I will draw the attention of the House to clause 12 of this Bill, a corresponding provision to which exists in all our Excise Acts. Those Excise Acts were small and imperfect and in order to

[Sir Jeremy Raisman.]

supplement them there was power to import the provisions of the Sea Customs Act. Clause 12 says:

"The Central Government may, by notification in the official Gazette, declare that any of the provisions of the Sea Customs Act, 1878, relating to the levy and exemption from customs duties, drawback of duty, warehousing, offences and penalties, confiscation, and procedure relating to offences and appeals shall, with such modifications and alterations as it may consider necessary or desirable to adapt them to the circumstances, be applicable in regard to like matters in respect of the duties imposed by section 3."

Those notifications exist and they import the provision of the Sea Customs Act which I have read out a little while ago, to existing excises. Therefore, the legal position is that at the present moment these vessels, etc., are liable to confiscation.

**Sir Oowajee Jehangir:** In every one of the Acts you are consolidating, because corresponding section 12 appears in all the Acts?

**Mr. T. T. Krishnamachari:** Then this is superfluous and nothing will happen if it is eliminated.

**The Honourable Sir Jeremy Raisman:** It consolidates the position in regard to all the commodities dealt with by this Act.

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

"That in clause 10 of the Bill, the words 'and the animals, vehicles, vessels or other conveyances used in carrying the goods', be omitted."

The motion was negatived.

Clause 10 was added to the Bill.

Clause 11 was added to the Bill.

**Mr. T. T. Krishnamachari:** Sir, I move:

"That to clause 12 of the Bill, the following proviso be added:

'Provided that to the extent necessary to put goods manufactured in India and subject to duty under clause 3 in a position not inferior to that of similar goods imported into India, the Central Government shall apply the provisions of the Sea Customs Act of 1878'."

It has been stated that clause 12 forms part of every Excise Act—I am not disputing the statement—and therefore this particular amendment of mine might be considered superfluous. But I think when consolidating several Excise Acts a certain clarification is also necessary which defines while it does not detract from the powers that have been conceded to Government. In this particular instance we would like to be assured that, in operation, section 12 will not make the position of manufacturers of goods in this country inferior to those who might import goods from abroad, and I have got a right to ask the Government to explain their view point. My own feeling is that a provision of this sort would safeguard the situation. Sir, I move.

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

"That to clause 12 of the Bill, the following proviso be added:

'Provided that to the extent necessary to put goods manufactured in India and subject to duty under clause 3 in a position not inferior to that of similar goods imported into India, the Central Government shall apply the provisions of the Sea Customs Act of 1878'."

**The Honourable Sir Jeremy Raisman:** Sir, this is an important point of tariff policy which my Honourable friend has raised. I entirely agree with him that any duty which is levied on goods produced in the country must be levied on goods imported from abroad but this is merely a machinery section and it is not by this means that so important an object as that could be ensured. It is the duty of this House and of the Government to see to it from time to time that when excise duties are imposed, the position of the indigenous producer *vis-à-vis* manufacturers abroad is not prejudiced in any way and, as far as I remember, both the Government and the House have always been vigilant on this point. I do not think my Honourable friend could cite any instance in which the Government have failed to pursue the policy which he seeks to achieve by this amendment. I suggest that this amendment is not necessary and that it would be inappropriate in this place and that the major question of policy is one which must be dealt with by other means.

**Mr. Hooseinbhooy A. Lalljee:** I rise to support the amendment that has been moved for the very reasons that the Honourable the Finance Member has advanced. It is now a policy, laid down and settled, that we do put an import

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duty on the goods on which excise duty has been put. If that is the policy of the House and if that has been a settled fact all through so many years, I do not see why it should not be put here once and for all. If we put it down in the statute it would be helpful and it would be consistent with our policy. If this amendment is incorporated here, it will avoid further agitation every time and the people will rest content that every time excise duties are levied, corresponding customs duties will be levied on imported goods. If this provision is put down in this Bill, we shall avoid controversy as far as possible and I do hope that the Honourable the Finance Member will concede the request of this House and I think even the Treasury Benchers will agree that what has been a settled policy may be incorporated in this section.

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

"That to clause 12 of the Bill, the following proviso be added:

'Provided that to the extent necessary to put goods manufactured in India and subject to duty under clause 3 in a position not inferior to that of similar goods imported into India, the Central Government shall apply the provisions of the Sea Customs Act of 1878'."

The motion was negatived.

Clause 12 was added to the Bill.

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 Henry Richardson (one of the Panel of Chairmen) in the Chair.

**Mr. T. T. Krishnamachari:** Sir, I shall be very grateful if you will permit me to move my amendment after excluding a sentence from it. I will first read the amendment as it stands on the paper. It runs thus:

"That after clause 12 of the Bill, the following be inserted:

'12A. Notwithstanding anything to the contrary in this Act, salt collected or manufactured for domestic consumption by any person to the extent necessary for the needs of his own family or for sale in the neighbourhood not exceeding a radius of three miles shall be exempt'."

I ask for your permission to exclude the words:

"or for sale in the neighbourhood not exceeding a radius of three miles."

**Mr. Chairman** (Sir Henry Richardson): I have no objection to the deletion of these words.

**Mr. T. T. Krishnamachari:** Then, I move:

"That after clause 12 of the Bill, the following be inserted:

'12A. Notwithstanding anything to the contrary in this Act, salt collected or manufactured for domestic consumption by any person to the extent necessary for the needs of his own family shall be exempt'."

The provocation for this amendment is, I think, understood by all Members of the House. It merely puts on the Statute-book part of an agreement made by the then Head of the Indian Government with a very respected person of this country some 13 years back and which the Government has been, I am glad to say, observing. It might be that there was a certain sanctity at the time when the agreement was made with Mahatma Gandhi by Lord Irwin, the Viceroy at the time. But 13 years is quite a long period and the picture in our minds is perhaps even blurred and today we only understand it as part of an obligation of the Government, an obligation which carries with it a sanctity such as any Statute does. Therefore, the present opportunity, when an attempt is made to consolidate the several Excise Acts of the Government, should be used to put it in black and white and make this agreement between a well-known and respected person of this country and a similarly placed person belonging to Great Britain a part of the Statute of this country. It may even be that in actual practice something more than what is visualised by my amendment is permitted by the Government. I understand that head-loads are permitted. As head-loads could not be consumed by a family, it happens that other families also consume it with or without paying something in lieu of it. But I think it would be safe not to commit the House or the Government to anything beyond what is neces-

[Mr. T. T. Krishnamachari.]

sary for the needs of a family. If anything more is allowed, it is allowed as a matter of mere administrative grace and nothing else.

It is not necessary for me to recall now all the discussions that have taken place in this House and elsewhere with regard to this matter. That is past history. But I think the Honourable the Finance Member will certainly support me that it is an accepted fact and a fact which is now being observed by authorities and it is a privilege which is being enjoyed by the people and I think there is absolutely no possibility of this privilege being withdrawn at any time. If such a contingency occurs, naturally the Legislature would only be too willing to support the Government should their approval to the withdrawal of this concession be shown to be very necessary in the interests of equity and for the better administration of the Excise laws of this country. As matters stand today, when even the period of limitation has passed, this practice having been in observance for 13 years, it is but right that opportunity should be taken to put it on the Statute-book.

**Mr. Chairman** (Sir Henry Richardson): Amendment moved:

"That after clause 12 of the Bill, the following be inserted:

'12A. Notwithstanding anything to the contrary in this Act, salt collected or manufactured for domestic consumption by any person to the extent necessary for the needs of his own family shall be exempt.'

**Dr. P. N. Banerjee**: Sir, a short time ago my Honourable friend Mr. Greenfield, told us that the agreement which has been given effect to and is being given effect to at the present moment will not be affected by the legislation which is now being undertaken. If that be so, what is the objection of Government to place this agreement on the Statute-book? Why should we depend on the sweet-will of the Executive authority in regard to such an important matter. We all know that this is a very important matter. Apart from the political aspect of the question, this matter affects the poor people of the country, the poorest of the poor, if I may say so put it. The poor people in the coastal areas make their own salt for purposes of their home consumption and to tax this salt would be a cruelty towards these poor people. The Government having accepted the principle of exemption of such salt from the purview of the Salt Tax Act, it is desirable that this principle should be placed on the Statute-book. There cannot possibly be any objection to this step being taken. All that has been said by my Honourable friend, Mr. Greenfield, supports my contention that this should find legislative sanction.

**Mr. Muhammad Nauman** (Patna and Chota Nagpur cum Orissa: Muhammadan): Sir, I rise to support the amendment which has been moved by my friend Mr. Krishnamachari. I do not think there is much to be said in favour of it because the Government representative, Mr. Greenfield, has himself accepted the position that he does not mean any disturbance of the situation which exists at the moment and he does not want to interfere with the rights and privileges which do exist at the present moment. As such, there can be absolutely no reason why he should not be willing to place it on the Statute-book so that the exemption may continue. With these few words I support the amendment.

**The Honourable Sir Jeremy Raisman**: Sir, without wishing in any way to comment on the procedure whereby this amendment has undergone an important change at the last moment, I must point out in justification of myself that what I was prepared for was the amendment as originally put in by my Honourable friend, and to that amendment there were undoubtedly serious objections, which I think he must have realised, which would have made it impossible for the Government to accept it. I am now faced at a very short notice with an amendment of a very different character and which is very much more restricted in scope. I should like to have a little time to consider it. I should be glad to meet the desire of Honourable Members if there is no technical difficulty. It certainly is the case that at the present time Government

do not seek to charge a duty on salt collected or manufactured for domestic consumption by any person and that is done in pursuance of the agreement to which Honourable Members have referred. There is no intention whatsoever on the part of Government to make any change in that or to depart from it. But, I would like, Sir, in view of the fact that this has been sprung upon me at rather short notice, if it were possible I should be glad if we can proceed with the other amendments and come back to this at a later stage,

**Mr. T. T. Krishnamachari**: I am quite prepared to agree if the Chair would permit it.

**Mr. Chairman** (Sir Henry Richardson): There is no objection to this amendment being taken at the end, after all the amendments are disposed of.

**Mr. T. T. Krishnamachari**: Sir, I move:

"That in sub-clause (1) of clause 13 of the Bill, after the word 'officer', the words 'not below the rank of an Inspector' be inserted."

Sir, clause 13(1) reads:

"Any Central Excise officer duly empowered by the Central Government in this behalf may arrest any person whom he has reason to believe to be liable to punishment under this Act."

Sir, since there is no justification of an emergency as is visualised in the operation of the Defence of India Act or the Defence of India Rules, I think the Government can be more explicit in regard to conferring of powers on officers to arrest people. I do feel particularly in view of the weighty pronouncements in regard to the need for precision as to who is empowered to act in the name of Government and who is not, I think there ought to be no difficulty in the Honourable the Finance Member accepting my amendment and specifying that the officer who shall have power to arrest shall not be one below the rank of an Inspector. If the Honourable Member feels that he ought to get one step below that of an Inspector, I should not be personally averse to it. I think it is very necessary to state explicitly who is the officer who is going to have power and the mere matter of delegation of power by the authorities to one set of authorities, then to another and so on, until ultimately it goes to the peon, such a delegation is not visualised by the clause nor wanted by the Government. Sir, I move.

**Mr. Chairman** (Sir Henry Richardson): Amendment moved:

"That in sub-clause (1) of clause 13 of the Bill, after the word 'officer' the words 'not below the rank of an Inspector' be inserted."

**Mr. Hooseinbhoj A. Lalljee**: Sir, I rise to support the amendment that my Honourable friend has moved. Sir, this is a very important matter inasmuch as I do believe that many a time if there is any bitterness prevailing between the public and the executive government, it is due to the fact that the powers which the Government are given by the legislatures are delegated to anybody and everybody. I say to anybody and everybody because of the fact that these powers are given even to the ordinary man with very low pay. We know very well that many of the subordinate services in our country are paid very low and the reasons are two-fold. One is that we are unable to pay large sums and the other is because there is no employment and any service is welcome. Naturally, we know that when underfed and low paid and when in subordinate position, they cannot resist the human temptation of being led away by small things or big things, for personal gain. It is not only true in this country but in many countries that when powers are given to the ordinary class of person placed in the circumstance of subordinate service, they are liable to go wrong. Commercial people have certainly observed this weakness on the part of subordinate services in their daily transactions. Those who have 200, 300 or 400 employees and much bigger concerns have invariably found that low paid people go wrong many a time. It cannot be an exception in the Government service. I may tell you, Sir, that if many of the powers which are delegated under the Acts passed in the legislature were more carefully delegated, if the powers were delegated to responsible people, then all the bitterness and ill-feeling and open revolt would not have been experienced in this

[Mr. Hooseinbhoj A. Lalljee.]

country by Government. In the present instance, any manufacturer, industrialist or any well-known person will be at the mercy of an excise officer for being arrested in the country. If some irresponsible man were to arrest an industrialist or a commercial magnate, then his business would almost be ruined. Instances are not wanting where due to carelessness of these subordinate officers, heavy losses have been incurred by commercial people. This has been the experience of many of my Indian friends. I know very well that so far as the European community is concerned in this country, no subordinate officer, far less any other officer dare do any acts which they often do and many times are tempted to do with regard to the Indian public. I am ashamed to own this, but it is a fact. In industries like sugar, salt or matches, sure enough, restrictions are imposed against them. So far as salt is concerned, there are not many manufacturers who are producing 20,000 tons a year. They do not produce more than 2,000 to 3,000 tons a year. It is not at all fair that all these people should be handled by an ordinary subordinate. It would be argued and rightly too that the Central Government who have to collect all these revenues from these people who pay heavy excise duties would not like to disturb them. It is not in the interest of Government to disturb them. I quite concede that. But will the Treasury Benches agree with me that their officers getting small salary invariably do not realise these things? We have seen that even in the Income-tax Department these things happen so far as the subordinates are concerned. So far as the police is concerned, my experience has been much bitter, very very bitter. Far be it from me to say anything against the subordinate services. I have always been an elected Member and many people belonging to the subordinate services have been my voters. But the facts are there, they are ill-paid, ill-fed and the responsibilities are very great.

Then we have also found that when such important questions of heavy incomes are there, when Government stand to gain or actually earn lakhs and crores of rupees out of such excise revenue, they ought not to grudge some expense but should appoint important officers if they want to put a stop to smuggling and evasion of tax. In proportion to their income they can justifiably appoint and must appoint responsible and well paid officers. It is not the same as the position of the local administration with regard to the police where the funds are meagre and the service is large. But so far as the Central Excise and Income-tax Departments are concerned the proportionate cost is very little, the risk of all kind is great. I again tell Government that when undesirable actions take place they do create bad feeling and heavy losses; and it is more unfortunate when the higher officials here, as a matter of policy, always support the subordinates whenever they do anything. It is well-known to those who move with the public that when a sub-inspector makes a report the men at the top will seldom change it. There is of course a clause which says that when there is a vexatious seizure or search the officer can be dealt with. But we seldom find that any prosecution launched against any officer has ever succeeded in this vast country, except perhaps one or two in the whole year. That is the fact, and often when you give this power to any officer to arrest it is invariably abused. Of course, in the case of a rich man like Sir Cowasjee Jehangir it may not be much; only his health will suffer by being taken to a chowki. But if I am arrested what happens; we are small people doing small business and immediately it comes out in the papers there is a rush on our business and there is a loss of capital and loss of business. These are the actual results not to speak of personal bitterness and so on. I, therefore, implore Government to appoint responsible and well paid officers and not give such sweeping powers to all classes of people, I mean in services of Government.

Then you find that powers are given as to the disposal of these arrested people, as if they were cattle. There also you find that the officer can arrest any one and take him to an officer of the Central Excise Department, who may be 30 or 40 miles away, either in a bullock cart or in handcuffs through the streets from the salt or sugar factory, and that gentleman whenever he likes

can, if he chooses, place him before a magistrate. A police officer when he makes an arrest has to place him before a magistrate within 24 hours; but here an industrialist when arrested has to be taken to a Central Excise officer and he can send him to a magistrate whenever he likes; and only thereafter the routine laid down in the Criminal Procedure Code comes in. But before that he can do whatever he likes. The other day some Honourable Members spoke about the magistracy in this country. Here stands before you a Member of this House whom a magistrate has very lightly treated. My only consolation is that he was not an Indian magistrate and did not know the people of Bombay. A certain person of no means at the instance of some litigants and at their costs made certain vile allegations against me and an omnibus warrant of search without notice was issued. I know some people who were behind this malicious move. The proceedings had to go on and when I went up to the High Court there was subsequently an acquittal. Of course, in the case of title-holders the case may be different but otherwise it often happens that in the hands of some ill-paid people the powers are misused and the result is bitterness and ill-feeling. I support the amendment and appeal to Government to consider it in the light of the considerations I have put forward.

**Dr. P. N. Banerjee:** Sir, this amendment is very modest and reasonable. It demands that instead of the power of arrest being given to any Central Excise officer as provided in this Bill, it should be given to an officer not below the rank of Inspector. It is well known that in this country the lower the rank of the officer the greater is the possibility of harassment and oppression. My Honourable friend has just pointed out the likelihood of the people being harassed by these petty officers, and it is only right that we should urge that a person who has some sense of responsibility and is expected to possess a reasonable frame of mind should be invested with this power. This is some little safeguard against petty tyranny and oppression of the people.

**Syed Ghulam Bhik Nairang** (East Punjab: Muhammadan): Mr. Chairman. I support the amendment moved by my Honourable friend, Mr. Krishnamachari.

The reasons which have been given by him and the speakers who 3 P.M. • have preceded me are such that looking at the very important nature of the work done by the officers employed to carry on the Department of Central Excises and looking at the same time at the emoluments which are offered to them, the public naturally considers that these Inspectors and Deputy Superintendents and Superintendents in this Department, whose designations are high-sounding enough but whose emoluments are so poor that they cannot, under the present circumstances at any rate, keep up their position, can be easily approached and can be easily made to do anything, and that makes their position really untenable. I may say that I speak subject to correction because I have not got any detailed information on the point. The Inspectors who are employed in the Central Excise Department get a start of Rs. 70 and the maximum which they can reach by increments is Rs. 140, according to my information. Then, if they are lucky enough, to be promoted to the rank of Deputy Superintendent, they start with Rs. 160 and if later on some of them are appointed Superintendents they start with Rs. 200. Now, a Superintendent is a Gazetted Officer and, of course, he has to keep up his position and to mix with other Gazetted Officers. But he is getting only Rs. 200 per mensem. He may get some travelling allowance at certain rates when he goes out on tour but that does not count for much. The position, therefore, in a nutshell is that low-paid officers are entrusted with very important duties and invested with extensive powers and yet you expect them to be honest and not to get addicted to corruption. You expect the public to trust their integrity and their honesty. You put them in a position in which the words of a Persian Poet become applicable to them.

The poet says:

"Darmian-i-qare darya takhta bandam kardai  
Baaz be goi ke daman tar makun koshkar bash."

"You have tied me to a plank in the midst of the river and yet you tell me 'don't let your clothes get wet; be careful'."



[Syed Ghulam Bhik Nairang.]

You give such extensive powers to these people; you entrust them with such important duties and yet you pay them so little.

Then the complaints suggested by my Honourable friend, Mr. Hooseinbhoy Lalljee, and also endorsed to a certain extent by Dr. Banerjee, are, of course, made by the public. But I would tell these Honourable Members that they ought to look to the other side of the shield as well. You say they are people of small status and they should not be given such wide powers and they should not be given powers of arresting and detaining in custody till the names are disclosed, and all that. It is all very well, but you should at the same time press on this Government the need for putting their position above suspicion by paying them sufficiently well.

**Mr. Hooseinbhoy A. Lalljee:** I said so.

**Syed Ghulam Bhik Nairang:** I talked to a certain Inspector in the Central Excise Department. I said, "Well, you are working at this Match Factory. How much does this factory pay to Government in excise duty?" This factory was in Calcutta. He told me it was between 3 and 4 lakhs every month the payment of which he was supervising. I asked him what he was being paid as his salary, and he told me that he was getting Rs. 75 per mensem. I asked him whether he was working alone in that factory, and he replied that there were some supervisors also working under him—two or three—and the total amount paid to them all was not more than 200 rupees per month. I think a question arises as to whether when Government earns so much money per month by paying only Rs. 200 per month to the servants, is it equitable and fair to give them this starvation allowance and to make so much money out of their work? I think this is a question which is very relevant when we ask the Government to confer these powers only on reliable and high-placed Government officers, so that they may not abuse them, so that they may not oppress the public. That is all right, but one way of putting them above the temptation of being corrupt is to pay them well. These are only some of the reasons for which I support the amendment and I hope that my observations will receive the attention of the department concerned.

**The Honourable Sir Jeremy Raisman:** Sir, I think that Honourable Members have brought forward points which do require the consideration of Government. But I do not feel that the matter can suitably be dealt with by a simple amendment of this character. Let me indicate the nature of the difficulties.

We are here dealing with duties on different types of commodities. This is a consolidating measure and we are trying to bring together in this measure the provisions necessary to regulate the whole field. Now, in the case of commodities like salt or even tobacco, you may have offences committed in scattered places all over the country by persons of, shall we say, low economic status. It is hardly practical politics to have a force of Inspectors or Sub-Inspectors which would be adequate to deal with all offences and have power to arrest the offenders in cases of that kind. Now, on the other hand, you have, for instance, excise on the manufacture of tyres, even excise on the manufacture of sugar matches. It is quite clear that it is not suitable that an ordinary excise peon should have the power to arrest an industrial magnate or the owner of an important factory. What is necessary really is a graduation of the powers distributed according to the nature of the commodity and the conditions in which the tax has to be collected. That object would not be secured in this way or without serious detriment to the practical administration. That object could not be secured by a simple provision that nobody below a particular given rank shall arrest. In some cases a Sub-Inspector might be too high a rank and in other cases he might be too low. What I suggest is this. The distribution of these powers of arrest will have to be given by rule and I undertake on behalf of the Government that the difficulties which have been put before me in the course of the Honourable Member's speeches shall be fully taken into account in framing the rules empowering different classes of officers under this clause in

relation to different commodities. I think that the difficulty cannot be met in a uniform way and I think that the powers to arrest should vary according to the commodity on which the tax is levied and the circumstances in which the collection of that revenue is to be safeguarded. I trust that that will give satisfaction to the House. I regret that it would not be possible for me to accept the amendment as it stands for the reasons I have given.

**Sir Cowasjee Jehangir:** Mr. Chairman, the first question I would like to ask is whether this provision of arrest is in every Act that is being consolidated? I presume there must be some provision in all Acts. Is this the exact wording in all Acts?

**The Honourable Sir Jeremy Raisman:** Each of the Excise Acts contains a section enabling us to import by notification the provisions for arrest under the Sea Customs Act. Where necessary notifications have been issued.

**Sir Cowasjee Jehangir:** Therefore in different Acts there were different provisions and you have consolidated them and put them into the present wording.

Now, the Honourable the Finance Member talked about making rules. May I know what powers he has got of making rules under this section? Has he powers?

**The Honourable Sir Jeremy Raisman:** There is a rule-making power under clause 37.

**Sir Cowasjee Jehangir:** Does that include powers to make rules in regard to arrest?

**The Honourable Sir Jeremy Raisman:** Yes.

**Sir Cowasjee Jehangir:** I particularly asked this question.

**The Honourable Sir Jeremy Raisman:** The power is given in 37 (2) (i) viz.:—"provide for the assessment and collection of duties of excise, the authorities by whom functions under this Act are to be discharged."

**Sir Cowasjee Jehangir:** So it would be covered. I asked because I would be against giving rule-making powers more than the Acts contain at present. We have had bitter experience of giving Government rule-making powers. If those powers exist I see no further objection in appointing suitable officers for suitable offences. But on merits, what Honourable Members have complained of is correct. Their facts are true. I presume after years of experience of excise duties, Government have been using their discretion already with regard to this point and if they had not been we should have heard about it long ago. Since this debate has taken place and the Honourable the Finance Member has now undertaken to regularise those discretions that they have been exercising, I do not think there is anything further to be said.

**Mr. Chairman (Sir Henry Richardson):** The question is:

"That in sub-clause (1) of clause 13 of the Bill, after the word 'officer' the words 'not below the rank of an Inspector' be inserted."

The motion was negatived.

**Mr. T. T. Krishnamachari:** Sir, I move:

"That in sub-clause (2) of clause 13 of the Bill, after the word 'demand' the words 'in writing stating the accusation or suspicion' be inserted."

Instead of arresting any person who is merely accused or reasonably suspected of committing an offence under this Act or any rules made thereunder, the charge should be put down in writing and the cause of the suspicion also stated. It should not be merely a whimsical exercise of discretion on the part of the officer duly empowered by the Central Government to ask a man to give his name and residence and take action because he thinks that the name and residence given to him happen to be false, or arrest him as the case may be. All these transactions are visualised under sub-clause (2) of section 13. It is only right that when a person is challenged he has a right to ask for the challenge to be put down in writing to safeguard his personal liberties, especially in a country where such liberties are at a considerable discount.

**Mr. Chairman (Sir Henry Richardson):** Amendment moved:

"That in sub-clause (2) of clause 13 of the Bill, after the word 'demand' the words 'in writing stating the accusation or suspicion' be inserted."

**The Honourable Sir Jeremy Raisman:** I do not think this is a reasonable amendment. Everybody is familiar with the position whereby an individual

[Sir Jeremy Raisman.]

having been caught in certain circumstances is asked to give his name and address and if he fails to do so is arrested. I do not see why it is necessary to have to repair to some office and obtain writing materials and serve on him the question "Will you give your name and address?" Surely the commonsense procedure is to ask him for his name and address.

**Mr. T. T. Krishnamachari:** It is what follows that matters.

**The Honourable Sir Jeremy Raisman:** In that case why should he not give his name and address? He is asked verbally and he can give it verbally. If he is asked in writing he should give it in writing.

Sir, I oppose the amendment.

**Sardar Sant Singh** (West Punjab: Sikh): I am surprised to hear the Honourable the Finance Member put this question, viz., why should an honest man refuse to give his name when he is asked to? Well, I think the best thing would be to give him an example as to how the names are asked for and why. I once visited Benares and I found a couple of persons behind me. They came and greeted me. I asked them who they were. They said: "You see, we want to know your name." "But, why?" said I. "Who are you? I have never met you before." They said: "We are police officers. We want to know your name and where you intend to put up." Well, I did not understand what business they had to ask me for my name and for my place of abode in Benares. This is the working of the policeman. Unless it is to help the policeman to get the names of persons visiting places of pilgrimage I do not see why such a provision should exist at all.

I quite appreciate that in the Criminal Procedure Code there are provisions to this effect. The position is this. That this power given to a police officer or a quasi-police officer as the excise officers are, presupposes that there should be a reasonable apprehension or suspicion, as it is put down in the body of the clause itself. If that is so, why should there be any hesitation in telling the man that this is the apprehension or suspicion against him, so that if he is given a chance to satisfy the officer that there need be no apprehension on that account, he should be given the liberty to tell the officer there and then: it will avoid the trouble to the Government, it will avoid trouble to the excise officers themselves. There is no reason why the giving of the name should follow as a matter of course. We do not insist that the accusation or suspicion should be proved to him or that he should be convinced of that: only this much precaution that if he is compelled to give in writing the reasons for the reasonable suspicion or grounds for accusation, he will think twice before he asks an honest gentleman out on lawful act in any town or place. We are living in an age when the Defence of India Rules have taken away all the liberties of the subject, and we must have extraordinary precautions against unusual harassment of honest law-abiding citizens of the country. That is the reason for which, I think, this amendment has been moved and I support this amendment.

**Mr. Chairman** (Sir Henry Richardson): The question is:

"That in sub-clause (2) of clause 13 of the Bill, after the word 'demand' the words 'in writing stating the accusation or suspicion' be inserted."

The motion was negatived.

Clause 13 was added to the Bill.

**Mr. T. T. Krishnamachari:** Mr. Chairman, I move:

"That in sub-clause (1) of clause 14 of the Bill, for the words 'he considers' the words 'may be' be substituted."

The clause seeks to give power to summon persons to give evidence and produce documents in inquiries under this Act and sub-clause (1) reads:

"Any Central Excise officer duly empowered by the Central Government in this behalf shall have power to summon any person whose attendance he considers necessary either to give evidence or to produce a document, etc., etc."

I should think that this grant of unfettered discretion to the officer, without his having to prove to somebody that what he does is correct, should not find

a place in the Statute-book. Moreover since we have heard *ad nauseam* in this House this morning that "this is part of something else and that is part of something else", I would like to point out to the Honourable Member that this particular provision has been taken from the Madras Salt Act, of 1889 and the Bombay Salt Act of 1890 and I would like him to be reminded of those days when he was himself a revenue official in a province, that salt and abkari went together; all the provisions of the Salt Act were also copied into the Abkari Act, and the two departments were one and the same and they had to deal with rather difficult people in those days in 1889 and 1890. After all 1889 and 1890 is not 1944; and even under the pretence of a consolidating measure there is no need to improvise and include restrictions contemplated in those good old days when India was considered to be official's paradise, until that paradise is restored to them by reason of this war coming into being, I think my demand is extremely modest; it may be that it is a verbal alteration but I think it is a very necessary alteration so as to tell the officers what exactly they can do and what they cannot. I, therefore, move.

**Mr. Chairman** (Sir Henry Richardson): Amendment moved:

"That in sub-clause (1) of clause 14 of the Bill, for the words 'he considers' the words 'may be' be substituted."

**The Honourable Sir Jeremy Raisman:** Sir, I must say that my Honourable friend made a considerable speech, but I am still somewhat in the dark as to the exact purpose or effect of this amendment. It seems to me that what he desires is that some objective standard of necessity should be substituted for the judgment of the officer who is empowered in this behalf: I do not see what even if you put the words "may be" instead of "he considers" it would make any practical difference to the situation.

**Mr. T. T. Krishnamachari:** If you do not think there is any difference, I accept the amendment.

**The Honourable Sir Jeremy Raisman:** No; the drafting of this has been done with due consideration and it is not for me, standing here at this moment, to give judicial interpretations. But I cannot see that there is any necessity for this substitution and I oppose the amendment.

**Mr. Chairman** (Sir Henry Richardson): The question is:

"That in sub-clause (1) of clause 14 of the Bill, for the words 'he considers' the words 'may be' be substituted."

The motion was negatived.

**Mr. T. T. Krishnamachari:** Sir, I move:

"That in sub-clause (2) of clause 14 of the Bill, the words 'as such officer may direct' be omitted."

Sub-clause (2) of this clause reads as follows:

"All persons so summoned shall be bound to attend, either in person or by an authorised agent, as such officer may direct."

I do not know what the officer may direct or what he may not. Is it that the officer should direct that the person must attend in person or by an authorised agent? Is the discretion as to how he should appear to be a matter for the officer's own discretion and his convenience? After all it may be that his presence may be necessary at every stage: but in a matter of a Bill like this, through which it is attempted to exercise what the Honourable the Finance Member very picturesquely calls internal commodity controls, the scope of a provincial Salt Act does not cover all excisable commodities. Besides I was rather surprised to hear that the Honourable the Finance Member has submitted himself to the jurisdiction or the authority of some unknown person outside the House, who has carefully gone through this, without the Finance Member being taken into confidence. I do feel that the Honourable the Finance Member owes it to the House to take full responsibility and all the discretion that is legitimately his in regard to changing sentences, changing the commas or full stops; and I am afraid I have been unable to appreciate the plea that it has been done by people who knew better than himself; at any rate in so far as the House is concerned, he knows best, and we know better; that is why we suggest amendments. Speaking on the amendment

[Mr. T. T. Krishnamachari.]

itself, I think this phrase is either superfluous or mischievous; I leave it to the Honourable the Finance Member to say what it is. If he says it is innocuous, then it is superfluous; if he says it is very necessary, it is mischievous. I, therefore, move that these words be omitted.

**Mr. Chairman** (Sir Henry Richardson): Amendment moved:

"That in sub-clause (2) of clause 14 of the Bill, the words 'as such officer may direct' be omitted."

**The Honourable Sir Jeremy Ralsman**: The answer is that the words are very necessary and are not mischievous. I, therefore, oppose the amendment.

**Dr. P. N. Banerjee**: In what way are they not mischievous? Will you point out?

**Mr. Chairman** (Sir Henry Richardson): The question is:

"That in sub-clause (2) of clause 14 of the Bill, the words 'as such officer may direct' be omitted."

The motion was negatived.

**Mr. T. T. Krishnamachari**: I move:

"That in sub-clause (2) of clause 14 of the Bill, all the words beginning with the words 'and all persons' and ending with the words 'make statements' be omitted."

The words which I want to omit are these, "and all persons so summoned shall be bound to state the truth upon any subject respecting which they are examined or make statements". There is one lacuna there. The regulations must also specify exactly whether they should state the truth on the Bible, or the Koran or the Bhagavad Gita? But why is this at all necessary? The Honourable the Finance Member knows that the proceedings of officers who have got powers to summon persons and examine them have got the sanctity of a judicial tribunal, and why should anybody state the truth and only the truth and nothing but the truth? Take, for instance, this. Supposing a person is accused of a particular offence and his wife has to give evidence. If she is to bear witness against her husband, what exactly is the limit of truth that the Honourable the Finance Member wants? I am afraid he will be rather in deep waters if he tries to put in a plea for allowing these words to remain in the Bill. I think my Honourable friend has been badly let down by the drafting department, whose words of advice and whose discretion seem to be so sacrosanct in his eyes. I, therefore, move.

**Mr. Chairman** (Sir Henry Richardson): Amendment moved:

"That in sub-clause (2) of clause 14 of the Bill, all the words beginning with the words 'and all persons' and ending with the words 'make statements' be omitted."

**The Honourable Sir Jeremy Ralsman**: I am not a lawyer.

**Mr. T. T. Krishnamachari**: Nor am I.

**The Honourable Sir Jeremy Ralsman**: I am afraid then the arguments upon this subject will not be on a very high level. But the clue to these words is to be found, I believe, in section 179 of the Indian Penal Code which starts off with the words, "Whoever being legally bound to state the truth on any subject to any public servant refuses to answer . . ." will be subject to certain penalties, and these words are necessary in order to import the provisions of the Indian Penal Code. For this reason I oppose the amendment.

**Mr. Chairman** (Sir Henry Richardson): The question is:

"That in sub-clause (2) of clause 14 of the Bill, all the words beginning with the words 'and all persons' and ending with the words 'make statements' be omitted."

The motion was negatived.

Clause 14 was added to the Bill.

**Mr. T. T. Krishnamachari**: I move:

"That clause 15 of the Bill be omitted."

I am aware that this particular clause is being taken from the Indian Salt Act, 1882. I dare say there are some provisions, not including that omnibus clause 12 which gives such sweeping powers to the Government under the Sea Customs Act—there are provisions making it compulsory for officers of Provincial Governments to help the Central Government and its departments. 1882 were those days when provincial autonomy was not thought of, but conditions have

changed now. I cannot understand why, notwithstanding the validity the particular clause might have because it found a place in the Indian Salt Act, it should find a place here. I think it throws a large amount of onus on provinces. If I happened to be in charge of provinces I should hesitate to accept such large responsibility. I, therefore, move that the clause be omitted.

**Mr. Chairman** (Sir Henry Richardson): Amendment moved:

"That clause 15 of the Bill be omitted."

**Mr. H. Greenfield**: I oppose this amendment for the simple reason that if it were accepted, we should have to employ a much larger staff than we do at present.

**Mr. Hoesinbhoy A. Laljee**: I support the amendment. The only reason that my Honourable friend has given is that we would require a much larger staff. I do wish that you employ a large staff. We get a lot of money. But why should Government want to interfere with Provincial Autonomy? Only yesterday we had such a big lecture from the Honourable the Home Member in the matter of the most important and crucial matter with regard to food and starvation in this country,—that he could never think of interfering with Provincial Autonomy. For the collection of this excise duty not only the police but also the village officers are utilised. I do not know what right you have got to call upon the village officer to whom you give Rs. 2. I do hope that Government will not try to interfere with Provincial Autonomy when they do not want to interfere with it in respect to other matters.

**The Honourable Sir Jeremy Ralsman**: I have no intention of interfering with Provincial Autonomy, but it is a regularly understood feature of Provincial Autonomy that in the administration of central subjects assistance may be given by provincial officers.

**Mr. Chairman** (Sir Henry Richardson): The question is:

"That clause 15 of the Bill be omitted."

The motion was negatived.

Clause 15 was added to the Bill.

**Mr. T. T. Krishnamachari**: I move:

"That in clause 16 of the Bill, after the word 'thereon' the words 'to their knowledge' be inserted."

Clause 16 reads:

"Every owner or occupier of land, and the agent of any such owner or occupier, in charge of the management of that land, if contraband excisable goods are manufactured thereon, shall . . ."

What I propose is to add to the word "thereon" the words "to their knowledge". It may be that the Honourable the Finance Member may say that the point is covered by the words, "shall in the absence of reasonable excuse . . .". I think there are many cases in which such a contingency might happen when the owner may not be responsible. It may be I may have a house or a plot of land 200 miles away from my residence and I might be unaware of what is being done on it. Why should it be that I should have to prove reasonable excuse? I think a safeguard like the one I have suggested, namely, if it is manufactured on the land with the knowledge of the owner, would cover the position instead of the vague safeguard given by the subsequent sentence. Sir, I move.

**Mr. Chairman** (Sir Henry Richardson): Amendment moved:

"That in clause 16 of the Bill, after the word 'thereon' the words 'to their knowledge' be inserted."

**The Honourable Sir Jeremy Ralsman**: The Honourable Member's researches into this clause have been somewhat infructuous also. I do not see how this can begin to operate until the fact comes to his knowledge. The obligation is only laid on him from the time and immediately after the fact comes to his knowledge. If the fact never came to his knowledge, then the clause will have no effect whatsoever. The amendment is, therefore, unnecessary.

**Mr. Chairman** (Sir Henry Richardson): The question is:

"That in clause 16 of the Bill, after the word 'thereon' the words 'to their knowledge' be inserted."

The motion was negatived.

Clause 16 was added to the Bill.

**Mr. T. T. Krishnamachari:** Sir, I move:

"That in clause 17 of the Bill, the words 'with imprisonment for a term which may extend to six months, or' be omitted."

This is on much the same lines as the previous amendment which was not accepted by the House. There is one difference here. The clause does not seek to punish the offender. The clause seeks to punish a person who connives at an offence. I am not able to appreciate that what has been mentioned in the previous clause excuses or completely eliminates from the picture the owner of a land who may or may not know what is happening on his land. At any rate, it is one thing to get hold of a man and cross-examine him for an offence alleged to be committed by him. It is another thing to say that he was conniving at an offence and such a contingency is not impossible when a man is not properly represented or when the local officials do not like him. In a matter like this, if a man allows his land to be used inadvertently for wrongful purposes, fine is ample punishment and no imprisonment is called for. Sir, I move.

**Mr. Chairman** (Sir Henry Richardson): Amendment moved:

"That in clause 17 of the Bill, the words 'with imprisonment for a term which may extend to six months, or' be omitted."

**The Honourable Sir Jeremy Raisman:** I oppose this amendment. It seems to me that a man who keeps premises for the stocking of smuggled goods, or in other words, connives or assists, should be liable to penalties of the same nature as the smuggler himself and I do not see how we can admit a kind of hierarchy of penalties of this kind.

**Mr. Chairman** (Sir Henry Richardson): The question is:

"That in clause 17 of the Bill, the words 'with imprisonment for a term which may extend to six months, or' be omitted."

The motion was negatived.

Clause 17 was added to the Bill.

Clauses 18 and 19 were added to the Bill.

**Mr. T. T. Krishnamachari:** Sir, I move:

"That in clause 20 of the Bill, the word 'either' be omitted and for the word 'or' the word 'and' be substituted."

The clause as it is at present reads:

"The officer-in-charge of a police station to whom any person is forwarded under section 13 shall either admit him to bail to appear before the Magistrate having jurisdiction, or in default of bail forward him in custody to such Magistrate."

The word 'either' makes it obligatory on the part of the officer to admit him to bail and in default of his doing so, the word 'or' follows as a consequence. I think the word 'or' has to be eliminated and in default, the person should be sent in custody to a Magistrate. I think, Sir, there is nothing amusing, so far as I can see, about it; and so far as I am concerned, I think the omission of these two words would definitely improve the clause, notwithstanding the amusement it has caused to the Honourable the Leader of the House.

**Mr. Chairman** (Sir Henry Richardson): Amendment moved:

"That in clause 20 of the Bill, the word 'either' be omitted and for the word 'or' the word 'and' be substituted."

**The Honourable Sir Jeremy Raisman:** At first I thought that the amendment made nonsense of the clause but I do not think it does that. The words used in the Bill are the words regularly used in provisions of this kind and I see no reason why we should adopt a new model here. If the intention of the Honourable Member is to make any change of substance in the wording, then I am afraid I cannot agree and on the wording itself, it seems to me that we should adhere to the model which has hitherto been employed.

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

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

"That in clause 20 of the Bill, the word 'either' be omitted and for the word 'or' the word 'and' be substituted."

The motion was negatived.

Clause 20 was added to the Bill.

**Mr. T. T. Krishnamachari:** In view of the fate of the previous amendment, I am not moving Amendment No. 27. I shall move No. 28.

Sir, I move:

"That in sub-clause (2) (b) of clause 21 of the Bill, all the words beginning with the words 'on his executing' and ending with the words 'having jurisdiction' be omitted."

The clause referred to reads as follows:

"If it appears to the Central Excise officer that there is not sufficient evidence or reasonable ground of suspicion against the accused person, he shall release the accused person on his executing a bond, with or without sureties as the Central Excise officer may direct, to appear, if and when so required before the Magistrate having jurisdiction, and shall make a full report of all the particulars of the case to his official superior."

I want the words beginning with 'on his executing a bond' and ending with 'having jurisdiction' be omitted.

If the Central Excise officer thinks that there is not sufficient evidence or reasonable ground of suspicion against the accused, the whole proceedings ought to be dropped. Why should the accused be asked to execute a bond and why should he be directed to appear before a magistrate on a particular day. It may be that there is a corresponding provision in the Madras Salt Act of 1889 and the Bombay Salt Act of 1890. These are the only two Acts in which a similar provision appears. In spite of the fact that my amendment has considerably amused the Honourable the Leader of the House who thinks that non-lawyers should not trespass into his field, I feel that the clause as it stands makes no sense whatever. It may have made sense in 1889 or 1890 but it makes no sense today. If there is not sufficient evidence against any person or reasonable ground of suspicion, the man should be released forthwith. The officer shall then make a full report of the case to his official superior, who can proceed against the accused *de novo* if he feels that the subordinate officer has not used his discretion properly. The words, as they stand in the clause, are superfluous and meaningless and constitute a harassment of persons against whom there are no grounds of suspicion. Sir, I move.

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

"That in sub-clause (2) (b) of clause 21 of the Bill, all the words beginning with the words 'on his executing' and ending with the words 'having jurisdiction' be omitted."

**Dr. P. N. Banerjee:** Sir, the demand that has been made by my Honourable friend, Mr. Krishnamachari, is a very reasonable one. The provision of the Bill, if carefully read by the Members of the House, will make it clear that the words which my Honourable friend wants to delete are not only unnecessary but are mischievous. The words are: "If it appears to the Central Excise officer that there is not sufficient evidence or reasonable ground of suspicion against the accused person", then all the proceedings will be dropped. Why should it be necessary to make the person execute a bond or offer security? This is unreasonable. If there is no case against him, the proceedings should be dropped altogether. This is the normal course of events and this is the normal procedure of the Judiciary in every country. But here we find that even if there is nothing against him, he will be asked to execute a bond or to offer a security. This is going too far and the Legislature should not accept this provision of the Bill because it is unnecessary and unreasonable. It will cause great harassment to the persons involved, and it may be a source of great oppression to them. Therefore, I urge that the Government will see their way to accept this amendment. They have not accepted any of our amendments so far.

**Members on Treasury Benches:** We have.

**Dr. P. N. Banerjee:** You have accepted only one amendment. In any case, I request this House to insist on this amendment being accepted.

**Syed Ghulam Bhik Nairang:** Sir, I rise to support the amendment moved by Mr. Krishnamachari and would request Government to consider the position created by the clause as it stands at present. "If it appears to the Central Excise officer that there is not sufficient evidence or reasonable ground of suspicion against the accused person", then surely everybody would expect the natural result, namely, that the man who is accused would be let go at once. Why tie him down with a surety bond and to make him appear later on before somebody else? Really, it is carrying matters too far. If there is not sufficient

[Syed Ghulam Bhik Nairang.]

evidence and if there is not even reasonable ground of suspicion, then what is there? Is it meant to be said that even a bare suspicion is sufficient to make anybody execute a bond with or without surety to appear before so and so? I think the provision is so unreasonable that Government would, I hope, reconsider their position and expunge the words which Mr. Krishnamachari seeks to expunge.

**The Honourable Sir Jeremy Raisman:** Sir, as regards the model to this kind of provision, it appears to be section 160 of the Criminal Procedure Code where, in the parallel case, an investigation is made by a subordinate Police officer and if it appears to him that there is not sufficient evidence or reasonable ground for suspicion, he also releases the man on executing a bond. But I would suggest to my Honourable friend that actually this is not bad law. If you look at it from a practical point of view, I would say that this is definitely a provision which is in favour of the accused person. If you lay upon your officers the obligation either to arrest or to let the man go scot-free and not be able to get him again, then the officer, who, after all, has got to make a report of the result of his investigation, will always naturally try to protect himself. He will never take the view that if he let that man go, he could always get him again, and meanwhile report to his superior officer. He will feel that he himself is on trial, so to speak, in each case and he will be much more reluctant to let him go. This gives you a sort of intermediate position. It enables the Excise officer to release a man even though there may be some doubtful features about the case. Still, on his executing a bond, he decides to release him. If he keeps him under arrest, he has to forward him in custody to the Magistrate. If his only alternative is to let him go completely and be finished with the matter, he will tend to lean in the direction of bringing him to the Magistrate and I think it would do more harm than good from that point of view. I, therefore, oppose it.

**Mr. Hooseinbhoj A. Lalljee:** Sir, I rise to support the amendment especially after the remarks that have fallen from my Honourable friend, the Finance Member. It is now clear to me that so far as this Act and the working of it are concerned, there is only one intention and that is how to save excise duty income from smuggling. But so far as the personal liberty and business is concerned, that is not at all the concern of the Government. They want to get hold of anybody by anybody to use the powers, be he a sepoy or a peon, so far as salt and tobacco are concerned. Whether he is an industrialist or a poor cultivator, he must be allowed to be taken into custody. Furthermore, even if an officer finds that there is no reasonable ground for suspicion against him, the man ought not to be allowed to go and an apology should not be tendered to him because of the fact that a sepoy or a peon in the Salt Department or in the Tobacco Department got hold of him. Even if the Excise officer finds that against the man whom the sepoy or a peon has arrested there is no reasonable ground of suspicion, the man should execute a bond. This is a question which really shows that we are still living in those days when every person in India was being suspected. What is the meaning of this? How can you protect the liberty of a cultivator or a poor manufacturer or a great industrialist when a peon drawing Rs. 12 a month can prosecute and even arrest any of these persons at his sweet-will and can produce them before an officer? If the officer does not find a reasonable ground for suspicion, he does not even apologise or take the peon to task but gets this gentleman to execute a bond. Why all these? See the mentality existing among high officers. If a subordinate peon gets hold of a man and takes him before a superior officer, the latter cannot let him off, because the one above him would find fault with him. So the peon or the sepoy's words are law and above him is only the Central Government or the Provincial Government. This thing is going on in many respects throughout the country. That is our complaint. This creates great bitterness in the minds of people and that is why often

intelligent and now often the masses disregard your laws, your rules and regulations. I, therefore, urge that when your subordinate people get hold of an innocent man and you find there are no reasonable grounds of suspicion against him, then not only should he be let off, but also an apology should be offered him.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That in sub-clause (2) (b) of clause 21 of the Bill, all the words beginning with the words 'on his executing' and ending with the words 'having jurisdiction' be omitted."

The Assembly divided:

AYES—19.

Abdul Ghani, Maulvi Muhammad.  
Azhar Ali, Mr. Muhammad.  
Bajoria, Babu Baijnath.  
Banerjee, Dr. P. N.  
Chattopadhyaya, Mr. Amarendra Nath.  
Deshmukh, Mr. Govind V.  
Essak Sait, Mr. H. A. Sathar H.  
Kailash Bihari Lall, Mr.  
Krishnamachari, Mr. T. T.  
Lalljee, Mr. Hooseinbhoj A.

Liaquat Ali Khan, Nawabzada Muham-  
mad.  
Nairang, Syed Ghulam Bhik.  
Nauman, Mr. Muhammad.  
Parma Nand, Bhai.  
Piare Lall Kureel, Mr.  
Sant Singh, Sardar.  
Siddique Ali Khan, Nawab.  
Yusuf Abdoola Haroon, Seth.  
Zafar Ali Khan, Maulana.

NOES—40.

Ahmad Nawaz Khan, Major Nawab Sir.  
Ambedkar, The Honourable Dr. B. R.  
Azizul Huque, The Honourable Sir M.  
Bentham, The Honourable Sir Edward.  
Bewoor, Sir Gurnath.  
Bhagchand Soni, Rai Bahadur Seth.  
Caroe, Mr. O. K.  
Chatterji, Mr. S. C.  
Daga, Seth Sunder Lall.  
Dalal, Dr. Sir Ratanji Dinshaw.  
Dalpat Singh, Sardar Bahadur Captain.  
Greenfield, Mr. H.  
Gwilt, Mr. E. L. C.  
Habibur-Rahman, Khan Bahadur Sheikh.  
Haidar, Khan Bahadur Shamsuddin.  
Imam, Mr. Saiyid Haider.  
Inskip, Mr. A. C.  
Ismail Alikhan, Kunwer Hajee.  
James, Sir F. E.  
Jawahar Singh, Sardar Bahadur Sardar Sir.  
Khare, The Honourable Dr. N. B.

Krishnamoorthy, Mr. E. S. A.  
Kushal Pal Singh, Raja Bahadur.  
Lawson, Mr. C. P.  
Maxwell, The Honourable Sir Reginald.  
Miller, Mr. C. C.  
Muazzam Sahib Bahadur, Mr. Muhammad.  
Mudaliar, The Honourable Dewan Baha-  
dur Sir A. Ramaswami.  
Raisman, The Honourable Sir Jeremy.  
Richardson, Sir Henry.  
Roy, The Honourable Sir Asoka.  
Shahban, Khan Bahadur Mian Ghulam  
Kadir Muhammad.  
Spence, Sir George.  
Srivastava, The Honourable Sir Jwala  
Prasad.  
Stokes, Mr. H. G.  
Sukthankar, Mr. Y. N.  
Sultan Ahmed, The Honourable Sir.  
Thakur Singh, Capt.  
Tyson, Mr. J. D.  
Zahid Husain, Mr.

The motion was negatived.

Clause 21 was added to the Bill.

**Mr. T. T. Krishnamachari:** Sir, I move—  
"That in clause 22 of the Bill, for the words 'five hundred' the words 'two thousand' be substituted."

This relates to the penalty to be imposed on an officer for vexatious search, seizure, etc. The clause has been copied from the Indian Salt Act, but this Bill does not apply to salt alone. Wherever penalties have been specified which are to be imposed on citizens in other clauses the amount is two thousand rupees, but when an officer harasses the people the amount of the penalty is to be only five hundred rupees. It may be that the value of the rupee has gone down since the Salt Act became law in 1882 but in the present case if an officer needlessly harasses people a penalty of two thousand rupees is in my opinion justifiable.

Sir, I move.

**Mr. President** (The Honourable Sir Abdur Rahim): Amendment moved: "That in clause 22 of the Bill, for the words 'five hundred' the words 'two thousand' be substituted."

**Dr. P. N. Banerjee:** Sir, in the previous clauses of this Bill we found that the penalty for a person who is guilty of an offence is two thousand rupees and also imprisonment for six months. But in the case of Government officers



[Dr. P. N. Banerjee.]

the penalty for malicious prosecution or giving false information is very much smaller. The reverse should be the case, and if the penalty in the case of an ordinary person is two thousand rupees the penalty for a Government officer should be five thousand, because he is paid by the public and is a servant of the State and he should always do the right thing. If he oppresses the people the guilt is much greater than that of a private person. But here a smaller penalty is prescribed for him, which is wholly wrong. In order to protect the people against oppression and in the interests of the integrity and honesty of their own officers Government should accept this amendment.

**The Honourable Sir Jeremy Raisman:** Sir, the effect will be that for the first time this provision will apply not merely to officers dealing with salt but to the whole range of Central Excise officers, so that it has been extended in that respect. And of course the House is aware that if an officer were found guilty of any of these offences his whole career would probably be ruined; he stands to lose his job and everything else. However, I am not personally in favour of protecting people who are guilty of offences of this kind, and if the House feels that the maximum penalty should be two thousand rupees I would not resist that. It would, of course, be a matter for the court to decide on the circumstances of the case as to what the fine should be, and this is only a question of the maximum. I am prepared to accept the amendment.

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

"That in clause 22 of the Bill, for the words 'five hundred' the words 'two thousand' be substituted."

The motion was adopted.

**Mr. T. T. Krishnamachari:** Sir, I move:

"That to clause 22 of the Bill the following be added at the end:

"Any person wilfully and maliciously giving false information and so causing an arrest or a search to be made under this Act shall be punishable with fine which may extend to two thousand rupees or with imprisonment for a term which may extend to two years or with both."

As I said before, this clause has been taken from the Indian Salt Act but the punishment provided for in the relative section 25 of that Act has been omitted here. This Act prescribes heavy penalties merely because of the fact that salt has been included along with other commodities that are consumed internally in this country and that is why the provisions are so stringent. At the same time this Bill if passed into law it will be an informers' paradise. No provision has been made for punishing an informer on whom the whole structure of preventive activities of Government will depend. I daresay the experience of the Honourable Member who is helping the Finance Member to pilot this Bill has been that all that he has done has been due to the good offices rendered to him by informers. I suggest that the House should resist this non-inclusion of this part of section 25 of the Salt Act regarding punishment of informers in clause 22 of this Bill, so that informers will know exactly what they will get ultimately if they give wrong information. Sir, I move.

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

"That to clause 22 of the Bill the following be added at the end:

"Any person wilfully and maliciously giving false information and so causing an arrest or a search to be made under this Act shall be punishable with fine which may extend to two thousand rupees or with imprisonment for a term which may extend to two years or with both."

**Mr. Govind V. Deshmukh:** Sir, my Honourable friend has proposed this provision from the Salt Act to be included in this Bill. It is only fair that if you include some provisions of that Act here the other provisions should be included as well. They were thought necessary for that Act and there is no reason why this provision referred to by the Mover of the amendment should not be included in this consolidating Bill. Apart from that there is another ground for including it. The informer sets the whole law in motion and we do not know why he has been so much favoured by Government. As a matter of fact, he is the culprit who deserves the worst possible punishment. He sets

the whole machinery in motion and there is nothing to be found in this Act which will in any way prevent his activities. The informer, as everybody knows, is also a blackmailer; he starts blackmailing everybody and if he is not in any way satisfied or if he has got any particular grudge against any person he gives false information and sets the law in motion. Such a person should be very severely dealt with. I hope that Government will come down upon such informers with heavy hand. Otherwise it is very difficult to understand why when they are punishing even innocent men and are prepared to forfeit animals, vehicles, vessels and such other articles of innocent people they propose to let the informer escape scot-free. Sir, I support the amendment.

**The Honourable Sir Jeremy Raisman:** The only reason why this provision was omitted is that it is almost entirely covered by section 182 of the Indian Penal Code. However, there are slight differences between the two and particularly the penalty which my Honourable friend has proposed here is more severe than that which is in the Indian Penal Code. For this reason, I have no objection to accepting this amendment.

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

"That to clause 22 of the Bill the following be added at the end:

"Any person wilfully and maliciously giving false information and so causing an arrest or a search to be made under this Act shall be punishable with fine which may extend to two thousand rupees or with imprisonment for a term which may extend to two years or with both."

The motion was adopted.

Clause 22, as amended, was added to the Bill.

Clause 23 was added to the Bill.

**Mr. T. T. Krishnamachari:** Sir, I move:

"That clause 24 of the Bill be omitted."

In moving this I realize that clauses 24 to 30 is one whole, and, in fact, one should move for the omission of the whole chapter. I am also aware—if you permit my referring to a clause ahead—that clause 30 gives the Government certain powers which the Honourable the Finance Member might say obviates the room for the abuse of the powers conferred by clause 24 that I am likely to suggest. In any event, Sir, the evil that rests on this chapter—controlling transport by sea—is due to the fact of coupling salt with other commodities. Clause 24 by itself says: that it is an offence to carry any excisable goods by sea in any vessel other than a vessel of three hundred tons and upwards, and it is a provision that now exists in the Salt Act. But I will ask the House to visualize the commodities that it seeks to control and whether there is a possibility of other commodities which come under the purview of this Bill being carried in vessels of less than three hundred tons. The Honourable the Finance Member might rise and say that the next provision, clause 25, provides the exceptions, i.e., permits could be obtained for transport of goods in vessels of less than three hundred tons.

I do not know whether the Honourable the Finance Member or his able assistant have knowledge of the method of carrying goods in the West Coast of South India. A large portion of the traffic from Bombay downwards is in country craft, all of them are less than three hundred tons. And unless it be that the Government operating under the powers invested in them under clause 30 declare that such and such goods that come within this Act can be carried in any class of vessels, what will happen is that this country craft which ply from Bombay up to Colachel in Travancore cannot carry sugar, cannot carry matches, cannot carry vegetable product and the like, even kerosene, all of which they were normally carrying before the war, without a permit from some officer. This will mean a great restriction on the transport of these articles. What happens is, a man who ordinarily goes into the bazaar and purchases things and just dumps it in a country craft, will have to go and search for an officer who is in-charge of tobacco excise and somebody else perhaps in-charge of excise on vegetable products, and so on, and get permits. Why? After all sugar, vegetable product and matches are commodities the excise duty on which is collected at the source where it is

[Mr. T. T. Krishnamachari.]

manufactured, and so why should traders and consumers be hampered by restrictions on transport of goods. Had the Government bestowed some thought on the Bill—and I maintain they have not—they may have drafted clause in a different manner. They would have said that such and such goods as are covered by the schedule under this Act which are notified to be goods coming within the scope of this chapter, will require a licence for being carried in vessels of under three hundred tons and so on. If you had made it a positive clause giving freedom to the consumer to carry what he likes, except in so far as restrictions positively imposed by you, I can understand it. But it is no use chuckling to yourself 'this is not right, that is not right, that is in the Penal Code and something else is in the Criminal Procedure Code'. Here is a positive instance of bad drafting. If the Honourable Member and his aides had carefully really gone through the whole Bill, they would have found that this is an unnecessary restriction. Why should you say you should not do this or you should not do that. Merely say don't do this or that in respect of a particular commodity and the only commodity in which you are concerned in respect of carriage by sea happens to be salt at the moment, unless you are going to include some other commodities later by means of the addition of a single clause, to the schedule by which you can say it comes under the operation of Chapter IV. My grouse against the Government is that here is an alternative method of approach which could have been considered if you had re-read the whole thing and if you had visualized the trouble the people would be put to by your drafting these provisions in the negative form. If you had made it positive you would have removed all possibility of people being put into unnecessary trouble. In fact the whole case stands or falls by the acceptance or rejection of clause 24 and I do feel that it is only right and proper on my part to tell the Government here and now that if they had only drafted clause 30 in a different manner there would have been no need for me to move this amendment. By all means have Chapter IV; by all means have the provision as stringent as possible so long as it applies to salt only and to no other commodity. But this House should visualize the plight of a man carrying from Bombay two tons of vegetable product, one bag of sugar, four gross of matches and a couple of packets of tobacco on which the excise tax has been paid and then going to an officer and saying 'may I carry these things in my country craft'. And here I maintain that those who are responsible for the drafting of this consolidation Bill are people who are completely unalive to the actualities of the situation, and they are merely motivated by the feeling that because they have power, they will draft a Bill as they like. And that is why I have attempted this rather difficult and perhaps in the eyes of some a vexatious task of saving what the Act really is and what it ought to have been. Sir, I move.

**Mr. President** (The Honourable Sir Abdur Rahim): Amendment moved: "That clause 24 of the Bill be omitted."

**Mr. Govind V. Deshmukh**: I support my friend's amendment. I gather from what he has said that the very act of carrying the things he has specified in these small vessels has been made punishable. The section does not take into consideration what the motive or the intention of the person is who is carrying these articles in those vessels. It is a very defective section and it seems also, in view of what my friend, Mr. Krishnamachari, has said, that that vessel may also come under the description of things as stated here, so that if he takes different articles for his own use that very act would constitute an offence under this section. I think this is very extraordinary.

**Mr. H. Greenfield** Sir, this section and those which follow are an exact transcript of the Transport of Salt Act, 1879.

That they are necessary has been admitted in regard to salt. They are also clearly necessary in regard to other goods the transport of which by land or inland water ways requires to be regulated. It is only in respect of such goods

that these sections will be made applicable, and a notification has already been drafted excluding other goods from the provisions of this chapter.

Sir, I oppose this amendment.

**Sir Cowasjee Jehangir**: So far as I can understand these clauses from 24 onwards in Chapter 4 applied originally only to salt, and now you are making them applicable to all other goods. Well, that is a radical change in the Bill. If this is a consolidation Bill and you are applying all these sections to all commodities, I repeat that it is a radical change. Therefore, Mr. Krishnamachari's arguments are relevant. Read that Clause 24 as it stands. I do not know how it has been modified by any regulation that may be issued. I read it as it is printed. As it is printed, if I carry six boxes of matches in my luggage, I am liable or the Master of the Ship is liable. Matches being excisable goods I fall within the mischief of this section.

**The Honourable Sir Sultan Ahmed** (Leader of the House): Section 25 gives the exceptions in sub-section (c).

**Sir Cowasjee Jehangir**: (After reading the section.) Yes, it makes an exception of the goods I mention. But still the vexatious elements remain. A man cannot export vegetable ghee in small quantities in a country craft unless he gets a permit, unless the regulations you mention make an exception, of which we are not aware.

May I point out, Mr. President, that Government make a very radical alteration of this sort, which I must admit we would not have been aware of but for Mr. Krishnamachari's study, and perhaps I may mention on looking over the names of those in the Select Committee, I miss an Honourable Member from his Party. I do not know whether that was by accident or deliberately done.

**The Honourable Sir Jeremy Raisman**: Mr. Kailash Bibari Lal.

**Sir Cowasjee Jehangir**: At any rate, Mr. Krishnamachari seems to have taken considerable trouble over this Bill and he does bring out a point worthy of consideration. If we are to pass these clauses as they are, we ought to be made aware just now of the exceptions that Government propose to make and what regulations they have drafted and what they will bring into existence so that we can understand this clause in an intelligent manner. At present as it reads it does look rather vexatious. I would point out, therefore, that if such radical alterations had to be made, we might have had the complete picture placed before us to obviate such a discussion as is taking place just now.

**The Honourable Sir Jeremy Raisman**: I must point out that in the Statement of Objects and Reasons, paragraph 4, I drew attention to the fact that "the combination of a number of separate measures each of which has been moulded to fit its particular subject, necessarily includes their special features as well as those which are common to others in the group, and it follows that certain provisions which have hitherto been applicable only to certain goods will, after consolidation, become applicable over the whole field, either as a matter of course or by notification as circumstances may require. In particular the Bill provides that certain features of the salt law relating to transport by small coastal craft will become adaptable as necessary in the administration of other excise duties." The real necessity for this is, of course, that smuggling can most conveniently take place in certain kinds of small craft. At present we have power to deal with that by importing provisions of the Sea Customs Act, but now here we have ready to hand a suitable model for dealing with this type of smuggling. It is already in existence in relation to salt and this seemed to be a suitable model. Now, the difficulties which my Honourable friend anticipates are met in two ways. In the first place there is clause 25 which creates complete exceptions from the operation of clause 24. Clause 25 has three classes of exceptions and the third of those includes small quantities of excisable goods of the types which have been mentioned. But even more important than that is clause 30 which gives the Central Government power to exempt from the operation of this chapter the carriage of excisable goods within any legal limits or in any class of vessel. That is the important thing—the adjustment to the requirements of the situation as not to create the absurd results which have been suggested must come by the use of these two sections.

[Sir Jeremy Raisman.]

This is the only way in which consolidation can take place, otherwise you have got to repeat your provisions for every commodity. For dealing with smuggling on small craft you will have to have a regular forest of different provisions.

**Mr. T. T. Krishnamachari:** Why not make it applicable to commodities by notification?

**The Honourable Sir Jeremy Raisman:** Well, that is a matter of drafting. We think this is a suitable model. The Honourable Member may think that we should have taken power by notification to deal with the carriage of excisable goods by small craft. Well, there was this model in existence which seemed suitable.

**Mr. T. T. Krishnamachari:** Why this circumlocutory method . . . .

**The Honourable Sir Jeremy Raisman:** That is a matter of opinion whether one man's method is more suitable than another. To us this was most suitable. We have to adjust the law to the practical requirements of the situation by the exercise of powers of exemption, or in the other case by the exercise of powers of application. But you cannot legislate completely for this type of thing merely by two or three clauses. You cannot do it . . . .

**Sir Cowasjee Jehangir:** Can you give us any idea of what exemptions under clause 30 you propose to have? What do you propose to do under clause 30? What will you exempt?

**The Honourable Sir Jeremy Raisman:** At this moment, standing here, I cannot give that information . . . .

**Maulana Zafar Ali Khan:** With your permission, Sir, one thing has puzzled me very much and I should like . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): Order, order. The Honourable Member ought not to interrupt now.

**The Honourable Sir Jeremy Raisman:** I was answering my Honourable friend, Sir Cowasjee Jehangir, and I said that I could not at this moment give an indication of the exact scope of the exemption that will be drafted under clause 30; but it certainly would obviate the sort of anomaly which Honourable Members have in mind. That is all I can say, and I still think that this method of proceeding with the matter is a reasonable one and is suitable to the situation.

**Maulana Zafar Ali Khan:** Now, Sir, permit me to observe that in the case of an ordinary cart you insist upon the cart and the animals pulling it being confiscated; but in the case of vessel carrying excisable goods in other words, smuggling, you do not confiscate the vessel: how is that?

**Dr. P. N. Banerjee:** May I ask a question? Will the Honourable the Finance Member agree to place the draft rules, which the Central Government will make, before the Assembly, before they are given effect to?

**The Honourable Sir Jeremy Raisman:** I see that there is another amendment to that effect on the paper and I would rather not anticipate what I have to say.

**Sir Cowasjee Jehangir:** I hope the Honourable Member will keep in mind the difficulty of transport that exists due to war conditions and I hope that the rules made under section 30 will be more lenient than they otherwise would have been.

**The Honourable Sir Jeremy Raisman:** We shall certainly consider that.

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

"That clause 24 of the Bill be omitted."

The motion was negatived.

Clause 24 was added to the Bill.

**Mr. T. T. Krishnamachari:** Sir, I do not move amendments Nos. 32 to 37, because they are consequential.

Clauses 25 to 31 were added to the Bill.

**Mr. T. T. Krishnamachari:** Sir, I move:

"That the proviso to clause 32 of the Bill be omitted."

This section finds a counterpart in the Bombay Salt Act of 1890 and that is its justification for finding a place in this Bill. The proviso itself is of an omnibus nature; it reads:

"Provided that the Collector of Central Excise may at any time withdraw or withhold a licence from the proprietor of any such salt factory, if no salt has been manufactured, excavated or collected in such salt factory for the three years ending on the thirtieth day of June last preceding the date of his order, or, with the previous sanction of the Central Board of Revenue, if such salt factory has not produced, on an average, during the said three years, at least five thousand maunds of salt per annum."

I do not know if this proviso finds a counterpart in the Madras Salt Act. Apparently it does not; otherwise it would be mentioned. In any event it seems that the Government have taken this opportunity of taking power to impose a new restriction on salt pan owners—one that exists at the moment in a very limited sphere in this country. I would ask the Honourable the Mover of the Bill what he would suggest should be done supposing there is a suit in regard to property rights in a particular salt pan. Supposing there is a suit for partition, supposing there were other points which will not be appreciated by the Collector of Central Excises, I see no reason to make the measure of universal application, taking advantage of this consolidating Bill which seeks to impose restrictions on property rights—or unduly so. It makes it obligatory on the owners to go and give evidence before the Collector of Central Excises that he is unable to perform the legitimate duties as owner of the salt pan; there are many occasions which perhaps may be within our knowledge when property owners are unable to make their properties yield what they ought to, the quantity which they would ordinarily yield, on account of various troubles. I think the onus of proving their inability and also their liability should not be cast upon the property owners, and I see no reason for this particular proviso which finds a place in only one Act applicable to one province should be made part of an All-India measure. I move.

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

"That the proviso to clause 32 of the Bill be omitted."

**Mr. H. Greenfield:** Sir, the object of including these two provisions—clauses 31 and 32—is to safeguard the rights of certain manufacturers, and the two clauses were, therefore, included exactly as they stand in the Bombay Salt Act. The object of the proviso is to secure that when it becomes uneconomical to maintain staff at a factory to safeguard the revenue accruing from that factory, that factory might then be closed. When it is no longer economical to retain the staff there, then the factory should be closed down . . . .

**Sir Cowasjee Jehangir:** Which staff? Government?

**Mr. H. Greenfield:** Government staff. It costs a good deal of money to maintain staff at such factories; and when the revenue realisable from such a factory becomes so small that it is not worth while to expend all that money, then the factory should be closed down. Sir, I oppose the amendment.

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

"That the proviso to clause 32 of the Bill be omitted."

The motion was negatived.

Clause 32 was added to the Bill.

**Mr. T. T. Krishnamachari:** I move:

"That in the proviso to clause 33 of the Bill, all words occurring after the words 'clause (b) of this section' be omitted."

Let me first read the whole proviso.

"Provided that the Central Board of Revenue may, in the case of any officer performing the duties of an Assistant Collector of Central Excise, reduce the limits indicated in clause (b) of this section, and may confer on any officer the powers indicated in clause (a) or (b) of this section."

Clause 33 confers powers of adjudication on officers of central excise, and clause (b) limits the power of the Assistant Collector of Central Excise in this way, "up to confiscation of goods not exceeding five hundred rupees in value and imposition of penalty not exceeding two hundred and fifty rupees". And this proviso seeks to reduce the limits indicated in clause (b) of this section and confers the same power on any other officer. It is true that this proviso

[Mr. T. T. Krishnamachari.]

has a counterpart in the Sea Customs Act, clause 182, but with a slight variation. The proviso in the Sea Customs Act reads as follows:

"Provided that the Chief Customs-authority may, in the case of any officer performing the duties of a Customs-collector, limit his powers to those indicated by clause (b) or in clause (c) of this section, and may confer on any officer, by name or in virtue of his office, the powers indicated in clauses (a), (b) or (c) of this section."

The words, "by name or in virtue of his office" have been eliminated. It might be said that the sweeping provisions of section 12 of this Bill cover every thing. At a time when we are engaged in the good work of consolidating various measures it seems but right and proper to ask the Government to specify the type of officer who would exercise these powers, and so far as this proviso is concerned, by limiting the powers of the Assistant Collector of Central Excise, powers may be conferred on any officer, even of the rank of sub-inspector. I think the House has already had an opportunity of making its views known. I, therefore, feel that without precisely mentioning what type of officer it is, that is visualised by the Government on whom may be conferred the powers of an Assistant Collector of Central Excise, we are unable to accord our support to this part of this clause. Sir, I move.

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

"That in the proviso to clause 33 of the Bill, all words occurring after the words 'clause (b) of this section' be omitted."

**Mr. Lalchand Navarai**: I wish to say a few words on this. It seems that the powers of the Assistant Collector are being reduced and those may be conferred upon any inferior officer. The power is being taken away without any description of the kind of officers to whom this power will be delegated, we have not up to now learnt who those officers would be. In the first place, I do not understand why the power should be decentralised to any other officer. The Assistant Collector is a responsible man and generally we find that he has much experience of these things. In that case to give these powers to an inferior officer should not commend itself to the House and I hope the House will adopt the amendment.

**Mr. H. Greenfield**: This clause has been taken, with certain adaptations, from section 182 of the Sea Customs Act. It is necessary to have this proviso because it is, from time to time, necessary to empower certain officers in this way. For example, at present in the province of Sind our functions under the central excise laws are exercised by officers of the Government of Sind and it is necessary for us, therefore, to be able to entrust those officers with powers. Officers so entrusted would, of course, be officers comparable in rank with the Collector and Assistant Collector respectively. Sir, I oppose the amendment.

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

"That in the proviso to clause 33 of the Bill, all words occurring after the words 'clause (b) of this section' be omitted."

The motion was negatived.

Clause 33 was added to the Bill.

Clauses 34 and 35 were added to the Bill.

**Mr. T. T. Krishnamachari**: I move:

"That in clause 36 of the Bill, for the words 'The Central Government' the words 'A High Court having jurisdiction' be substituted."

The clause reads as follows:

"The Central Government may on the application of any person aggrieved by any decision or order passed under this Act or the rules made thereunder by any Central Excise Officer or by the Central Board of Revenue, and from which no appeal lies, reverse or modify such decision or order."

It may look a rather sweeping amendment to introduce the words, "A High Court having jurisdiction" in place of "Central Government". By reason of a recent decision of the Privy Council in respect of a matter emanating from the Madras High Court, the one remedy that is open to an aggrieved party in this country, namely, to obtain redress from the High Court by a writ of *certiorari*, has been denied to all people who are not residents of the three presidency towns of Calcutta, Madras and Bombay. The judgment, I think,

comes from Lord Simon, the Lord Chancellor, and his view is that the power of granting a writ of *certiorari* is confined to the limits of the original jurisdiction of the High Courts of the three presidency towns of Calcutta, Madras and Bombay. It places the position of the bulk of the citizens of this country in a very peculiar condition. It may be that people do not resort to a writ of *certiorari* ordinarily, but the fact that it exists is always there in the background and has a beneficial influence on the administration. The executive officer always knew that in matters where there has been grave injustice done to people, a writ of *certiorari* is possible, but the latest decision of the Privy Council takes away that remote privilege and the psychological strength that is provided to the citizen in this country.

I could argue for hours on and as to why that a High Court should have the jurisdiction, I have suggested. In fact, this and another amendment which I

hope to have the privilege of moving in this House rest on the 5 P. M. interpretation of the Government's powers to constitute extra judicial tribunals and to make their finding in regard to the rights of citizens final. It is said that we in this country are still trying to approximate our standards of obtaining justice to that obtaining in Britain and I think, as things are today, a provision like this is particularly necessary in a measure which has been admitted by the Government as having been brought for purposes of consolidation, where the stringent provisions of the Salt Act have come into play, because the provisions of the other Acts were less stringent and were, therefore, not effective enough. Particularly in a measure of this sort, I think it is very necessary that the jurisdiction must be given to a High Court to have a final say. It is no safeguard to the citizen to say that the Central Government should be the final authority of appeal, as it is constituted today at any rate.

Sir, I move.

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

"That in clause 36 of the Bill, for the words 'The Central Government' the words 'A High Court having jurisdiction' be substituted."

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 16th February, 1944.

## LEGISLATIVE ASSEMBLY.

*Wednesday, 16th February, 1944.*

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

### STARRED QUESTIONS AND ANSWERS.

#### (a) ORAL ANSWERS.

##### INDIANS SHOT IN POLICE FIRING IN MAURITIUS.

109. \*Mr. Govind V. Deshmukh: Will the Honourable Member for Indians Overseas please state the details and mention the action taken, promised by him in reply to starred question No. 241 put on the 17th November, 1943, in respect of the Indians shot in police firing in Mauritius? Who in Mauritius looks after the interests of the Indians there?

The Honourable Dr. N. B. Khare: (a) I regret I have little to add to the reply given by me to the Honourable Member's question No. 241 on the 17th November, 1943. A Commission of Enquiry with the Colonial Secretary as Chairman and two members of the Judiciary and two members of the Council of Government has been appointed and its report is awaited.

(b) The Indians in Mauritius are mostly emigrant labourers or their descendants, and their interests are looked after by the Director of Labour assisted by a Department in which Indians are adequately represented.

Mr. Govind V. Deshmukh: May I know if the Government has anybody on the spot to look after the interests of Indians there? If not, does the Government intend to appoint anybody on the spot to look after their interests?

The Honourable Dr. N. B. Khare: As I have said, at present the interests of Indians are being looked after by the Director of Labour, but Government will consider the appointment of somebody else.

Mr. Govind V. Deshmukh: My friend has not followed my question. Does the Government intend to appoint somebody who will be on the spot to look after the interests of the Indians?

The Honourable Dr. N. B. Khare: I shall consider this proposal.

Mr. Govind V. Deshmukh: May I know what were the reasons for the delay of this report which was promised?

The Honourable Dr. N. B. Khare: I cannot say what were the reasons for the delay, but we sent a cable to the Secretary of State on the 26th January, asking for the report and we received his answer on the 8th February, saying that he had asked the Secretary in Mauritius to send the report and we are awaiting it.

##### PROPOSED VISIT OF LEADING INDIAN INDUSTRIALISTS TO THE UNITED KINGDOM.

110. \*Mr. Govind V. Deshmukh: (a) Will the Honourable Member for Industries and Civil Supplies please state if his attention has been drawn to the following portion of His Excellency the Viceroy's speech delivered on the 28th December, 1943, at the meeting of the Associated Chambers of Commerce, Calcutta:

"I am sure that a visit by some of the leading Indian industrialists to the United Kingdom in order to see the developments that have arisen during the war and to discuss India's problems with leading British representatives would be of the greatest possible advantage and I hope that it may be arranged. The sooner the better?"

(b) Has any step been taken to arrange for a visit by some of the leading Indian industrialists to the United Kingdom? If not, why not? Will a similar visit by such Indian industrialists to Russia be arranged? If not, why not?



# ADMINISTRATIVE OFFICERS PROMOTED AS COMMISSIONED OFFICERS IN CIVIL PIONEER FORCE IN PROVINCES.

111. \*Mr. G. Rangiah Naidu: Will the Honourable the Labour Member please state:

(a) the number of Administrative Officers promoted as Commissioned Officers in the Civil Pioneer Force in various Provinces in 1941, 1942 and 1943; if not, why not;

(b) if there is any subsequent law passed to restrict the Civil Pioneer Force Officers to apply for Commissioned Officers' posts in the army;

(c) the number of Commissioned and Administrative Officers recruited from among the Hindus such as Non-Brahmins, Backward and Scheduled communities, Christians, Mahomedans and Anglo-Indians;

(d) the rate of daily rations of the Pioneer and that of the Administrative Officers, separately; and

(e) how many clerks who were working in the Civil Pioneer Force Department, were promoted as Administrative Officers in 1941, 1942 and 1943; if not, why not?

The Honourable Dr. B. R. Ambedkar: (a), (c) and (e). With regard to these parts, three statements giving the required information separately are placed on the table of the House.

These refer to 1942 and 1943; the Civil Pioneer Force had not been raised in 1941.

(b) No, but if an officer undertakes service in the Civil Pioneer Force he is under an obligation to serve in the force so long as his services are required—vide Civil Pioneer Force Ordinance, Section 9. At present no officer can be released.

(d) Prior to 1st March, 1943, no free ration was admissible to Administrative Officers; since then the concession has been extended to them at the same rate allowed to Civil Pioneers, namely, at a cost of Rs. 15 per mensem per head. Of late owing to fluctuations in prices of foodstuffs it has not been possible to maintain the rate. The Provincial Governments have, therefore, been authorised to purchase rations on the approved scale at a cost not greater than the prevailing market rates provided the purchase is made by the Provincial authorities themselves.

## Statement

### Part (a).

|                              |      |    |
|------------------------------|------|----|
| Central Provinces and Berar  | 1942 | 5  |
|                              | 1943 |    |
| Oriassa                      | 1942 | 2  |
|                              | 1943 |    |
| Madras                       | 1942 | 1  |
|                              | 1943 |    |
| Bombay                       | Nil  |    |
| Punjab                       | 1942 | 3  |
|                              | 1943 |    |
| United Provinces             | 1942 | 1  |
|                              | 1943 |    |
| Bihar                        | 1942 | 2  |
|                              | 1943 |    |
| Bengal                       | 1942 | 3  |
|                              | 1943 | 11 |
| North West Frontier Province | 1942 | 1  |
|                              | 1943 | 2  |
| Total                        |      | 31 |

It should be noted that the two classes of officers are of quite separate status. If a candidate is accepted as an Administrative Officer, the Provincial Government are under no obligation to elevate him to Commissioned Officer grade. In certain cases, however, Administrative Officers, who have proved their worth, have been granted Commissions as 2nd Lieutenants when vacancies occurred.

The Honourable Sir M. Azizul Huque: (a) Yes.

(b) The matter is under active consideration, but there is no present intention of sending any one to Russia.

Mr. Govind V. Deshmukh: May I ask since when the matter has been under consideration and when is it likely to fructify?

The Honourable Sir M. Azizul Huque: The very fact will show that the matter has been under consideration for three or four months.

Mr. Govind V. Deshmukh: If the Government intend to send a Delegation, what would be the procedure in electing it?

The Honourable Sir M. Azizul Huque: I cannot say anything on this point at this stage.

Seth Yusuf Abdoola Haroon: May I ask whether the Honourable Member intends to take the commercial body into his confidence?

The Honourable Sir M. Azizul Huque: I cannot understand what is exactly meant by the phrase "take the commercial body into my confidence".

Mr. N. M. Joshi: In view of the importance of labour for the development of industry, will the Government of India send a Delegation of their own representatives to Great Britain?

The Honourable Sir M. Azizul Huque: I cannot say of the Labour Department, but all I know is that the International Labour Conference will be held in Philadelphia.

Mr. Govind V. Deshmukh: Will the Government consider the matter soon because of its urgency?

The Honourable Sir M. Azizul Huque: Every matter the Government takes up is a matter of urgency.

Mr. Lalchand Navalrai: May I know how much time will the Honourable Member take to consider this matter?

The Honourable Sir M. Azizul Huque: I believe my friend has been long enough in the Assembly to know the answer.

Mr. Lalchand Navalrai: I want to know the approximate time which the Honourable Member will take to consider this matter?

The Honourable Sir M. Azizul Huque: I do not think anybody can possibly say that. There are so many factors which have got to be taken into consideration that it is impossible to say when we will arrive at the final conclusion.

Mr. Govind V. Deshmukh: My Honourable friend said that the Government does not intend to send any Delegation to Russia, but he has not given any reasons for it. Why does he not want to send a Delegation to Russia?

The Honourable Sir M. Azizul Huque: There are so many obvious difficulties for sending a Delegation to Russia at the present stage. After all, Russia is engaged in a life and death struggle and going to Russia is not an easy proposition. All these matters have to be looked into. A foreign Government has to be asked whether they would like to have our Delegation and what places they can visit and whether there will be any difficulties in their way.

Mr. Govind V. Deshmukh: Is not the United Kingdom involved in the war to the same extent as Russia is and can she offer to receive a Delegation?

The Honourable Sir M. Azizul Huque: That question needs no answer from me.

Mr. Govind V. Deshmukh: The first part of my question in (b) relates to the United Kingdom. Can she receive a Delegation at this juncture?

The Honourable Sir M. Azizul Huque: While it may be possible to send a Delegation to the United Kingdom, it is not possible to send one to Japan or Russia.

Mr. Govind V. Deshmukh: I did not ask that a Delegation should be sent to Japan.

[16TH FEB. 1944]

## Statement

## Part (c).

| Province.                             | Non-Brahmins. | Brahmins. | Backward classes. | Scheduled castes. | Muslims.   | Christians. | Anglo-Indians. |
|---------------------------------------|---------------|-----------|-------------------|-------------------|------------|-------------|----------------|
| <b>C. P. and Berar :</b>              |               |           |                   |                   |            |             |                |
| Commissioned Officers                 | 5             | 4         | 1                 | 2                 | 3          | 1           | ..             |
| Administrative Officers               | 8             | 5         | ..                | ..                | ..         | 1           | ..             |
| <b>Orissa :</b>                       |               |           |                   |                   |            |             |                |
| Commissioned Officers                 | 18            | 9         | 1                 | ..                | 4          | 2           | ..             |
| Administrative Officers               | ..            | ..        | ..                | ..                | ..         | ..          | ..             |
| <b>Madras :</b>                       |               |           |                   |                   |            |             |                |
| Commissioned Officers                 | 34            | ..        | ..                | 7                 | 7          | 15*         | ..             |
| Administrative Officers               | ..            | ..        | ..                | ..                | ..         | ..          | ..             |
| <b>Bombay :</b>                       |               |           |                   |                   |            |             |                |
| Commissioned Officers                 | 2             | 6         | ..                | 3                 | 2          | ..          | ..             |
| Administrative Officers               | 4             | 1         | 1                 | ..                | 1          | ..          | ..             |
| <b>Punjab :</b>                       |               |           |                   |                   |            |             |                |
| Commissioned Officers                 | 11            | ..        | ..                | 2                 | 13         | 1           | ..             |
| Administrative Officers               | 8             | ..        | ..                | ..                | 9          | ..          | ..             |
| <b>United Provinces :</b>             |               |           |                   |                   |            |             |                |
| Commissioned Officers                 | 15            | ..        | ..                | 4                 | 5          | 2           | 1              |
| Administrative Officers               | 7             | ..        | ..                | 2                 | 4          | 1           | ..             |
| <b>Bihar :</b>                        |               |           |                   |                   |            |             |                |
| Commissioned Officers                 | 17            | ..        | ..                | 2                 | 5          | 2           | ..             |
| Administrative Officers               | ..            | ..        | ..                | ..                | ..         | ..          | ..             |
| <b>Bengal :</b>                       |               |           |                   |                   |            |             |                |
| Commissioned Officers                 | 31            | ..        | ..                | 17                | 56         | 7           | ..             |
| Administrative Officers               | ..            | ..        | ..                | ..                | ..         | ..          | ..             |
| <b>North West Frontier Province :</b> |               |           |                   |                   |            |             |                |
| Commissioned Officers                 | ..            | ..        | ..                | ..                | 19         | ..          | ..             |
| Administrative Officers               | 1             | ..        | ..                | ..                | 7          | ..          | ..             |
| <b>Total</b>                          | <b>161</b>    | <b>25</b> | <b>3</b>          | <b>39</b>         | <b>135</b> | <b>32</b>   | <b>1</b>       |

\* Includes both.

## Statement

## Part (e).

|                              |      |           |
|------------------------------|------|-----------|
| Central Provinces and Berar  | 1942 | 2         |
| Orissa                       | 1943 | Nd.       |
| Madras                       | 1942 | 2         |
| Bombay                       | 1943 | 1         |
| Punjab                       | 1942 | 1         |
| United Provinces             | 1943 | 3         |
| Bihar                        | 1942 | Nd.       |
| Bengal                       | 1943 | 1         |
| North West Frontier Province | 1942 | 2         |
|                              | 1943 | 11        |
|                              | 1942 | ..        |
|                              | 1943 | 1         |
| <b>Total</b>                 |      | <b>24</b> |

Clerks in the Civil Pioneer Force are on a relatively low rate of pay consequently not many of them are suitable for promotion to Administrative Officer.

**Mr. G. Rangiah Naidu:** Is it not a fact that in the beginning of the war these Administrative Officers were allowed to apply for posts of Commissioned Officers if and when vacancies arose?

**The Honourable Dr. B. R. Ambedkar:** I have no information on the point.

## ACCOMMODATION FOR WOMEN GOVERNMENT SERVANTS.

**112. \*Sir F. E. James:** Will the Honourable Member for Labour be pleased to state:

(a) if there is a Labour Department rule to the effect that no Government servant earning less than Rs. 600 per month is entitled to accommodation in a Government hostel, hotel or other residence in Delhi or New Delhi classified as "first class accommodation";

(b) whether this rule applies to women Government servants;

(c) if the answer to (b) is in the affirmative, if any variation of the rule is made in the case of women Government servants who live away from their homes and for whom the available accommodation is not suitable, or who, though not drawing more than Rs. 600 per month, are filling posts whose permanent male incumbents draw more than that amount;

(d) the composition of the Accommodation Advisory Committee;

(e) if this Committee is empowered to authorise departures from the above rule in suitable cases; and

(f) in how many cases this Committee has relaxed the rule in respect of women Government servants?

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

(b) Yes.

(c) No.

(d) (i) Lt.-General T. J. Hutton, C.B., M.C.

(ii) The Honourable Mr. H. C. Prior, C.S.I., C.I.E., I.C.S.

(iii) The Honourable Mr. E. Conran-Smith, C.S.I., C.I.E., I.C.S.

(iv) Mr. G. Mackworth-Young, C.I.E., I.C.S.

(e) No, the Committee can only make recommendations to His Excellency the Governor-General.

(f) In view of the answer to (e) above, this does not arise.

**Sir F. E. James:** My Honourable friend is doubtless aware of the hardship which the rigid application of this rule inflicts upon a number of perfectly good, hard-working and deserving women in Government service?

**The Honourable Dr. B. R. Ambedkar:** I am aware of that.

**Sir F. E. James:** If my Honourable friend is aware of that, will he take steps to relax the rules in suitable cases?

**The Honourable Dr. B. R. Ambedkar:** I will consider the matter.

**Mr. N. M. Joshi:** May I ask if the Government of India propose to introduce rationing of accommodation in view of the difficulty felt by several people?

**The Honourable Dr. B. R. Ambedkar:** I can give no answer at this stage.

**Pandit Lakshmi Kanta Maitra:** May I ask when was this Accommodation Advisory Committee appointed and who appointed it?

**The Honourable Dr. B. R. Ambedkar:** I have no information available at this stage.

## ALLEGATIONS OF CORRUPTION AGAINST TRANSPORT OFFICIALS.

**113. \*Mr. G. Rangiah Naidu:** Will the Honourable the Food Member please state:

(a) whether the Central Government have taken any action to inquire into the allegations made by Sir Purshotham Dass Thakurdas, a member of the Food Grains Policy Committee, in his minute of dissent that bribery and corruption have been rampant at every stage in the existing distributive machinery, not to speak of *bukhsheesh* to transport officials;

(b) if action was taken, what the result of the enquiry is;

(c) if the allegations were proved, what punishment was given to the offenders, and who the offenders were; and

(d) if action was not taken, why not?

**The Honourable Sir Jwala Prasad Srivastava:** (a), (b), (c) and (d). Not Sir. The allegation referred to was in general terms and not susceptible of enquiry in the particular manner suggested. The subject is, however, one which has received special attention.

The Criminal Law Amendment Ordinance, 1943, was promulgated in September to provide for the more speedy trial and more effective punishment of certain offences, mainly of the nature of bribery and corruption, punishable under the Indian Penal Code. Two Special Tribunals have been set up and convictions have been secured.

Sir Purshotamdas Thakurdas's comments do not make any reference to "baksheesh to transport officials". Steps have been taken to educate the public in regard to the procedure followed for the supply of wagons at stations to traders and also to detect cases of corruption in respect of the allotment of wagons. Several convictions have been secured under Section 161 of the Indian Penal Code, and suitable punishments awarded. Wide publicity has been given to such cases.

**Mr. Lalchand Navalrai:** May I know if there is any anti-corruption agency in the Food Department working to find out bribery cases?

**The Honourable Sir Jwala Prasad Srivastava:** We have no special agency but we refer cases to the general agency.

**Mr. Lalchand Navalrai:** Why should not the Food Department have a special anti-corruption agency, just like the Railways or other Departments?

**The Honourable Sir Jwala Prasad Srivastava:** The Anti-corruption Department is a general department and any Department can make use of that agency.

**Mr. Lalchand Navalrai:** Has the Food Department ever made use of it?

**The Honourable Sir Jwala Prasad Srivastava:** I make use of it. There is no special agency in my Department.

**Dr. Sir Zia Uddin Ahmad:** With reference to part (c), what punishment was given to the offenders?

**The Honourable Sir Jwala Prasad Srivastava:** The list is a very long one. I have not got a detailed list, but here are a number of cases in which persons have been prosecuted, and if the Honourable Member is interested, I will show him the list.

**Dr. Sir Zia Uddin Ahmad:** I am more interested in the nature of punishment awarded than in the list of names.

**The Honourable Sir Jwala Prasad Srivastava:** Many cases are still pending.

**Dr. Sir Zia Uddin Ahmad:** Is the nature of the punishment awarded mentioned in the list? Is it not a fact that the punishment in some cases is investing Rs. 500,000 in war loans?

**The Honourable Sir Jwala Prasad Srivastava:** No, Sir. They have been awarded severe punishments.

**Dr. Sir Zia Uddin Ahmad:** Will the Honourable Member place on the table of the House a list of persons who were found guilty and the nature of punishment awarded to them? The question is whether sufficient punishment was awarded to the guilty. My information is that they were all let off after being asked to invest in Government war loan; and that is the reason why Government refuse to lay on the table information regarding the nature of the punishment.

**The Honourable Sir Jwala Prasad Srivastava:** I deny that. The nature of punishments awarded are always published in the newspapers, and if my Honourable friend reads newspapers he will find that very severe punishments have been awarded.

**Dr. Sir Zia Uddin Ahmad:** In the shape of contribution to war loans?

**The Honourable Sir Jwala Prasad Srivastava:** No, Sir.

**Dr. Sir Zia Uddin Ahmad:** May I know why Government refused to allow my Bill to be discussed in this House?

**The Honourable Sir Jwala Prasad Srivastava:** What Bill?

**Dr. Sir Zia Uddin Ahmad:** The Bill about anti-corruption and anti-transport which contained provisions about the kind of punishments to be imposed upon persons?

**The Honourable Sir Jwala Prasad Srivastava:** I am not aware of that.

**Dr. Sir Zia Uddin Ahmad:** I am sorry that the Honourable Member is ignorant of the Bill.

**Nawabzada Muhammad Liaquat Ali Khan:** Is acceptance of *bakhshish* an offence?

**The Honourable Sir Jwala Prasad Srivastava:** Of course, it is, by a public servant.

**Mr. G. Rangiah Naidu:** May I know how many of these offenders are transport officials?

**The Honourable Sir Jwala Prasad Srivastava:** I want notice. Quite a number were transport officials.

**Sardar Sant Singh:** Is it a fact that barbed wire fencing is put round the Food Department with a view to prevent corruption creeping into that Department?

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

#### INTRODUCTION OF WOMEN LABOUR IN COAL MINES.

114. **\*Mr. Lalchand Navalrai:** (a) Will the Honourable the Labour Member be pleased to state whether it is a fact that the Honourable Member has re-introduced women labour in coal mines?

(b) Is it a fact that women labour in coal mines in India was abolished under popular pressure?

(c) Is it a fact that Mr. Amery, Secretary of State for India, evaded the question put to him recently in the House of Commons, as to whether women labourers were paid the same wages as men, and whether they were working under ground?

(d) Does the Honourable Member propose to make a statement on the two points referred to in (c) above?

(e) Is it a fact that man labour for coal mines is available in India? If so, why is not that labour being-utilized instead of women labour?

(f) Is it a fact that the women are employed because they work harder and are satisfied with little, though their health suffers and their families are broken? If not, what are the special reasons to re-engage women instead of men?

**The Honourable Dr. B. R. Ambedkar:** (a) Women labourers are now allowed to work underground in coal mines in the Central Provinces and Berar, Bengal, Bihar and Orissa.

(b) It has been for many years the deliberate policy of the Government of India that women labour should not be allowed to be employed underground in coal mines in India. Provision to this end was made in the Indian Mines Act, 1923. In 1929 women began to be excluded from underground workings and the process was complete in 1937.

(c) I have no information.

(d) No. I made a statement on these two points in answering the adjournment motion moved by Mrs. Renuka Ray on 8th February.

(e) Women have been allowed to work underground owing to the severe shortage of male labour. As soon as there is an assured male labour force sufficient to raise the quantity of coal required by Government, Government will consider re-imposing the ban on the employment of women underground. Government are taking immediate steps to import male labour into Bengal and Bihar coalfields.

(f) No. As stated in answer to (e) women have been allowed underground in certain coalfields because sufficient men were not available.

**Mr. Lalchand Navalrai:** With reference to part (b), may I know if it is a fact that labour of women was abolished under public pressure?

**The Honourable Dr. B. R. Ambedkar:** I cannot answer that question, because I do not know.

**Mr. Lalchand Navarai:** May I know if before lifting the ban on women labour, the public was consulted or if the Government removed the ban *suo motu*?

**The Honourable Dr. B. R. Ambedkar:** The Government consulted the interests concerned.

**Mr. Lalchand Navarai:** Did they object to it?

**The Honourable Dr. B. R. Ambedkar:** No objection.

**Mr. N. M. Joshi:** With reference to part (c), does the Honourable Member say that he has no information whether women are paid equal wages with men?

**The Honourable Dr. B. R. Ambedkar:** The point of the question was whether the Secretary of State evaded the question. I said I have no information on the point. Women are paid the same wages as men.

**Mr. N. M. Joshi:** As regards equal payment of wages, is the Honourable Member aware that for men and women who work underground, wages are fixed on the basis of joint work of both? How then does he say that men and women are paid equal wages?

**The Honourable Dr. B. R. Ambedkar:** If it is brought to the attention of the Government that methods are adopted by which this rule is evaded, the Government will certainly take action in the matter.

**Mr. N. M. Joshi:** Will the Honourable Member enquire whether there is a proper method by which they can find out whether men and women miners are paid equal wages? My own information is that men and women are paid for joint work and, therefore, it is impossible to find out whether the wages are equal, because both of them get joint payment.

**The Honourable Dr. B. R. Ambedkar:** I am unable to go into that. I can assure the Honourable Member that Government are contemplating about the appointment of inspectors whose duty it will be to see that the welfare measures which have been announced by the Government are carried out.

**Mr. N. M. Joshi:** In view of the fact that trade unions both in this country as well as Great Britain are interested in this question of women working underground, will the Honourable Member publish a sort of report on the present conditions of women working underground?

**The Honourable Dr. B. R. Ambedkar:** I will consider the suggestion.

#### PRICES AT WHICH WHEAT IS PURCHASED IN THE PUNJAB AND SOLD IN BENGAL.

115. \***Sardar Mangal Singh:** (a) Will the Honourable the Food Member please state at what prices wheat is purchased from the Punjab growers and sold to the Bengal consumers?

(b) At what prices are *atta* and *maida* sold in Bengal?

(c) What is the "milling differential" fixed by Government?

(d) What are the other allowances allowed to the millers?

**The Honourable Sir Jwala Prasad Srivastava:** (a) I am not aware of the prices at which wheat has been purchased from producers in the Punjab. In the Punjab *Mandis* the average price during the last few months has varied between Rs. 10 and Rs. 11 per maund and on an average Bengal has been supplied wheat from the Punjab at about Rs. 10-10-0 a maund, excluding transport charges and cost of gunny bags. Wheat is now being sold by the Bengal Government to millers at Rs. 10-7-0 a maund.

(b) Since January 1st, the retail price of *Atta* in Calcutta has been fixed by the Bengal Government by Notification at Rs. 12-8-0 a maund, i.e., As. 0-5-0 a seer and of *Maida* at Rs. 15 a maund or As. 0-6-0 a seer. Retail prices in the districts have not been fixed by Notification, but I understand that they generally correspond with the Calcutta prices.

(c) and (d). In calculating the prices payable by and to the millers As. 6-7-0 per maund have been allowed for actual grinding costs and As. 0-3-0 per maund net profit including a margin to cover contingencies.

**Sardar Mangal Singh:** May I know if this milling differential was about Rs. 4 to 5 last year and what steps the Government of India have taken to refund that money?

**The Honourable Sir Jwala Prasad Srivastava:** That profit has not been made by the Government of India.

**Sardar Mangal Singh:** It has been made by some people, whether the European millers or the Bengal Government. Have these excess charges been taken back from whatever party made them?

**The Honourable Sir Jwala Prasad Srivastava:** The Bengal Government have been ordered to sell these products cheaper so as to make good the profits made.

**Sardar Mangal Singh:** Is it not a fact that the Calcutta millers charged Rs. 4 to 5 per maund as milling differential?

**The Honourable Sir Jwala Prasad Srivastava:** I may inform the House that I set up a committee of inquiry who have made a report and that report is still engaging our attention. I shall let the House know what action we take on it.

**Sardar Mangal Singh:** Apart from the charges for grinding and profit, what other concessions and allowances are being given to the millers?

**The Honourable Sir Jwala Prasad Srivastava:** None.

**Sardar Sant Singh:** Is the Honourable Member aware that in other places the milling charges are not more than 3 or 4 annas per maund? He said that 7 annas are being paid as grinding charges and 3 annas as profit. What does he mean by distinguishing the two? Do not these 7 annas include the profit of milling?

**The Honourable Sir Jwala Prasad Srivastava:** No, it does not; ten annas is the total charge including profit.

**Sardar Sant Singh:** Has the Honourable Member calculated the actual cost of milling?

**The Honourable Sir Jwala Prasad Srivastava:** I have just referred to the committee of inquiry and I believe they have recommended this figure of ten annas.

**Sardar Sant Singh:** Can the Honourable Member tell us what the milling charges are in the Punjab, particularly in Lyallpur, where there are so many mills?

**The Honourable Sir Jwala Prasad Srivastava:** Conditions differ.

**Sardar Sant Singh:** What are the differences in conditions?

**The Honourable Sir Jwala Prasad Srivastava:** The costs in Calcutta are higher.

**Sardar Mangal Singh:** In that case will the Government of India consider the question of purchasing *Atta* from the Punjab instead of wheat so that the cost may be reduced?

**The Honourable Sir Jwala Prasad Srivastava:** They did so to the fullest capacity last year.

**Mr. Jamnadas M. Mehta:** Is the difference in the conditions of Bengal and the Punjab the difference between the millers who are Indians in the Punjab and Europeans in Calcutta?

**The Honourable Sir Jwala Prasad Srivastava:** No, Sir; that is not the implication.

**Mr. G. Rangiah Naidu:** Are the milling charges uniform in the country in all provinces?

**The Honourable Sir Jwala Prasad Srivastava:** No, Sir; they vary from place to place.

#### PRESENT METHOD FOR PROCURING FOODGRAINS IN THE PUNJAB.

116. \***Sardar Mangal Singh:** Will the Honourable the Food Member please state:

(a) the present procurement method for foodgrains in the Punjab;

(b) whether this method has proved successful;

(c) whether it is a fact that purchasing agents for the Central Government have made large profits;

(d) whether Government contemplate to change the same for the future crop; and

(e) how Government propose to procure foodgrains from the Punjab in future?

**The Honourable Sir Jwala Prasad Srivastava:** (a) In common with the system in force throughout India, the procurement of foodgrains for the Defence Services and for deficit areas is entrusted to the Provincial Governments.

(b) Yes.

(c) No.

(d) and (e). Do not arise.

**Mr. Lalchand Nayalrai:** Has the Honourable Member got any responsibility in regard to procurement by the Provincial Governments, to see whether they are following a right policy or whether they are doing it through syndicates who are making large profits?

**The Honourable Sir Jwala Prasad Srivastava:** Yes, we supervise the procurement operations.

**Sardar Mangal Singh:** Is it a fact that the Punjab Government have suggested to the Government of India that the present arrangement for procurement of foodgrains should be changed?

**The Honourable Sir Jwala Prasad Srivastava:** Yes, that is so.

**Sardar Mangal Singh:** What suggestion have the Government of India made to the Punjab Government in this regard?

**The Honourable Sir Jwala Prasad Srivastava:** The matter is under examination and there may be a change made in the near future.

**Sardar Mangal Singh:** Is it not a fact that the Government of India have actually agreed to the change being made?

**The Honourable Sir Jwala Prasad Srivastava:** Not yet; it is in the last stages of examination.

**Sardar Mangal Singh:** Are Government aware that under the present procurement arrangements these purchasing agents have made large profits? Have Government made any inquiry into that allegation?

**The Honourable Sir Jwala Prasad Srivastava:** Yes, we have inquired from the Punjab Government and they do not say that these agents have made large profits. It is very difficult to find out.

**Dr. Sir Zia Uddin Ahmad:** The Government of India have got regional inspectors and so on. Did they make inquiries through their own agents into these allegations?

**The Honourable Sir Jwala Prasad Srivastava:** Government have always been making inquiries.

**Dr. Sir Zia Uddin Ahmad:** As a result of those inquiries are they satisfied that large profits were made? Otherwise I can supply figures.

**The Honourable Sir Jwala Prasad Srivastava:** No, they have not made these profits except perhaps in the Honourable Member's imagination.

**Dr. Sir Zia Uddin Ahmad:** I challenge the statement of the Honourable Member.

**Sardar Sant Singh:** May I know if in reply to the suggestions made by the Punjab Government the Government of India will see that the normal channels of trade are utilised for the purchase instead of permits being given to members of the Bar, members of the medical profession, and Punjab M.L.A.'s?

**The Honourable Sir Jwala Prasad Srivastava:** Government's policy is, as far as possible, to utilise the normal trade channels.

#### METHOD FOR PROCURING PULSES IN THE PUNJAB.

117. \***Sardar Mangal Singh:** Will the Honourable the Food Member please state:

(a) the procurement method for pulses in the Punjab;

(b) whether they contemplate to change it, or to continue the old method;

(c) whether it is proposed that the Central Government should take over the whole thing and issue permits to traders to move pulses from the surplus to the deficit areas; and

(d) the new method proposed?

**The Honourable Sir Jwala Prasad Srivastava:** (a) The procurement of pulses in the Punjab is left to private trade.

(b), (c) and (d). It has been decided to regulate from the forthcoming rabi season the movement of pulses from surplus to deficit areas according to a predetermined programme as is being done with regard to the other foodgrains. This procedure for procurement and despatch has not yet been decided and is under discussion with the Provincial Governments.

**Sardar Mangal Singh:** Will the Government of India themselves take this matter in hand and distribute supplies from surplus to deficit provinces, or will they leave it to the receiving provinces to make their own arrangements?

**The Honourable Sir Jwala Prasad Srivastava:** As I have already said, under the present arrangement the provinces grant the permits and I do not know how the Government of India can step into their shoes; but I will examine the suggestion.

**Sardar Mangal Singh:** At present the surplus provinces grant permits but under the new arrangement it is proposed that the receiving provinces will arrange their purchase.

**The Honourable Sir Jwala Prasad Srivastava:** Yes, in so far as pulses go into the basic plan that will be done by the Government of India.

#### METHODS FOR PROCURING FOODGRAINS FOLLOWED BY PROVINCES, ETC.

118. \***Sardar Mangal Singh:** Will the Honourable the Food Member please state:

(a) whether all the provinces and States follow the same procurement methods, and their activities and policies have been completely co-ordinated;

(b) whether the movement of foodgrains and pulses is completely under Central direction; and

(c) whether purchases for the Army are also made by the same methods or different methods, and agencies are employed for purchases for the Army?

**The Honourable Sir Jwala Prasad Srivastava:** (a) The methods are not the same but the arrangements of most Local Governments are now designed to eliminate competitive purchase.

(b) The movement of foodgrains between Provinces is directed by the Central Government's distribution plan. The movement of pulses is intended to be similarly directed from the next rabi season.

(c) Generally speaking, purchases for the Army are made by Provinces in the same way as purchases for export to deficit areas.

**Sardar Mangal Singh:** May I know whether it has been brought to the notice of the Government of India that certain Indian States are also making profit out of this arrangement? They purchase the foodgrains from the people and themselves export it.

**The Honourable Sir Jwala Prasad Srivastava:** No. I am not aware of any special case at the moment.

**Sardar Mangal Singh:** You had better wake up to the facts.

**Mr. E. L. C. Gwill:** Does not the Honourable the Food Member feel that the time is rapidly approaching when complete monopoly should be in the hands of Government for the purchase of foodgrains?

**The Honourable Sir Jwala Prasad Srivastava:** The recommendation of the Foodgrains Policy Committee lays this down as our ultimate objective, but there are difficulties of administration and as soon as we feel that the administrative machinery has been built up we shall certainly try and establish monopoly.

**Mr. Frank R. Anthony:** Is the Honourable Member aware that the procurement methods in Bengal have proved an increasing failure?

**The Honourable Sir Jwala Prasad Srivastava:** No, Sir.

#### PROFIT MADE BY CENTRAL GOVERNMENT OUT OF PURCHASES OF FOODGRAINS FROM PUNJAB.

119. \***Sardar Mangal Singh:** Will the Honourable the Food Member please state:



(a) the amount of profit made by the Government of India out of the purchases of foodgrains made from the Punjab;

(b) what amounts have been made over to the receiving provinces, and what amount has been retained by the Government of India; and

(c) how these amounts have been spent by the Governments of the receiving provinces?

**The Honourable Sir Jwala Prasad Srivastava:** (a) and (b). After a review of the preliminary accounts of the Central Government's purchase operations in the Punjab a credit of As. 0-11-0 per maund has been passed on to all the recipient governments. If the final accounts disclose any further balance that will also be passed on. The Central Government have no intention of making any profit.

(c) The recipient governments have been asked to pass the benefit of the credits received by them to the consumer by reducing suitably their sale price to the consumers in their area.

**Sardar Mangal Singh:** What was the total amount calculated at the rate of As. 0-11-0 per maund.

**The Honourable Sir Jwala Prasad Srivastava:** Sir, I have not got the figures ready with me at the moment.

**Sardar Mangal Singh:** Is it not ridiculous, Sir, that whenever the Honourable Member is asked a question in which some figures are required he says he has not got them? We asked how many people have died in Bengal, and he did not give us the figures. In regard to this question, if the Honourable Member had consulted the Honourable the Finance Member he would have told him.

**The Honourable Sir Jwala Prasad Srivastava:** Sir, I have said that the profits came to As. 0-11-0 per maund.

**Sardar Mangal Singh:** What is the total amount thus made?

(No reply was given.)

**Dr. Sir Zia Uddin Ahmad:** If the Honourable Member would refer to part (a) of the question he will find that it is clearly asked: "the amount of profit made by the Government of India out of the purchases of foodgrains made from the Punjab".

**The Honourable Sir Jwala Prasad Srivastava:** What does the Honourable Member mean? Does he want the profits made up to date, or for what period, because the amount varies from period to period?

**Sardar Mangal Singh:** In the body of the question itself I asked: Will the Honourable Member please state (a) the amount of profit made by the Government of India out of the purchases of foodgrains made from the Punjab? That is quite definite.

**The Honourable Sir Jwala Prasad Srivastava:** The answer is nil. The Government of India have, strictly speaking, made no profits and they have no intention of making any profits out of foodgrains.

**Sardar Mangal Singh:** The Honourable Member is trying to evade the question.

**Mr. President (The Honourable Sir Abdur Rahim):** He has given his answer.

**Sardar Mangal Singh:** Sir, there was no question of notice. My question was definite and pointed. The Government of India purchases wheat from . . . . .

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

#### CENTRES FOR TRAINING WAR TECHNICIANS.

**120. \*Syed Ghulam Bhik Nairang:** (a) Will the Honourable the Labour Member be pleased to lay on the table a statement mentioning the names of the centres for training war technicians, and the number of trainees permitted for each centre?

(b) How many centres have been opened in connection with:

(i) Government institutions;

(ii) Railway workshops; and

(iii) private institutions?

(c) How many of these private institutions belong to the Hindus, and how many to the Mussalmans?

(d) What is the number of trainees sanctioned for each of these categories?

**The Honourable Dr. B. R. Ambedkar:** (a) A statement is laid on the table.

(b) (i) 125 [including centres belonging to Indian States (25), Municipal Corporations (4), Municipal Committees (4), District Boards (5)]. (ii) 26. (iii) 119.

(c) and (d). The private training centres are attached to industrial concerns, technical institutions, etc., and in many cases are managed by limited companies, Board of Trustees, etc. In such cases it is not possible to say without detailed inquiries whether they are predominantly Hindu or Muslim owned. There are seven training centres with 763 seats, which are clearly owned by Muslims, and 27 centres with 5184 seats which are clearly owned by Hindus.

#### PART I.

List of Training Centres under the Technical Training Scheme and the number of seats sanctioned at each centre.

Centres attached to Government institutions and workshops (including quasi Government institutions and institutions owned by Indian States.)

| S. No. | Name.                                                            | No. of seats sanctioned. |
|--------|------------------------------------------------------------------|--------------------------|
| (1)    | (2)                                                              | (3)                      |
|        | <i>Ajmer-Merwara.</i>                                            |                          |
| 1.     | Technical Training Centre, Ajmer                                 | 176                      |
|        | <i>Assam.</i>                                                    |                          |
| 2.     | P. W. D. Workshop, Shillong                                      | 7                        |
| 3.     | Surma Valley Technical School, Sylhet                            | 178                      |
| 4.     | Technical Training Centre, Shillong                              | 125                      |
|        | <i>Bengal.</i>                                                   |                          |
| 5.     | Ahsanullah School of Engineering, Dacca                          | 503                      |
| 6.     | B. G. Technical School, Rangpur                                  | 73                       |
| 7.     | Bengal Engineering College, Sibpur                               | 368                      |
| 8.     | Calcutta Port Commissioner's Workshop, Calcutta                  | 12                       |
| 9.     | Calcutta Engineering College, Ballygunge                         | 614                      |
| 10.    | Calcutta Training Centre, Calcutta                               | 226                      |
| 11.    | E. B. Technical School, Patna                                    | 138                      |
| 12.    | Edward Industrial School, Bogra                                  | 56                       |
| 13.    | K. K. Technical School, Mymensingh                               | 156                      |
| 14.    | Maharajadhiraj Bahadur Sir Bijoychand, Technical School, Burdwan | 56                       |
| 15.    | Moberly Technical School, Hoogly                                 | 116                      |
|        | <i>Bihar.</i>                                                    |                          |
| 16.    | Bihar College of Engineering, Patna                              | 830                      |
| 17.    | Cottage Industries, Gulzarbagh, Patna                            | 50                       |
| 18.    | District Board, Gaya                                             | 8                        |
| 19.    | Indian School of Mines, Dhanbad                                  | 38                       |
| 20.    | P. W. D. Workshop, Dehri-on-Sone                                 | 161                      |
| 21.    | Ranchi Technical Institute, Ranchi                               | 34                       |
|        | <i>Bombay.</i>                                                   |                          |
| 22.    | Bombay Technical Training Centre, Kalyan                         | 1,032                    |
| 23.    | Engineering College, Poona                                       | 164                      |
| 24.    | Municipal Technical School, Sholapur                             | 142                      |
| 25.    | R. C. Technical Institute, Ahmedabad                             | 144                      |
| 26.    | Victoria Jubilee Technical Institute, Bombay                     | 278                      |
| 27.    | F. S. Parekh Technical Institute, Surat                          | 70                       |
|        | <i>C. P. and Berar.</i>                                          |                          |
| 28.    | Government Engineer School, Nagpur                               | 704                      |
| 29.    | Government School of Handicraft, Akola                           | 172                      |
| 30.    | Government School of Handicraft, Nagpur                          | 91                       |
| 31.    | Municipal Industrial School, Khandwa                             | 32                       |
|        | <i>Coorg.</i>                                                    |                          |
| 32.    | P. W. D., Virajpet, Coorg                                        | 2                        |
| 33.    | P. W. D., Mercara, Coorg                                         | 8                        |

| S. No.                     | Names.                                                         | No. of<br>seats<br>sanctioned |
|----------------------------|----------------------------------------------------------------|-------------------------------|
| (1)                        | (2)                                                            | (3)                           |
| <i>Delhi.</i>              |                                                                |                               |
| 34.                        | C. P. W. D. Delhi                                              | 150                           |
| 35.                        | Delhi Polytechnic, Delhi                                       | 1,350                         |
| 36.                        | Karolbagh Training Centre, Delhi                               | 200                           |
| <i>Madras.</i>             |                                                                |                               |
| 37.                        | Corporation of Madras Water Works, Sub-Division                | 16                            |
| 38.                        | College of Engineering, Guindy                                 | 242                           |
| 39.                        | District Board Industrial School, Tanjore                      | 48                            |
| 40.                        | Government Electricity Department Workshop, Mettur Dam         | 44                            |
| 41.                        | Government Industrial Engineer Workshops, Washermanpet, Madras | 136                           |
| 42.                        | Government Industrial School, Bellary                          | 48                            |
| 43.                        | Government Industrial School, Calicut                          | 102                           |
| 44.                        | Government Industrial School, Madras                           | 286                           |
| 45.                        | Government School of Technology, Madras                        | 185                           |
| 46.                        | Government Trades School, Mangalore                            | 197                           |
| 47.                        | Government Victoria College, Palghat                           | 128                           |
| 48.                        | Instrument Mechanics Training Centre, Hindupur                 | 850                           |
| 49.                        | Madras Corporation Electrical Workshops, Madras                | 85                            |
| 50.                        | Madras Corporation General Workshops, Madras                   | 66                            |
| 51.                        | Municipal Workshop, Madras                                     | 72                            |
| 52.                        | Madras Training Centre, Anantapur                              | 512                           |
| 53.                        | P. W. D. Workshops, Bezvada                                    | 54                            |
| 54.                        | P. W. D. Workshops, Dowlaishwaram                              | 39                            |
| 55.                        | Southern Aviation Circle, Madras                               | 124                           |
| 56.                        | Corporation Electric Workshop, Madras                          | 85                            |
| <i>N.-W. F. Provinces.</i> |                                                                |                               |
| 57.                        | Cunningham Technical Institute, Haripur                        | 108                           |
| 58.                        | Government Industrial School, Peshawar                         | 502                           |
| <i>Orissa.</i>             |                                                                |                               |
| 59.                        | Orissa School of Engineering, Cuttack                          | 828                           |
| 60.                        | P. W. D. Workshop, Jobra, Cuttack                              | 96                            |
| 61.                        | Textile Refitters Training Class, Cuttack                      | 150                           |
| <i>Punjab.</i>             |                                                                |                               |
| 62.                        | Cowan Sarai, Gurgaon                                           | 76                            |
| 63.                        | Craik Technical Institute, Lahore                              | 294                           |
| 64.                        | Central Model School, Lahore                                   | 100                           |
| 65.                        | Government High School, Jullundur                              | 100                           |
| 66.                        | Government High School, Multan                                 | 100                           |
| 67.                        | Government High School, Amritsar                               | 100                           |
| 68.                        | Government High School, Sialkot                                | 100                           |
| 69.                        | Government Intermediate College, Dharmasala                    | 100                           |
| 70.                        | Government Industrial School, Ferozepore City                  | 217                           |
| 71.                        | Government Industrial School, Gujranwala                       | 60                            |
| 72.                        | Government Industrial School, Hoshiarpur                       | 84                            |
| 73.                        | Government Industrial School, Jhelum                           | 40                            |
| 74.                        | Government Industrial School, Kasur                            | 72                            |
| 75.                        | Government Industrial School, Ludhiana                         | 80                            |
| 76.                        | Government Industrial School, Multan                           | 92                            |
| 77.                        | Government Industrial School, Rawalpindi                       | 200                           |
| 78.                        | Government Industrial School, Rohtak                           | 160                           |
| 79.                        | Government Industrial School, Lyallpur                         | 40                            |
| 80.                        | Government Metal Works Institute, Ambala City                  | 259                           |
| 81.                        | Government Metal Works Institute, Sialkot                      | 173                           |
| 82.                        | Government School of Engineering, Rasul                        | 130                           |
| 83.                        | Government Wood Working Institute, Jullundur                   | 122                           |
| 84.                        | Mayo School of Arts, Lahore                                    | 76                            |
| 85.                        | Punjab College of Engineering & Technology, Lahore             | 280                           |
| 86.                        | Victoria Diamond Jubilee Hindu Technical Institute, Lahore     | 112                           |
| <i>United Provinces.</i>   |                                                                |                               |
| 87.                        | Allahabad Technical Training Centre, Allahabad                 | 188                           |
| 88.                        | Central Workshop Industrial School, Cawnpore                   | 128                           |
| 89.                        | Imperial Institute of Sugar Technology, Cawnpore               | 44                            |
| 90.                        | Forest Research Institute, Dehra Dun                           | 64                            |
| 91.                        | Government Carpentry School, Allahabad                         | 120                           |
| 92.                        | Government Metal Working School, Aligarh                       | 100                           |
| 93.                        | Government School of Agriculture, Bulandshahr                  | 80                            |

## STARRED QUESTIONS AND ANSWERS

| S. No.                                                                           | Names.                                                                   | No. of<br>seats<br>sanctioned |
|----------------------------------------------------------------------------------|--------------------------------------------------------------------------|-------------------------------|
| (1)                                                                              | (2)                                                                      | (3)                           |
| 94.                                                                              | Government Technical Institute, Gorakhpur                                | 90                            |
| 95.                                                                              | Government Technical Institute, Lucknow                                  | 402                           |
| 96.                                                                              | P. W. D., U. P., Mirzapur                                                | 100                           |
| 97.                                                                              | Thomason Civil Engineering College, Roorkee                              | 60                            |
| 98.                                                                              | U. P. Institute of Commerce, Allahabad                                   | 30                            |
| 99.                                                                              | Water Works, Benares                                                     | 10                            |
| 100.                                                                             | Central Wood Working Institute, Bareilly                                 | 236                           |
| <i>STATES.</i>                                                                   |                                                                          |                               |
| <i>Baroda.</i>                                                                   |                                                                          |                               |
| 101.                                                                             | Kala Bhavan Technical Institute, Baroda                                  | 266                           |
| <i>Bikaner.</i>                                                                  |                                                                          |                               |
| 102.                                                                             | Electrical and Mechanical Department Workshop, Bikaner                   | 71                            |
| <i>Cochin.</i>                                                                   |                                                                          |                               |
| 103.                                                                             | Cochin Harbour Workshops, Willingdon                                     | 68                            |
| 104.                                                                             | Government Trades School, Trichur                                        | 274                           |
| 105.                                                                             | Maharaja's College, Ernakulam                                            | 36                            |
| 106.                                                                             | Shunmugham Power House, Trichur                                          | 64                            |
| <i>Gwalior.</i>                                                                  |                                                                          |                               |
| 107.                                                                             | Central Technical Institute, Lashkar                                     | 190                           |
| <i>Hyderabad.</i>                                                                |                                                                          |                               |
| 108.                                                                             | Hyderabad Technical Training Centre (A)                                  | 342                           |
| 109.                                                                             | Hyderabad Technical Training Centre (B)                                  | 336                           |
| <i>Jaipur.</i>                                                                   |                                                                          |                               |
| 110.                                                                             | Jaipur State Training Centres                                            | 360                           |
| <i>Khairpur.</i>                                                                 |                                                                          |                               |
| 111.                                                                             | Sir Ali Murad Technical Institute, Khairpur-Mirs                         | 128                           |
| 112.                                                                             | 'V' Institute of Commerce attached to the Naz High School, Khairpur-Mirs | 72                            |
| <i>Kolhapur.</i>                                                                 |                                                                          |                               |
| 113.                                                                             | O' Brien Technical Institute, Kolhapur                                   | 206                           |
| <i>Mandi.</i>                                                                    |                                                                          |                               |
| 114.                                                                             | Silver Jubilee Technical Institute, Mandi                                | 84                            |
| <i>Mysore.</i>                                                                   |                                                                          |                               |
| 115.                                                                             | Central Industrial Workshop, Bangalore City                              | 48                            |
| 116.                                                                             | Engineering College, Bangalore                                           | 216                           |
| 117.                                                                             | Mysore Iron and Steel Works, Bhadravati, Mysore                          | 52                            |
| 118.                                                                             | Indian Institute of Science, Bangalore                                   | 147                           |
| <i>Pudukkottai.</i>                                                              |                                                                          |                               |
| 119.                                                                             | H. H. The Raja's College, Pudukkottai                                    | 48                            |
| 120.                                                                             | P. W. D. Workshop, Pudukkottai                                           | 60                            |
| <i>Rewa.</i>                                                                     |                                                                          |                               |
| 121.                                                                             | Commercial College, Rewa                                                 | 30                            |
| 122.                                                                             | State Power House and Motor Garage, Rewa, Bundhelkhand                   | 28                            |
| <i>Sandur.</i>                                                                   |                                                                          |                               |
| 123.                                                                             | Ramgad Training Centre, Ramgad                                           | 256                           |
| <i>Travancore.</i>                                                               |                                                                          |                               |
| 124.                                                                             | College of Engineering, Trivandrum                                       | 269                           |
| 125.                                                                             | Institute of Textile Technology, Trivandrum                              | 70                            |
| <i>PART II.</i>                                                                  |                                                                          |                               |
| <i>Centres attached to Railway Workshop (State-managed and Company managed).</i> |                                                                          |                               |
| <i>Bengal.</i>                                                                   |                                                                          |                               |
| 1.                                                                               | B. & A. Railway Workshop, Saidpur                                        | 122                           |
| 2.                                                                               | Bengal Nagpur Railway Workshop, Kharagpur                                | 399                           |
| 3.                                                                               | Darjeeling Himalayan Railway, Tindharia                                  | 19                            |
| 4.                                                                               | E. I. Railway Workshop, Lilloah                                          | 100                           |
| 5.                                                                               | India General Navigation and Railway Co., Ltd., Calcutta                 | 74                            |
| 6.                                                                               | I. G. N. Co., Ltd., Sonachara Workshops, Narayangunge                    | 31                            |

| S. No.                   | Names.                                                   | No. of<br>seats<br>sanctioned. |
|--------------------------|----------------------------------------------------------|--------------------------------|
| (1)                      | (2)                                                      | (3)                            |
| 7.                       | Kancharapara Railway Workshop (E. B. Rly.), Kancharapara | 440                            |
| 8.                       | E. I. Railway Workshop, Jamalpur (Bihar)                 | 130                            |
| 9.                       | Barsi Light Railway, Kurduwadi (Bombay)                  | 52                             |
| 10.                      | B., B. and C. I. Railway Workshop, Parel                 | 59                             |
| 11.                      | G. I. P. Railway Workshop, Matunga                       | 82                             |
| 12.                      | G. I. P. Railway Workshop, Parel                         | 208                            |
| 13.                      | G. I. P. Railway Workshop, Head Office, Parel            | 25                             |
| 14.                      | Hubli Mechanical Workshop, M. and S. M. Railway, Hubli   | 141                            |
| <i>Madras.</i>           |                                                          |                                |
| 15.                      | M. and S. M. Railway, Madras (Parambur and Arkonam)      | 312                            |
| 16.                      | S. I. Railway Workshop, Trichy                           | 109                            |
| <i>Punjab.</i>           |                                                          |                                |
| 17.                      | N. W. Railway Bridge Workshop, Jhelum                    | 158                            |
| 18.                      | N. W. Railway Workshop, Moghalpura, Lahore               | 2,550                          |
| <i>United Provinces.</i> |                                                          |                                |
| 19.                      | E. I. Railway Workshop, Charbagh                         | 67                             |
| 20.                      | E. I. Railway Workshop, Alambagh                         | 73                             |
| 21.                      | G. I. P. Railway Workshop, Jhansi                        | 48                             |
| 22.                      | O. and T. Railway Workshop, Gorakhpur                    | 60                             |
| <i>Bikaner.</i>          |                                                          |                                |
| 23.                      | Bikaner State Railway Workshop, Bikaner                  | 312                            |
| <i>Jodhpur.</i>          |                                                          |                                |
| 24.                      | Jodhpur Railway Workshop, Jodhpur                        | 208                            |
| <i>Mysore.</i>           |                                                          |                                |
| 25.                      | Mysore State Railway Workshops, Mysore                   | 121                            |
| <i>Udaipur.</i>          |                                                          |                                |
| 26.                      | Mewar State Railway Workshop, Udaipur                    | 97                             |

## PART III.

## Centres attached to Private institutions.

| S. No.         | Names.                                                                 | No. of<br>seats<br>sanctioned. |
|----------------|------------------------------------------------------------------------|--------------------------------|
| (1)            | (2)                                                                    | (3)                            |
| <i>Bengal.</i> |                                                                        |                                |
| 1.             | B. P. Chaudhri Technical School, Krishnagar                            | 81                             |
| 2.             | Bengal Paper Mill, Ranergunge                                          | 76                             |
| 3.             | Calcutta Tramway Co., Calcutta                                         | 94                             |
| 4.             | City College, Calcutta                                                 | 100                            |
| 5.             | Clive Jute Mills, Calcutta                                             | 51                             |
| 6.             | College of Engineering and Technology, Bengal, P. O. Jadhavpur College | 103                            |
| 7.             | D. J. Industrial School, Rajshahi                                      | 60                             |
| 8.             | Darjeeling Engineering Works, Tung.                                    | 15                             |
| 9.             | Don Bosco Technical School, Krishnagar                                 | 94                             |
| 10.            | Downtown Tyre Service, Calcutta                                        | 6                              |
| 11.            | Faridpur Mission Industrial School, Faridpur                           | 330                            |
| 12.            | George Telegraph Training Institute, Calcutta                          | 290                            |
| 13.            | Institute of Engineering Technology, Calcutta                          | 42                             |
| 14.            | International Tyres & Motors Ltd., Calcutta                            | 12                             |
| 15.            | Ramakrishna Mission Sarda Pitha, Belur Math, Howrah                    | 220                            |
| 16.            | Vishnupur Technical School, Vishnupur                                  | 364                            |
| 17.            | Y. M. C. A. Institute (College Street Branch), Calcutta                | 200                            |
| <i>Bihar.</i>  |                                                                        |                                |
| 18.            | Arthur Butler & Co., Ltd., Muzaffarpur                                 | 281                            |
| 19.            | Bettiah Electric Power House, Bettiah, Bihar                           | 12                             |
| 20.            | Bhartiya Engineering Works, Sahibganj                                  | 212                            |
| 21.            | Chapra Electric Supply Works Ltd., Chapra                              | 6                              |
| 22.            | Dutt & Co., Sanitary Engineers, Patna                                  | 8                              |
| 23.            | Gaya Electric Supply Co., Gaya                                         | 12                             |

| S. No.                    | Names.                                                                       | No. of<br>seats<br>sanctioned. |
|---------------------------|------------------------------------------------------------------------------|--------------------------------|
| (1)                       | (2)                                                                          | (3)                            |
| 24.                       | Government Aided Commercial Institute, Patna                                 | 50                             |
| 25.                       | Jamshedpur Technical Institute, Jamshedpur                                   | 240                            |
| 26.                       | Muzaffarpur Electric Supply Co., Ltd., Muzaffarpur                           | 12                             |
| 27.                       | Saran Engineering Co., Ltd., Marhowrah                                       | 80                             |
| 28.                       | South Bihar Sugar Mills Bihata, District Patna                               | 48                             |
| 29.                       | Tirhut Technical Institute, Muzaffarpur                                      | 281                            |
| 30.                       | Vishwakarma Industrial Institute, Patna                                      | 20                             |
| 31.                       | Government Aided Imperial Institute of Commerce, Patna                       | 50                             |
| 32.                       | Government Aided Royal Institute of Commerce, Patna                          | 25                             |
| <i>Bombay.</i>            |                                                                              |                                |
| 33.                       | Abdullah Fazalbhoy Technical Institute, St. Xavier College, Bombay           | 130                            |
| 34.                       | Bombay Electric Supply and Tramway Co., Ltd., Bombay                         | 50                             |
| 35.                       | International Tyre Service, Bombay                                           | 10                             |
| 36.                       | King Edward VII Technical School, Dhulia                                     | 232                            |
| 37.                       | Mohd. Haji Sabu Siddik Institution, Bombay                                   | 55                             |
| 38.                       | Nowrojee Wadia College Workshop, Poona                                       | 249                            |
| 39.                       | Pandharpur Electric Supply Co., Pandharpur                                   | 100                            |
| 40.                       | Radio Electric Institute, Bombay                                             | 160                            |
| 41.                       | School of Industry, Ratnagiri                                                | 83                             |
| 42.                       | Tamhanker's Wiremen Class, Ahmednagar                                        | 144                            |
| <i>C. P. &amp; Berar.</i> |                                                                              |                                |
| 43.                       | American Evangelical Mission Carpentry School, Raipur                        | 32                             |
| 44.                       | Berar Victoria Memorial Technical Institute, Amraoti                         | 81                             |
| 45.                       | Chandametta Workshop of Messrs. The Pench Valley Coal Co., Parasia           | 55                             |
| 46.                       | Robertson Industrial School, Jubbulpore                                      | 64                             |
| 47.                       | Savatram Rampershad Spinning and Weaving Mills, Akola                        | 80                             |
| 48.                       | Vidharbha Mills, Berar, Ltd., Ellichpur                                      | 56                             |
| <i>Delhi.</i>             |                                                                              |                                |
| 49.                       | Anglo-Arabic College Technical Institute, Delhi                              | 150                            |
| 50.                       | Delhi Cloth Mills, Delhi                                                     | 120                            |
| 51.                       | Delhi Electric Supply and Traction Co., Ltd., Delhi                          | 260                            |
| 52.                       | Indian Technical Institute, New Delhi                                        | 60                             |
| <i>Madras.</i>            |                                                                              |                                |
| 53.                       | A. G. Technological Institute, Vuyyuru                                       | 402                            |
| 54.                       | Andhra Type Office, Bezwada                                                  | 100                            |
| 55.                       | B. A. Naidu's Training Centre, Tiruttani, District Chittoor                  | 160                            |
| 56.                       | Coimbatore Spinning and Weaving Co., Ltd., Coimbatore                        | 64                             |
| 57.                       | Common Wealth Engineering Works, Mangalore                                   | 44                             |
| 58.                       | Cannon, Dunkerley and Co., Madras                                            | 10                             |
| 59.                       | Indian Industries and Commerce, Ltd., Beehive Foundry, Madras                | 48                             |
| 60.                       | Indian Steel Rolling Mills, Ltd., Negapatam                                  | 64                             |
| 61.                       | Industrial Engineers and Merchants, Ltd. (Steel Rolling Mills), Bezwada      | 64                             |
| 62.                       | Madangopal Copper Works, Shiyali District Tanjore                            | 100                            |
| 63.                       | National Industrial School, Rajahmundry                                      | 48                             |
| 64.                       | National Motor works, Coimbatore                                             | 68                             |
| 65.                       | National Motor Works, Banerjipet, Elore                                      | 96                             |
| 66.                       | P. Orr and Sons, Ltd., Madras                                                | 600                            |
| 67.                       | P. S. G. and Sons Charity Industrial Institute, Peelamedu, Coimbatore        | 337                            |
| 68.                       | P. T. Lee Chengalvaraya Naicker's Technical and Industrial Institute, Madras | 278                            |
| 69.                       | P. V. Krishnaya Chaudhry Training Centre, Guntur                             | 816                            |
| 70.                       | Pasumalai Trades School, Pasumalai                                           | 48                             |
| 71.                       | Pioneer Gas Producer Works, Bezwada                                          | 170                            |
| 72.                       | Radhakrishna Mills, Ltd., Peelamedu, Coimbatore                              | 76                             |
| 73.                       | Ramakrishna Industrial School, Nidubrolu                                     | 96                             |
| 74.                       | Ramakrishna Mission Industrial School, Mylapore, Madras                      | 303                            |
| 75.                       | Rao Bahadur Gulapudi Technical Training Centre, Bezwada                      | 164                            |
| 76.                       | Sri D. Chandrappa Naidu's Training Centre, Rajampet District Cuddapah        | 96                             |
| 77.                       | Sree Durga Foundry, Madras                                                   | 96                             |
| 78.                       | Standard Construction Co., Ltd., Bezwada                                     | 64                             |
| 79.                       | South Madras Electric Supply Corporation, Ltd., Trichinopoly                 | 100                            |
| 80.                       | St. Aloysius Engineering Works and Industrial School, Vizagapatam            | 112                            |
| 81.                       | St. Antony's Engineering Works, Coimbatore                                   | 76                             |
| 82.                       | St. Joseph Asylum Industrial Works, Mangalore                                | 102                            |
| 83.                       | St. Joseph's Industrial School, Coimbatore                                   | 78                             |

| S. No.                   | Names.                                                    | No. of seats sanctioned. |
|--------------------------|-----------------------------------------------------------|--------------------------|
| (1)                      | (2)                                                       | (3)                      |
| 84.                      | Sri T. S. V. Rama Rao's Training Centre, Bewada           | 64                       |
| 85.                      | St. Joseph's Industrial School, Trichinopoly              | 118                      |
| 86.                      | St. Mary's Industrial School, Kumbakonam                  | 144                      |
| 87.                      | St. Vincent's Industrial School, Calicut                  | 180                      |
| 88.                      | St. Xavier's Industrial School, Tanjore                   | 64                       |
| 89.                      | Tiffin and Co., Cuddapah                                  | 80                       |
| 90.                      | United Lutheran Church Mission Industrial School, Guntur  | 60                       |
| 91.                      | United Motors (Coimbatore) Ltd., Coimbatore               | 108                      |
| <i>Orissa.</i>           |                                                           |                          |
| 92.                      | Jeypore Sugar Co., Ltd., Rayaghada                        | 32                       |
| <i>Punjab.</i>           |                                                           |                          |
| 93.                      | Nanda Fitters Training School, Rawalpindi                 | 64                       |
| 94.                      | School for Electricians, Ludhiana                         | 40                       |
| 95.                      | Y. M. C. A., Lahore                                       | 120                      |
| <i>Sind.</i>             |                                                           |                          |
| 96.                      | Indian Civil Engineering Institute, Sukkur                | 48                       |
| 97.                      | Jamia Islamia Institute, Karachi                          | 112                      |
| 98.                      | N. E. D. Engineering College, Karachi                     | 361                      |
| 99.                      | Victoria Jubilee Technical Institute, Sukkur              | 208                      |
| <i>United Provinces.</i> |                                                           |                          |
| 100.                     | Benares Hindu University Engineering College, Benares     | 373                      |
| 101.                     | Christian College, Lucknow                                | 50                       |
| 102.                     | Gurnarain Trust Technical and Industrial School, Manikpur | 80                       |
| 103.                     | Kiln Mill, Bisaitpur, Cawnpore                            | 40                       |
| 104.                     | Mirzapur Electric Supply Co., Ltd., Mirzapur              | 12                       |
| 105.                     | Muslim University Engineering College, Aligarh            | 180                      |
| 106.                     | Shia Intermediate College, Lucknow                        | 36                       |
| 107.                     | Technical College, Dayalbagh (Agra)                       | 100                      |
| 108.                     | Wesley Technical School, Benares                          | 60                       |
| 109.                     | Technical Institute, Kurwar                               | 56                       |
| <i>STATES.</i>           |                                                           |                          |
| <i>Cochin.</i>           |                                                           |                          |
| 110.                     | Brunton and Co., Ltd., Cochin                             | 70                       |
| 111.                     | Tata Oil Mills Co., Ltd., Ernakulam                       | 54                       |
| <i>Indore.</i>           |                                                           |                          |
| 112.                     | Bhandari Metal and Industrial Works, Indore               | 67                       |
| 113.                     | Indore Malwa United Mills Ltd., Indore                    | 30                       |
| 114.                     | Rasulpura Vocational School, M. C. C. Mission, Mhow       | 184                      |
| <i>Jaipur.</i>           |                                                           |                          |
| 115.                     | Birla College, Pilani                                     | 250                      |
| <i>Mysore.</i>           |                                                           |                          |
| 116.                     | Union and Co., Bangalore                                  | 140                      |
| <i>Travancore.</i>       |                                                           |                          |
| 117.                     | Pioneer Motor Service, Nagercoil                          | 240                      |
| 118.                     | Industrial and Agricultural School, Sangli                | 20                       |

**Dr. Sir Zia Uddin Ahmad:** What is the answer to part (d) of the question?

**The Honourable Dr. B. R. Ambedkar:** I said that there are altogether seven training centres with 763 seats which are clearly owned by Muslims and 27 centres with 5184 seats which are clearly owned by Hindus.

**Dr. Sir Zia Uddin Ahmad:** Is the Honourable Member sure of these figures?  
(No answer was given.)

**Mr. Jamnadas M. Mehta:** I did not quite understand the meaning of the word 'owned'.

**The Honourable Dr. B. R. Ambedkar:** Managed institutions; owned also.

**Mr. Jamnadas M. Mehta:** Does it mean that they are proprietary?

**The Honourable Dr. B. R. Ambedkar:** Yes.

# STARRED QUESTIONS AND ANSWERS DEPUTY DIRECTORS, SENIOR REGIONAL INSPECTORS, REGIONAL INSPECTORS AND TECHNICAL INSPECTORS.

**121. \*Syed Ghulam Bhik Nairang:** (a) Will the Honourable the Labour Member be pleased to state the number of Deputy Directors, Senior Regional Inspectors, Regional Inspectors and Technical Inspectors?

(b) How many of these are Mussalmans?

**The Honourable Dr. B. R. Ambedkar:** (a) The numbers are as follows:

|                                                   |    |
|---------------------------------------------------|----|
| Deputy Directors of Training.                     | 2  |
| Senior Regional Inspectors, of Technical Training | 7  |
| Regional Inspector of Technical Training          | 15 |
| Technical Inspectors                              | 8  |

The fifteen Regional Inspectors include seven, who are part-time and four who are honorary officers. The 8 Technical Inspectors include three part-time officers.

(b) None.

**Dr. Sir Zia Uddin Ahmad:** None of these are Muslims?

**The Honourable Dr. B. R. Ambedkar:** I said so.

## BEVIN BOYS SENT TO ENGLAND FOR TRAINING.

**122. \*Syed Ghulam Bhik Nairang:** (a) Will the Honourable the Labour Member please state how many Bevin Boys have already been sent to England for training?

(b) How many of these are Mussalmans?

**The Honourable Dr. B. R. Ambedkar:** (a) 568.

(b) 110.

## CHAIRMEN OF NATIONAL SERVICE LABOUR TRIBUNALS.

**123. \*Syed Ghulam Bhik Nairang:** (a) Will the Honourable the Labour Member please state the total number of Chairmen of National Service Labour Tribunals?

(b) How many of these are Mussalmans?

**The Honourable Dr. B. R. Ambedkar:** (a) Ten of these four are whole-time Chairmen; and the remaining six are part-time Chairmen who hold other whole-time appointments either under the Central or the Provincial Government.

(b) One.

## RE-PUBLICATION OF THE *Riyasat*.

**124. \*Sardar Sant Singh:** (a) Will the Honourable Member for Industries and Civil Supplies please refer to the answer given on the 9th March, 1943, to my starred question No. 270, and state if he is aware that after the undertaking given by him to the House that there was nothing to prevent the publishers from restarting the paper, provided he deposited the required security, the Special Press Adviser, Delhi, after the necessary security of Rs. 2,500 had been deposited on the 25th October, 1943, refused permission on the 30th December, 1943, to restart the Urdu weekly *Riyasat* of Delhi on the ground that the paper did not appear regularly during the period immediately before the 7th November, 1942, when the paper control order came into force?

(b) If the answer to (a) be in the affirmative, is it a fact that the paper has been appearing regularly since 1924 till the 25th September, 1942, on which date the security of Rs. 1,000 was confiscated and on which account the publication had to be ceased till a fresh declaration was accepted? If so, is it a fact that the publisher and the printer made an application on the 22nd October, 1942 to the District Magistrate, Delhi, for sanction to file a fresh declaration and to fix the amount of security? If so, was any reply given to the applicant? If not, is it a fact that in spite of several reminders for a reply, no reply was given till the 22nd January, 1943, on which date the District Magistrate demanded a security of Rs. 2,500?

(c) If the above dates are correct, will the Honourable Member please state whether the non-publication of the paper *Riyasat* immediately before the 7th November, 1942, the date of the enforcement of the paper control order, was

due to the fault of the district authorities of Delhi? How do Government justify such an order?

(d) Does the Honourable Member propose to issue instructions to the Delhi Authorities to grant permission to restart the paper?

**The Honourable Sir M. Azizul Huque:** (a) The Honourable Member is apparently referring to the answer given by the Honourable Home Member to part (e) of his question No. 270 on the 9th March, 1943. This answer merely stated the legal position as it was then. Since then the amendment to the Paper Control Order, 1942, issued on the 10th July, 1943, prohibits the publication of any newspaper which was not being regularly published during the period immediately preceding the 7th November, 1942, without the special permission of the Central Government.

(b) Government of India have no information as to the period during which the newspaper was appearing regularly before it suspended publication in September 1942.

Application was made to the District Magistrate, Delhi on behalf of the newspaper for sanction to file a fresh declaration on the date mentioned in the answer given on the 9th March, 1943, to parts (c) and (d) of the Honourable Member's question No. 270. A reply to the application was given by the District Magistrate, Delhi on the 22nd January, 1943. No reminders or other communications from the Publisher appear to have been received in the District Magistrate's office during the intervening period.

(c) There was nothing to prevent the newspaper from commencing publication immediately after the 22nd January, 1943, but before the 10th July, 1943, when the Paper Control Order was amended.

(d) The case will be re-examined but I cannot give any undertaking at this stage.

**Sardar Sant Singh:** May I take it that there is no co-ordination between the different Departments of the Government of India because when the Home Member gives an unqualified assurance on the floor of this House the other Departments violate it?

**The Honourable Sir M. Azizul Huque:** I think my Honourable friend has totally misunderstood the position. When the question was answered by the Home Member the position was different. Thereafter a new Control Order was issued which was applicable not only to this paper but to other papers in India also and there was certainly no lack of co-ordination as is suggested by the Honourable Member.

**Sardar Sant Singh:** May I know if it is a fact that for want of acceptance of declaration a paper is forced to suspend publication? Is it called non-publication before that particular order is promulgated by the Government of India?

**The Honourable Sir M. Azizul Huque:** I am afraid I cannot enter into this dialectical discussion.

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

## RAILWAY BUDGET FOR 1944-45.

**The Honourable Sir Edward Benthall** (Member for Railways and War Transport): Sir, I have the honour to present the Railway Budget for 1944-45. In doing so, I shall disclose to the House a picture of rising receipts and growing expenditure combined with an ever increasing strain upon the railways. It will be my endeavour to show not only what the railways are doing to meet the insistent pressure of war time demands but also to delve into the future and try to envisage where we shall stand when the war is over. I will, however, deal first with the past and the present.

### Accounts for 1942-43.

2. When presenting the current year's budget I estimated that the year 1942-43 would end with a surplus of 36.28 crores, which after paying 20.18 crores to General Revenues and discharging in full the outstanding loan of 16.08 crores from the Depreciation Fund would leave 7 lakhs for transfer to

## RAILWAY BUDGET

Railway Reserve. Our receipts in the last quarter of the year, however, reached a new high level. The gross receipts for the year were accordingly 6.23 crores above our revised estimate. Our ordinary working expenses were, however, 2.29 crores less, while payments to worked lines were 4 lakhs more. Our net miscellaneous receipts were 17 lakhs more and interest charges 18 lakhs less. In the net result the surplus was 45.07 crores, 8.79 crores more than our revised estimate. This additional sum has been transferred to the Railway Reserve, which at the end of 1942-43 stood at 9.35 crores against our revised estimate of 56 lakhs.

### Revised estimate for 1943-44.

3. Not only has the revised estimate of the surplus of 1942-43 been exceeded, but the budget estimate of the surplus for 1943-44 is also likely to be greatly exceeded. Last February the estimate of gross traffic receipts for the year was placed at 150 crores. Owing to a continuance of the high level of earnings the present estimate is 178.5 crores. The original estimate of gross working expenses of 88.14 crores has, however, now swollen to 108.58 crores and our interest charges are also 86 lakhs more than our budget while our net miscellaneous receipts show an improvement of 53 lakhs. The net result is a surplus of 43.77 crores against our original estimate of 36.04 crores. Passenger earnings for this year are expected to be 15.31 crores more than our budget. Under goods earnings we expect an increase of 8½ crores over the budget of which 4 crores are due to military traffic other than traffic carried in military specials. Heavier parcels traffic and increase in military specials are responsible for an increase of 3½ crores under "other coaching earnings". Our working expenses also show an increase which is 24.32 crores over last year and 20.44 crores over the budget. Ordinary working expenses exceed the budget estimate by over 16 crores, of which dearness allowance accounts for 196 lakhs, coal for 186 lakhs, grain shops for 7 crores, the loss under which we now expect to be 10 crores against our budget provision of 3 crores and Defence of India Units for 87 lakhs. We also expect to spend over a crore more on additional staff and in providing temporary quarters for them and over a crore on repairs of which 25 lakhs are for repairs to flood damage. Owing to improvement in earnings our payments to worked lines will exceed the budget provision by 26 lakhs while our interest charges will be 86 lakhs more, primarily on account of additions to capital at charge, to the conversion of some of our specific debt into non-specific debt and, to repatriation of certain railway sterling debt. Our net miscellaneous receipts will be 53 lakhs more, almost entirely due to increases in the balances under the Railway Reserve and Depreciation Funds. It is satisfactory to report that the special committee appointed by the House in pursuance of the resolution passed on the 23rd of March 1943 to consider matters arising out of Clause IV of the resolution adopted by the Assembly on the 2nd March, 1943, amending the resolution of 1924, generally endorsed the financial policy recommended by Government last year. They, however, submitted an interim report, in which they recommended an immediate enquiry as to what additional appropriation, if any, should be made to the Depreciation Fund during the war as an emergency provision for additional wear and tear on railway assets arising out of war traffic and subsequently they themselves made further proposals in this respect. Government have accepted these recommendations and have decided to make an additional appropriation of 4 crores to the Depreciation Fund in the current year and a similar provision in the budget for next year.

The net result of transactions for the year is expected to be a surplus of 43.77 crores against 36.04 crores which we originally budgeted for, out of which 11.50 crores will be transferred to the Railway Reserve and the balance of 32.27 crores will go to the General Revenues, an increase of 5.17 crores over the original estimate.

### The past year.

4. During the past year the strain on the railways has continued with unabated force and with no substantial increase of equipment and abnormal



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difficulties in maintenance, the essential traffic has only been moved with great difficulty. Nature was again unkind and on various occasions through traffic was interrupted by floods, cyclones and earthquakes on no less than 13 lines. The damage on the Bombay, Baroda and Central India, the Great Indian Peninsula, the Madras and Southern Mahratta and the Bengal Nagpur Railways was severe, but the effects of these interruptions paled into insignificance beside the breaching in the middle of July of the main and chord lines of the East Indian Railway in the neighbourhood of Saktigar, which was undoubtedly the greatest disaster recorded in the history of the Indian Railways. The Damodar river burst its banks and returned to one of its age-old courses, sweeping through these two lines at a point just where the exceptionally heavy and vitally important traffic of the East Indian Railway is mainly concentrated. There could have been in all India a no more inconvenient spot for such an occurrence and that it did not result in more calamitous consequences is entirely due to the skilful manner in which traffic was diverted and repairs effected to the railway embankments and river bund. Ruthless curtailment of passenger trains took place and severe restrictions on goods traffic were imposed while the maximum use was made of the remaining single lines leading into Calcutta and to the Bengal and Assam Railway lines which were themselves lines of low capacity. The vital food got through to Bengal in quantities greater even than before the breaches occurred, enough coal was transported to keep the life of Eastern India functioning and essential civil and military traffic was steered through under the guidance of the priority officers of the War Transport Department, whose work of programming here and elsewhere the Railways gratefully acknowledge. The Engineering staff working day and night partially restored communication in an incredibly short space of time, a remarkable achievement, and no tribute can be too high for the skill, ability and determination of the staff engaged in these repair works.

5. The pressure on the railway system has, of course, been unevenly distributed. On the main lines where the density of war traffic is greatest, restrictions have been numerous but over all the essential traffic has been moved, industries have been kept supplied with their coal and raw materials and the finished goods, foodstuffs, minerals and stores have been kept in movement, with frequent irritating delays but they have moved. Less essential traffic has been successfully stopped or severely curtailed except in the direction of the flow of the empty wagons. From April 1st to December 31st 290,036 broad gauge wagons were loaded with grains and pulses as compared with 255,497 in the corresponding period of the previous year. More than double the number of military specials are now being run every month than were run in a pre-war year. A feature of the year's earnings has been the comparatively large increase in coaching earnings and the relative stability of goods movement. The published figures of wagons loaded and tons lifted are, however, not a true indication of goods movements because the large amount of stores moving in military specials is not included in these figures. But the statistics available for the first six months of the year show that, including military stores by special trains, there has been an increase of 8.6 per cent. in the net ton mileage compared with the same period of the previous year.

#### Passengers.

6. The sudden up-surge in passenger travel during the current year has been phenomenal. In the first six months of 1943-44 the increase in the number of passengers carried has been 7.8 crores and the increase in passenger miles has been 315 crores or 30 per cent. over the corresponding period in the preceding year. This was accompanied by a small decrease in passenger vehicle miles. Separate statistics are not available of the number of military passengers but an examination of the earnings from civilian traffic and of military passengers other than those travelling in military specials shows that, although military passenger traffic has more than doubled, the bulk of the increase is in civilian travel. The problem created by this increase is most

complex and has caused us the greatest anxiety. It has been examined on two occasions by the Central Advisory Council for Railways who agree that the only certain solution for overcrowding is an increase of passenger services which is impossible owing to the shortage of coal and the necessary diversion of engines to the movement of war traffic. On their advice it is proposed, in order to try to relieve congestion, to intensify the publicity campaign against unnecessary travel while railways, in conjunction with the War Transport Department, are taking steps to increase bus services in areas where the war effort is likely to suffer from the existing congestion in passenger traffic.

#### Rolling stock.

7. The delivery of locomotives during 1943 was not up to our hopes, but both metre and broad gauge engines are now coming forward in a steady flow. It is expected that before 31st March 106 broad gauge and 214 metre gauge locomotives will have been received in India for erection and that a further 284 broad gauge and 288 metre gauge will be received during 1944-45. The delivery of broad gauge wagons has also been disappointing, largely due to the difficulty in obtaining component parts in India and from abroad. 1,900 will be available by the 31st March and we hope to get 5,824 during the following 12 months. All these, except for component parts, will be manufactured in India. Enquiries are also being made for 5,000 wagons for early delivery from overseas. We expect to receive 2,950 metre gauge wagons this year and 10,626 next year. Welcome relief has, however, been received from the loan of metre gauge engines and wagons from overseas. Continued and intensified attention is being paid to the repair of engines and wagons and for this purpose workshop capacity is being steadily taken back from the manufacture of munitions, although there are still 20,000 railway workers engaged on munitions work in railway workshops. Increased attention is being paid to the better usage of engines and wagons and we are fortunate in this respect to have the benefit of the able advice of Mr. Inglis of the London and North Eastern Railway and Col. Appleton of the Pennsylvania Railroad. I gratefully acknowledge their cordial co-operation in the solution of our problems.

#### Line capacity.

8. To increase our line capacity and to meet the impending military and industrial demands we are, in addition to innumerable minor improvements, doubling some 750 miles of broad and metre gauge railway. We are also adding a fourth line on the East Indian Railway between Asansol and Khana in order to equate the capacity of this section to the lines at each end of this section and, included in the 750 miles referred to, is the doubling of the Bengal Nagpur Railway line from Bankura to Midnapore to improve capacity to and via Calcutta and to provide an escape route in the event of further trouble from the Damodar river, although we have every hope that the measures being taken by the Government of Bengal will stabilise this river. It may also interest the House to know that to ensure communications, which are such an important matter in railway operation, a scheme is well advanced for providing wireless communications between important railway control points. The benefit of such a scheme in a country subject to cyclonic and other disturbances is obvious.

#### Coal.

9. The movement of coal which represents about 42 per cent. of the total broad gauge ton mileage of goods carried by the railways has, in view of the prevailing strain upon the system, been a constant anxiety. It has been enhanced by the decrease in coal raisings. The necessity of keeping a constant flow of empty wagons to the Bengal and Bihar coalfields influences the ability of the railways to move other less important traffic. The transportation problem more away and there is nothing which would assist our coal raising problem more profoundly than a substantial increase in coal raising in Central and Southern India with its attendant reduction in the demand for long distance transport of coal to the West and South. Owing to these difficulties, stocks of coal on

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the railways have fallen to the lowest figure on record and drastic steps have had to be taken to render the position more secure.

**Staff.**

10. The conditions of living of railway workers in the present difficult circumstances has had the constant attention of the Railway Board and the Railway Administrations. The staff has worked with great loyalty throughout the year and most of their Unions have given full support to the war effort. The railwaymen have stood up well to bombing in the danger areas. Government have been determined on their side to see that so far as is possible the hardships of war should be mitigated for them and have endeavoured to carry out their undertakings to the letter and in a spirit of appreciation of the services of the staff. The scheme of dearness allowance combined with cheap food which was discussed at such length during the Budget session last year has proved a success, thanks to the determined efforts of the Administrations. By December 1943, 521 grain shops had been opened, of which 130 were mobile. 776,000 ration card-holders were served with 1,015,000 maunds of food. The aggregate relief afforded to the staff in that month was calculated at 65 lakhs and the average relief per ration card-holder throughout the country was Rs. 8-6-0. Selling prices have been regulated so as to protect the employee from any rise in prices since the summer of 1942. In the budget for next year, we have allowed for a further 1½ crores on account of further extensions to this scheme and other matters are under consideration in relation to the Government of India's general policy. During the year Government have had under discussion with the Standing Finance Committee the

12 Noon. discussion with the Standing Finance Committee the question of the abolition of the Lower Gazetted Service. Government do not accept as valid the reasons advanced by the majority of the Committee against this step and propose to carry the measure through at the appropriate time. But they agree with the view that piecemeal reorganisation at the moment is not desirable and therefore do not propose to press the proposal at the present time. They also recognise that so far no relief in cash has been given to any but the lower paid railwaymen although all are eligible to obtain supplies from the Railway Grain Shops. The commodities handled at these shops are, however, those comprising the necessities of life of lower paid employees. It will undoubtedly be necessary in due course and in the light of economic conditions which may be expected to prevail to make a comprehensive review of the salaries of all Government servants, but in the meantime the Railway Department are investigating the possibility of providing for the more varied necessities of life of higher paid railwaymen by the establishment of cost price canteens where the procurement of supplies makes this possible.

### Post-war plans.

11. In the course of the Railway Budget discussions last year the House, on the motion of the European Group, expressed considerable interest in the post-war plans of Government in respect of railways. Since that time a great deal of work has been done on numerous aspects of the problem. The post of Member (Engineering) on the Railway Board which was held in abeyance during the years of depression has been revived and the new Member, Mr. L. P. Misra, has in addition to his other duties been specially entrusted with the planning for post-war development and reconstruction. The Indian Railway Conference Association and the various Railway Administrations are also at work and their comprehensive recommendations dealing with almost every side of the problem are being examined by the Board. It would take too long to display the varied facets of the work, but among the principal subjects upon which the Board are concentrating, in addition to the problem of rehabilitation, are

(a) the implementing of the decision to construct locomotives and boilers in India; (A portion of these plans may be carried through as a war measure. Blue prints for the remainder of the scheme are being finalised with the Con-

...ulting Engineers and a regular yearly programme of replacement of worn-out rolling stock has been worked out.) ... travel particularly for lower class

(b) the improvement of the amenities of travel, particularly for lower class passengers;

(c) the development of staff welfare work to improve the well-being and efficiency of railway employees;

(d) the improved handling of post-war goods, parcels and passenger traffic,

(e) the participation of railways in road services;

(f) the development of railways in accordance with the Government's policy of road and rail transport.

general policy of road and rail transport. To elaborate only one item, the programme for lower class passenger's amenities covers improvements to lower class coaches and the provision of additional space per passenger, the new coaches of improved design to provide more space per passenger, the relief of overcrowding by the provision of bus services, overhead watering for the coaches, an extension of waiting sheds and improved amenities therein, waiting rooms for lady passengers, sanitary latrines, vendors shops and stalls, improved booking arrangements, plantation of shade trees and improved water supply, washing places, platforms and more overbridges. In short, the lower class passenger is to be provided with the many amenities which have been persistently demanded for many years but which the weak position of railway finances has prohibited.

With regard to the development of railways, it is not of course possible now to make any announcement of an extensive increase of railway mileage, if only because such a decision must await the settlement of Government's comprehensive transport plan after consultation with the appropriate Post-War Reconstruction Policy Committee and a very wide extension of railway construction is not necessarily compatible with a large programme of new road building. But, taken with the information which was given to the House last year, enough has been said to show that when the time comes for active inauguration of the work, the railways will not be found wanting. It is not the plans but the financing of those plans which will present the problem.

### *Railway finances.*

12. It is now appropriate to review railway finances as a whole. The balances in the Depreciation and Reserve Funds are estimated on March, 31st, 1944, to be 87.93 and 20.85 crores respectively. At first sight this discloses a position of financial strength such as the railways have never enjoyed in all their long history. But once again this apparent prosperity is illusory. Rehabilitation of the railways and the execution of all the improvements which the Legislature and the public have demanded in recent years will involve a great deal of money. As regards rehabilitation, the Railway Convention Committee has recommended an early enquiry 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. Depreciation is calculated on the basis of the original cost of the assets and it is obvious that if it is to be called upon to replace assets at the level of prices likely to be in force for many years after the war, the Depreciation Fund should be much larger than it is, even disregarding the question of the adequacy of the existing fund on the existing basis. Nor is the Reserve Fund, which at the end of this financial year may amount to about 2½ per cent. of the capital at charge, judged either on a sound financial basis or on the past history of the railways themselves, adequate to meet the great variety of calls which may be made upon it in the future. When the end of the war comes, the tremendous advance in operating costs is not likely to be susceptible of a rapid reduction nor indeed may it be desirable to attempt such a reduction except by gradual processes in tune with the general economic trend. Too drastic action may have the effect of lowering the standard of living of the workers and causing distress to industries dependent upon the railways. We must avoid, if possible, involving the railways in that long period of cheese-paring which characterised the 1930's. Nor must we forget that the net earnings of the railways are likely to be seriously affected by the need for

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abnormal repairs due to their postponement in wartime owing to the difficulty of securing materials. Stocks secured at inflated war prices will have to be written down. Such expenses can only be met out of revenue or out of the Reserve Fund. The earnings to meet these increased charges have been won by increased operational efficiency in relation to a wholly abnormal war traffic and once this ceases—and the stoppage may be sudden and the decline rapid—railways may very easily fall into a swift and serious disequilibrium. Rates and fares may then have to be advanced just at a time when it is most inconvenient and unsound to do so, resulting in great hardship; particularly to the poorer classes. Foresight can meet this position; procrastination and a refusal to profit by the lessons of the past may lead to frustration or calamity.

*Finance of post-war development.*

18. The eyes of India are focussed upon her post-war future, political and economic. In the sphere of post-war railway development I have indicated already some of the principal measures which we have in mind, and on examination it is evident that many of them are of the non-paying kind or at best the return on them will be an indirect one. Yet they are measures which have long been called for by Indian public opinion. It is clearly financially unsound that non-paying expenditure should be financed by loan and, if my diagnosis of the future trend of earnings and expenses is correct, the railways will not be able to finance such post-war schemes out of future surpluses. It was considerations such as these that led the Convention Committee to advocate the strengthening of railway reserves, a policy which also clearly commends itself to the House.

If, however, this policy is not to be only a dream, and if we are to treat our post-war planning in right earnest, we must be prepared to make sacrifices now in order to build the new India upon which our eyes are fixed. We must not be content with a pious enunciation of a principle but must make the necessary effort to make our dreams come true, and in doing so to face the unpopularity which immediate sacrifice entails.

It may be argued that the Railways are making good money and that the percentage of contribution from the railway surplus to General Revenues should be reduced and the railway reserves correspondingly increased. This matter was gone into thoroughly last year and there is no reason to upset the ratio of the division of the surplus which has been accepted as fair in present conditions.

*Rates and fares.*

14. The question, therefore, arises whether it is reasonable to increase rates and fares. It must be at once admitted that the total enhancement of these during the war, the extent of which was summarised by the Chief Commissioner in his Budget speech last year, is negligible, compared with the rise in the price of practically all other commodities and services. For wheat which fetched Rs. 10 before the war the farmer today gets Rs. 40; but the farmer can transport his wheat in full wagon loads for any distance at the same cost as before and on average a journey which then cost Rs. 10, today costs the farmer less than Rs. 10-8-0. Rail transport and travel are among the cheapest things in India today. Uncomfortable though travel is it is unquestionably good value for present day money, the overall increase being only 4½ per cent. on pre-war fares, and, with money to spend and nothing else much to spend it on, travel the public will. The statistics of passenger travel which I have quoted in the earlier part of my speech demonstrate the rapid increase in travel and it is not a mere coincidence that the increase took place in the period in which inflationary tendencies became more prominent.

It will be argued that an enhancement of fares will be a burden on lower class passengers. There is, of course, no discrimination proposed between the classes and it cannot be denied that the lower class passengers will pay their share. But the increase in the number of passengers, mainly lower class, to which I have referred and the figures of prices which I have just quoted are conclusive proof that such people are in an increasingly better position to afford

to travel. Their ability to pay for travel is greater than the railways can cater for, and it is the conditions of these passengers and of the poor classes of the railwaymen and of the masses which in the post-war period must be particularly fostered.

There are three good reasons for increasing fares today, the effect that such an increase may have on reducing passenger travel, the deflationary effect owing to the immobilisation of a substantial volume of currency and the opportunity of taking the first step towards building up a fund for post-war reconstruction purposes. As regards the first, the experience of 1917, when in similar conditions fares were increased, is likely to be repeated. Action then was followed by a decrease in the number of passengers travelling and, although after a year the number again increased, it did restrict the number who would have travelled had there been no increase in fares. I of course agree with the Central Advisory Council that in present conditions increasing fares, except to a penal extent, will not alone so reduce travel as to prevent overcrowding. The deflationary effect, combined with other measures which the Finance Member may take, will be a very valuable contribution to the solution of India's most pressing economic problem. An increase in goods rates on the other hand, although it would be thoroughly justified on the general level of prices, would, unless there were other compensatory action, tend to have an inflationary effect which it is desirable to avoid. The argument in favour of building up a fund for post-war purposes is to my mind paramount and irrefutable and the Governments of the future would rightly blame our short-sightedness and lack of courage if we failed to put them in a position to carry through the post-war plans which we are preparing for their fulfilment.

There might, of course, be objections from some to an increase of rates and fares if the resultant increase of surpluses were diverted largely to General Revenues as the result of the current arrangement for division of the surplus between General Revenues and Railway Reserves, but if any such resultant increases are retained wholly within the Railway Reserves and are used for the benefit of the railway user, it at once becomes quite a different matter. Money would be taken from the railway user now and expended for his benefit later when times are less good.

So, having weighed all these pros and cons, Government have decided from April 1st, 1944, to increase rail fares (including fares for military passengers travelling at their own expense) by 25 per cent. so long as present conditions exist, an increase of precisely the same dimensions as was imposed in the last war. The proceeds, which taking into account a small resultant decrease in traffic, are expected to yield 10 crores, will be placed in the Railway Reserve but earmarked for an amenities fund for lower class passengers. Suburban season tickets will be exempted on the ground that they represent obligatory travel and it is administratively practicable to isolate them. As regards goods rates, we do not propose this year to offer a reduction of the surcharge on coal freights from 20 per cent. to 15 per cent. in the slack season as we have done in the past because there is no slack season now and the movement of coal is planned on an even monthly basis throughout the year.

Honourable Members of the House will at once recognise that this step is quite a different proposition to that canvassed in the Press during the last few weeks. Besides having a desirable social effect in restraining overcrowding and combating inflation, it is the first positive move towards the finance of post-war reconstruction and the first realistic acceptance on a fit scale of the ideas which have recently been so prominently placed before the country. The building up of a fund such as I have in mind will go far to ensure the raising of the standard of travel of the lower class passenger in the years to come. I urge Honourable Members, therefore, to support Government in this progressive policy and to step forward into the future with courage and vision.

*Estimate for 1944-45.*

15. Dealing next with our earnings for the coming year we have followed the previous practice of basing our budget estimate on the revised estimate of the

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mind that the exercise of these drastic powers will lead to a great deal of harassment and oppression of the taxpayers and the general public. I am not one of those who would deny the Government their legitimate financial resources. The Government would be entitled, in my opinion, to receive all legitimate resources which are their due. But in order to collect revenues, from these sources, they must adopt means which are reasonable and above reproach. Unfortunately, the provisions of the Bill, as they stand at the present moment, do not inspire any confidence in the executive and no safeguard has been provided against the abuse of large powers which are going to be vested in the executive. Therefore, it is desirable that some provision should be made to guard against the abuse of power and to inspire confidence in the public mind.

Sir, the demand which has been made by my Honourable friend, Mr. Krishnamachari, is a very modest one. If we compare the demand that has been made by him with the provisions which were made in the Income-tax Bill to safeguard the interests of the taxpayers and the general public we find that this demand is extremely modest. Now, what do we find in the Income-tax Bill which was passed into law during the regime of the predecessor of my Honourable friend, Sir Jeremy Raisman, about six years ago? In that Bill, it was provided that there would be an appeal from the decisions of the Board of Revenue officers to the High Court on points of law and further there would be an appeal to an independent tribunal consisting of Judges and Accountants on points of fact. No such provision has been made in this Bill. Why should there be this difference?

Sir, I wish some of my Honourable friends had tabled amendments with regard to an appeal to the High Court as well as to an independent impartial tribunal. But, as no such amendments have been tabled, I support this modest amendment of my Honourable friend, Mr. Krishnamachari, that there should be a revision by the High Court. My Honourable friend, Sir Jeremy Raisman, will perhaps say that there is an appeal from the decision of the Excise-tax Officer to another officer of a higher grade. But that is not enough. This officer of a higher grade will be an officer of the Board of Revenue. His intention, his likes and dislikes would be the same as those of the lower grade officers and he will depend for his promotion and increase in his emoluments on the good will of the Board of Revenue. The Board of Revenue will naturally be interested more in the collection of revenue than in safeguarding the interests of the taxpayer. Therefore, there is no safeguard in providing for an appeal from a lower grade officer to a higher grade officer.

Then, again, it may be said that the power of revision has been given to the Board of Revenue.

**The Honourable Sir Jeremy Raisman** (Finance Member): The Central Government; not the Board of Revenue.

**Dr. P. N. Banerjee**: Yes, it is the Central Government, but may I ask if all the Members of the Executive Council will take part in this work? What does "Central Government" mean?

**The Honourable Sir Jeremy Raisman**: It means the Officers and the Honourable Member in charge of the Department and, if necessary, any other Honourable Members of the Government whose views he may require.

**Dr. P. N. Banerjee**: That is to say, the Finance Member. Is he not interested in the revenues of Government? Is he an impartial officer and a judicially-minded officer?

**The Honourable Sir Jeremy Raisman**: I hope so.

**Dr. P. N. Banerjee**: You are hoping against hope. Your traditions are such that you have to look at questions from the standpoint of finance.

Sir, I urge that some little safeguard should be provided and that is the modest demand made in the amendment for revision by the High Court. To refuse revision by an impartial tribunal is not a proper attitude on the part of Government. I remember full well the debate that took place in this House, when my Honourable friend the Finance Member was Finance Secretary when

an amendment was moved from the Opposition Benches with regard to the provision for an impartial tribunal in connection with the Income-tax Amendment Bill, it was accepted by his predecessor and embodied in the Income-tax Act. I think he should take a longer view of things, otherwise the extremely selfish policy of this Department will result in absolute want of confidence of the people in the actions of Government, which will be very undesirable. You do not want to provide a safeguard against abuse of power and you do not try to inspire confidence in the public mind with regard to your collection of revenue. Is that right? This attitude of Government is indefensible, and I urge that as this is an extremely important point the House should fully express its opinion on it.

**Mr. Muhammad Ashar Ali** (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, I support this amendment. To vest this power in the hands of departmental officers is, I think, a sort of crime.

**The Honourable Sir Jeremy Raisman**: How do we administer the department in this criminal manner if every action is a crime?

**Mr. Muhammad Ashar Ali**: What is wanted in this amendment is the power of revision and not of appeal. Powers of revision are generally vested in the High Courts and only points of law are gone into; whereas in appeals points of fact are also dealt with. Therefore, to vest in the department the power of revision and decide the grievances of the taxpayers on points of law is a very serious thing. Should the High Courts of India be discredited as they are sought to be discredited in this Bill? Why should Government be so much afraid of these High Courts where points of law may be involved? In other Acts, as was pointed out by Dr. Banerjee, we have given powers of appeal and revision to the High Courts, but in this Bill those powers are given to the department only. I submit that in this important matter the power should be given to the High Courts and the Honourable Member should accept the amendment.

**Mr. Lalchand Navarai** (Sind: Non-Muhammadan Rural): Sir, clause 36 says that on the application of an aggrieved person the Central Government may revise or modify an order of a Central Excise officer or the Central Board of Revenue. It is, of course, preferable to have provision for an appeal in the case of all excise duties, but when there is no appeal, a revision is welcome. The amendment deals with the proper functionary to decide matters in revision. It cannot be denied that it is not prudent and wise to leave it in the hands of an officer who is himself interested in the matter. The point was considered in detail in connection with the Income-tax Act; the House then wanted that as a matter of public policy the power of revision should lie not with the Finance Department or the Central Board of Revenue but with some other department of the Government of India. The Government of India agreed that appeals and revisions in income-tax matters should go to the Legislative Department; and appointments and other things were to be done through the Finance Department. Some day it will be demanded that this power of appointment also should go to some department other than the Finance Department. The House in the present case wants the power of revision to go to the High Court because it is not fair or prudent to give this power to the department itself. Therefore it should be decided judicially by some other officer or court. In this matter also I submit that the High Court should decide these revisions. Sir, I support the amendment.

**Mr. K. O. Neogy** (Dacca Division: Non-Muhammadan Rural): Sir, the amendment before the House involves a question relating to the structure of administrative law in India; and although I am not in a position to deal with the broader aspects of the question, I should like to very briefly touch upon one of the points which has been made by my Honourable friend the mover of the amendment. He has pointed out that as a result of a recent decision given by Lord Simon in a Madras case, it has been made clear beyond doubt that the remedy by way of *certiorari* is confined only to the limits of the original jurisdiction of the three Presidency High Courts. Now, Sir, the position that arises is this: As a result of certain historical accidents in regard to the very



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at the moment, the High Courts have no original jurisdiction in any matter concerning the revenue. That may be also an anomaly, which some Members might think it is necessary to remove. But I do feel this that if you try to give a power of revision to High Courts . . . . .

**Mr. T. T. Krishnamachari:** In the interests of progress!

**The Honourable Sir Asoka Roy:** . . . . . in matters which are essentially administrative matters, in matters relating to the administration or collection of salt and excise revenue, you will be opening a wide field of litigation which would not be desirable.

**Dr. P. N. Banerjee:** Tax-payers will need protection!

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

**The Honourable Sir Asoka Roy:** Sir, I welcome these interruptions: they do not upset me. Let me point out that you are dealing with a Statute which is concerned with the collection of revenue and administration by officers directed to achieve that purpose. I for myself cannot see how the High Courts can properly fit into the picture at all or why they should be asked to revise orders made by Excise Officers. It is quite true that a Writ of *Certiorari* is a high prerogative writ which enables a High Court to correct an error made by anybody who exercises some sort of judicial function. But certain High Courts only and not all High Courts have the right to issue such Writs and even if the Privy Council judgment had been otherwise it would have only applied to the High Courts of Calcutta, Madras and Bombay. Further the right to make orders under section 45 of the Specific Relief Act is confined to the local limits of the original jurisdiction of the High Courts of Calcutta, Madras and Bombay and Rangoon (which last we might omit for the present). Sir, it would not be unusual to have a provision like clause 36 in the present Excise and Salt Act. You will remember that this is a very old provision. It is a provision which you find in the Sea Customs Act. It is a provision which has come under the notice of the Privy Council in several cases. Honourable Members know that in the Sea Customs Act as in this Act there is a code laid down of appeals and a final revision by the Central Government. That I think is enough for the purposes of a Statute like the present one.

**Dr. P. N. Banerjee:** More than enough!

**The Honourable Sir Asoka Roy:** In regard to Income-tax also I should point out that High Courts have no jurisdiction at all, except jurisdiction of a purely advisory nature.

I believe Honourable Members know that on one occasion in an Income-tax case the Privy Council upheld the contention that an order under section 45 could be made by a High Court in regard to a Revenue authority, but that again in regard to a person within its jurisdiction. Since the judgment of the Privy Council the Income-tax Act has been amended and it is now provided that in certain circumstances a matter could be brought up to the High Court for the purpose of getting an expression of opinion from the High Court on a question of law. That is as far as the law has gone even in regard to income-tax. With regard to the other taxes—I mean customs duties and other duties—the law which we now find in the amending and consolidating Act has been the law, for I do not know how many years. In these circumstances I can only suggest to my Honourable friend the Mover that if it is his desire to extend the jurisdiction of High Courts generally in regard to their ability to issue orders under section 45 or writs of *Certiorari* the proper thing for him would be to introduce legislation designed to effect that purpose. Sir, I have nothing further to add to what my Honourable friend the Finance Member has said and I support him.

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

"That in clause 36 of the Bill, for the words 'The Central Government' the words 'A High Court having jurisdiction' be substituted."

The Assembly divided:

Abdul Ghani, Maulvi Muhammad.  
Abdul Qayyum, Mr.  
Abdullah, Mr. H. M.  
Ashar Ali, Mr. Muhammad.  
Bajoria, Babu Baijnath.  
Banerjee, Dr. P. N.  
Chattopadhyaya, Mr. Amarendra Nath.  
Dam, Mr. Ananga Mohan.  
Das, Mr. B.  
Deshmukh, Mr. Govind V.  
Fazli-Haq Piracha, Khan Bahadur Shaikh.  
Gupta, Mr. K. S.  
Hegde, Sri K. B. Jinaraja.  
Hoosani, Mr. S. K.  
Ismail Khan, Hajee Chowdhury Muhammad.  
Jehangir, Sir Cowasjee.  
Joahi, Mr. N. M.  
Kailash Bihari Lal, Mr.

Ahmad Nawaz Khan, Major Nawab Sir.  
Ambedkar, The Honourable Dr. B. R.  
Azizul Hogue, The Honourable Sir M.  
Benthall, The Honourable Sir Edward.  
Bewoor, Sir Gurunath.  
Bhagchand Soni, Rai Bahadur Seth.  
Caros, Mr. O. K.  
Chapman-Mortimer Mr. T.  
Chatterji, Mr. S. C.  
Daga, Seth Sunder Lal.  
Datta, Dr. Sir Ratanji Dinshaw.  
Delpat Singh, Sardar Bahadur Captain.  
Greenfield, Mr. H.  
Gwillt, Mr. E. L. C.  
Habibur-Rahman, Khan Bahadur Sheikh.  
Haidar, Khan Bahadur Shamsuddin.  
Imam, Mr. Saiyid Haider.  
Inskip, Mr. A. C.  
Ismail Alikhan, Kunwar Hajee.  
Jawahar Singh, Sardar Bahadur Sardar Sir.  
Khare, The Honourable Dr. N. B.

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. K. C. Neogy (one of the Panel of Chairmen) in the Chair.

**Mr. Chairman** (Mr. K. C. Neogy): The House will resume consideration of the Central Excise Bill, as reported by the Select Committee. The question is:

"That clause 36 stand part of the Bill."

The motion was adopted.

Clause 36 was added to the Bill.

**Mr. T. T. Krishnamachari:** Sir I move:

"That after sub-clause (3) of clause 37 of the Bill the following be inserted:

"(4) All rules made under this section shall be laid on the table of the Central Legislature for not less than one month when it is in session and shall be subject to the approval of the Legislature by a Resolution moved by the Central Government."

I was rather surprised to see that this Bill emanated from the Select Committee with clauses 37 and 38 in the form in which they are before us today. I have not been in this House for a long time but I have been familiar with the discussions that have taken place over several Bills in this House in the past and I have been made aware that since 1937 non-official Members have constantly and with a diligence which was commendable pressed upon the Government that they should not take upon themselves the rule-making powers without any precise specification as to their nature and there should be some kind of revisionary control of the Legislature over the rules framed. If today I take the House back to a discussion that has puzzled and excited



[Mr. T. T. Krishnamachari.]

constitutional pundits for a period of seven years, my only excuse is that this Government seems to be singularly unalive to what has happened all these years. If I go back and tell them about the controversy about delegated legislation that was started in England and has been echoed in every country where a democratic form of Government has been in being, the excuse is that this Government will never learn and if possible they will allow the Legislature to forget that they, the legislature, had all those years insisted upon greater safeguards in regard to the rule-making powers of the Government. The departmental expansion which has been taking place since the last war had caused such a lot of excitement in the United Kingdom that a committee was appointed in 1936, a Parliamentary Committee, to report upon the powers of the Ministers and the excuse today for us to protest against the House passing clauses 37 and 38 in their present form is that departmental expansion, so far as the Government of India is concerned, has been taking place all these years at a very rapid pace. Sir, the Honourable the Finance Member resented, or at any rate indicated that he did not approve of what I said at the commencement of the discussion of this Bill the other day when I stressed the need for greater care in the matter of infringing upon the liberties of the citizens, particularly when the Defence of India Rules are in operation and various economic controls have been put in operation by the Government under cover of those Rules. Today, as the Government's regulations are at present, we do not know what we can do and what we cannot do. We have to be very diligent readers of newspapers in which press communiques appear and these are the things that govern the whole country today and if we fail to read the newspapers, we would be probably doing many acts which perhaps will bring us within the scope of the law. Is that the condition that is envisaged by the framers of this Bill to be the perpetual state of the country? I shall have something more to say about this Bill later on but for the present I cannot help reiterating what I have said in practically every one of the amendments that I have moved. The one vein that runs right through this Bill is the attempt at the imposition of arbitrary administrative control in respect of the commodities which this Bill seeks to control and out of which the Government of India seek to raise a revenue. With the background of the policeman, with the background of the preventive officer, with the background of the anti-smuggling activities, can we really allow the Government to take powers that they have taken under this clause 37 without any safeguard for the people engaged in ordinary commercial activity? I would like, if the Honourable the Finance Member would permit me the impertinence, to attempt to re-educate him in respect of what he has been educated in the past, in regard to the safeguards that are ordinarily considered desirable in respect of delegated legislation which this clause seeks to vouchsafe for the Government. One thing that is absolutely necessary is that the limit should be defined. The Honourable the Finance Member will say that the limits have been defined by the various sub-clauses of this Bill. I do not think it is adequate. The second thing that is necessary is the consultation of the special interests affected and that must be made obligatory. I see no provision for that sort of thing. The third thing that is necessary is the question of publicity. Publicity will certainly take place by means of publication in the Gazette. How many people read the Government of India Gazette or the newspaper communiques? The number is very limited. The ultimate and final safeguard that we can visualise is the question of entrustment of this power to an authority, a supervisory authority and that is why I have asked for the rules to be laid on the table at the time when the Legislature is in session and to obtain their approval by a Resolution moved by the Government. What I am asking is nothing new. In connection with the Committee appointed in England in regard to the Ministers' powers, certain statutory results have emanated therefrom and one of the most important results has been that all important regulations are laid before the Houses of Parliament with power to

annul by adverse Resolution and adoption of this safeguard against delegated legislation commenced with the Local Government Bill of 1937 that was passed immediately after the report of the Committee on Ministers' powers was issued. And I am glad to say that even in this House it seems that the practice was accepted in the Motor Vehicles Act, when provision was made for laying the rules before the Central or the Provincial Legislature, as the case may be. I think analogous provisions are extant even in the Insurance Act. If it is permitted to import a custom which has been accepted in a Provincial Legislature in the matter of a tax measure, I would like to say that in the Madras Provincial Legislature, when the Sales Tax Act was passed, the Government did agree that in respect of certain provisions, on the rules made thereof the permission of the House should be obtained by a resolution moved by the Government. So, today in 1944 if you are confronted by a Bill with provisions like clauses 37 and 38 without even the elementary safeguards, might I not say there is something wrong somewhere,—either the legal advisers to the Finance Department are singularly blind or they had a lapse in their memory and their brains need free fanning or there is some other object why the Government feels that this type of interference by the Legislature is not called for and that they must stick to the good old days when Government could do just what they liked by means of their rule-making power in the matter of the ordinary laws of the country.

Sir, in view of the precedents that I have quoted in regard to two measures, namely, the Motor Vehicles Act and the Insurance Act, and the qualified support that has been given to this claim in the Income-tax Act and also in view of the fact that other Legislatures in this country have agreed to this provision, and the fact that this practice has been adopted in the House of Commons, and nobody will say that a practice prevalent in the House of Commons must not be introduced in the Central Legislative Assembly, I urge that this amendment should be supported by this House.

It might be said that the amendment is not in the form that is acceptable to the Government. In answer to that criticism I would say to the Government, it was your bounden duty not to ignore the elementary rights of this House. You have ignored it and you must allow people who seek to remind you of your elementary obligation to draft the amendment in the form best suited to the political opinions they hold. I do believe that notwithstanding the fact that this Bill seeks to consolidate measures that emanated in 1879, 1880 and 1882, we have to make some progress in 1944. So, if my amendment has not followed the conventional lines that have been adopted in the past in this House, it is because there has been progress all over the world in regard to rule-making powers of the Government and the limitations that are necessary thereof. Therefore, it does not lie in the mouth of the Treasury Bench to say that the amendment has not been appropriately drafted or it has not followed the lines of the Motor Vehicles Act or the Insurance Act and therefore they cannot accept it. The onus of producing a clause like those formed in these enactments was on them and when they had failed to do that, naturally it was left to a non-official Member like me to do it in the manner which I consider as the most suitable. I cannot get into the skin of the Government and feel as they do and try to limit the powers of the Legislature and the people to the minimum possible extent. Sir, I move.

**Mr. Chairman (Mr. K. C. Neogy):** Amendment moved:

"That after sub-clause (3) of clause 37 of the Bill the following be inserted:  
(4) All rules made under this section shall be laid on the table of the Central Legislature for not less than one month when it is in session and shall be subject to the approval of the Legislature by a Resolution moved by the Central Government."

**Mr. Muhammad Nauman** (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Sir, I rise to support the amendment and I trust, on principle, the Government will see its way to accept it. The position of our Legislature, even in its present miniature form, is that of a sovereign power and we cannot

[Mr. Muhammad Nauman.]

delegate unbridled power to any other authority without having some sort of safeguard for allowing our Members to interfere, amend or at least approve of such rules as are made under the legislation passed by this House. I do not want to dilate on this issue very much as reference has already been made by the Honourable the Mover very ably as to how things have been even in England where a Committee had to be appointed to look into the fact whether the Ministers had overridden the Legislature in the matter of rule-making powers, although those Ministers are not only the representatives of the people but owe their existence to the goodwill of the people for all time. Even their authority could not be allowed to go on unbridled and without safeguards. For this reason, I feel that the Government of India will be well advised in accepting this innocent amendment which would satisfy this House and which would make us feel that we would be a party to all those rules which will be made from time to time. When I say we would be the party, I mean that the country would be a party to their approval. I think the Government of India will be well advised to have that responsibility shared with the approved representatives of the people. This amendment does not seek much except this that the rules should be placed before the House and its formal sanction should be taken by a Resolution. With these few words I support the amendment which, I hope, Government will accept.

**Mr. Lalchand Navarai:** Sir, we have the bitterest experience of this rule-making power that is being given to the Government of India and how it has been exercised by them. Don't we remember the Defence of India Act? At that time promises were made that the rules that will be framed will be such as would not go beyond the scope of the Defence of India Act; also they will be approved by the Legislature which gave them power to make rules. Under the Government of India Act, when power was given by the Legislature, it was expected that they would make rules which would be within the scope of the Act itself. But what has actually happened? We have the experience that rules were made which were set aside and considered *ultra vires* by the High Courts and the Federal Court. That being our experience, I submit that no blank cheque should be given to the present Government which we cannot trust to make rules which will have our approval.

Now, Sir, what is asked for in this amendment is simply this. The Legislature is passing this Bill. You say that power should be given to the executive for making rules. We have no objection to give you the power. But what we want is that the power should not be of such a character as to allow you to make any rule you like, good, bad or indifferent or even *ultra vires* of the Act itself. It is only with a view to have safeguard that this amendment is brought forward. The only safeguard we ask for is to place the rules on the table of the House. Let the Government get the approval of the House. Then the Government will not be blamed for having made rules which are declared from time to time to be *ultra vires*. Therefore, it is in the interest of the Government itself to say: "We will put the burden upon the Legislature again and get the rule approved by them". If an amendment like this is not accepted, then we can only conclude that there is something wrong in the mentality of the Government. The Government want to do everything autocratically and in any manner they choose.

**Pandit Lakshmi Kanta Maitra** (Presidency Division: Non-Muhammadan Rural): It has taken so many years for you to discover this.

**Mr. Lalchand Navarai:** What I am asking simply is that the rules should be laid on the table and the approval of the House obtained. I hope this amendment will be accepted by the House.

**The Honourable Sir Jeremy Raisman:** Sir, Honourable Members have explained the principles and the motives which led them to move or support these amendments. I, myself, as a practical administrator, am bound to think of these things very largely in terms of the actual working of statutory provisions. Now, Sir, we have here a measure which is printed on about four pages.

The rules, to carry out the purpose of the Bill, are not less than the volume I now hold. It is not merely the total volume of the rules. The original volume was printed in 1939, but by 1943 the thing is so full of amendments and addenda that it is almost impossible to handle it. Now, Sir, what I would like the House to realise is this, that if an amendment in this form is adopted, you practically embark on making this large volume your legislation instead of this Bill, because you have to put all these Rules before the House, you have to move your Resolutions, you have in fact to get the whole of it enacted by the House, to almost exactly the same extent as you have to get your original legislation enacted.

**Mr. Lalchand Navarai:** What about the Indian Penal Code? Is it not big?

**The Honourable Sir Jeremy Raisman:** It is not a big thing compared to the total volume of rules which may be required to regulate the vast variety of matters which are covered by this legislation. It could easily take the whole time of the House in a small Session or even in a moderate Session; it could take the whole time of this House to proceed, by ordinary legislative methods, to enact the rules which are necessary for the administration of various excises of this kind.

**Mr. T. T. Krishnamachari:** It has not been suggested that the ordinary legislative method should be adopted in this case.

**The Honourable Sir Jeremy Raisman:** I must draw the attention of the Honourable Member to his own amendment. His own amendment was that—"all rules made under this section shall be laid on the table of the Central Legislature for not less than one month when it is in session . . ."

Incidentally that would involve periods of several months. If a Session is of less than one month's duration, then the total period during which the rules will have to lie on the table might easily be four or five or even six months, according to the date when the next Session began,—

"and shall be subject to the approval of the Legislature by a Resolution moved by the Central Government."

That means, surely, that the business must be on the agenda in the regular way, that a Resolution must be moved, that there should be some sort of debate, amendments proposed and discussed and carried out and the rules finally adopted by this House.

**Mr. Lalchand Navarai:** But for the good of the country, that can be done.

**The Honourable Sir Jeremy Raisman:** I have said that it is hardly feasible for the Legislature to be so continuously in Session as to enact in this manner all the rules which are necessary for all the purposes of administration. I put that as a practical proposition. Surely, the whole point of including the rule-making power in a Statute is precisely to avoid that difficulty. The object is to bring essential matters before the Legislature, to get them adopted in the form which they desire, and to leave the whole mass of procedural detail, and the adaptation and the application of your Statute in all the multifarious circumstances in which it may have to be applied,—to leave that to the Government.

Now, Sir, the Honourable Member has quoted other cases in which procedure similar to this has been adopted. Well, Sir, he has not adopted that model himself.

**Mr. T. T. Krishnamachari:** I told the House why I could not. If I formulate a proposition, it ought to be something in advance of it.

**The Honourable Sir Jeremy Raisman:** If it is the object of the Honourable the Mover and of his supporters that nothing less than the full rigour of which I have explained the implication should be included in this Bill, there is no question but that Government must resist it. It would, in the carefully considered opinion of the Government, reduce the whole procedure of rule-making to an impracticable process. It would make it absolutely impossible to deal with the necessities of the situation with any sort of reasonable promptitude and it would clutter up all the proceedings of this Legislature with continuous detailed legislation on matters not only of secondary but definitely of minor importance.

**Mr. Lalchand Navarai:** You kindly suggest some alternative.

**The Honourable Sir Jeremy Raisman:** The Honourable Member has been at pains to assure me, and he has given reasons why he means that his amendment should be included in the Bill in the form in which he has moved it, that he has deliberately adopted that form and that for very good reasons, according to his own lights. On that, I can only make plain the attitude of the Government that they could not possibly accept the amendment in this form.

**Sir Cowasjee Jehangir** (Bombay City: Non-Muhammadan Urban): Sir, there was once a famous Chief Justice of England, who had occasion to criticise the rule-making powers of the British Cabinet.

**Dr. P. N. Banerjee:** It was Lord Hewert.

**Sir Cowasjee Jehangir:** I believe he went so far as to write a pamphlet . . .

**Dr. P. N. Banerjee:** He wrote a biggish book entitled "New Despotism".

**Sir Cowasjee Jehangir:** He said that Government had increasingly got into the habit of bringing forward legislation which included rule-making powers and had taken advantage of those rule-making powers to substitute those rules for legislation. That statement by the Chief Justice came to my mind when the Honourable the Finance Member picked up the Bill in one hand and a volume of rules in the other and said that instead of this we would be legislating for that. That, Sir, is exactly what many Honourable Members object to. There are some Honourable Members who have no confidence in this Government; there are others who have confidence but who may not have full confidence in the Government that is bound to come in a short time and replace the Honourable Members on the Treasury Benches,—whether it is a coalition Government or a party Government, some sort of Government is going to take the place of the Honourable Members on the Treasury Benches,—and one has therefore to take a far-sighted view in giving powers to Government of making rules. Therefore it is only natural that Honourable Members of this House should be cautious and they have learnt to be cautious on account of the rules that have been made by this Government. The latest instance is one of which perhaps the Treasury Bench may not be aware, and that is the rules promulgated by Government under the Excess Profits Tax Act. Government asked for an amendment of that Act in 1941; and after a great deal of opposition,—and I was one who opposed them at every stage and moved amendments although I was defeated in every case,—Government passed that measure. In May, 1943, by Ordinance they took rule-making powers under one of these sections of the Act. They published those rules and very kindly asked for opinions. The result was a volume of dissent from every section of the commercial public of India including my friends the Europeans, the Indian Chambers, the Bombay Chamber of Commerce, and so on. Every one of them pointed out considerable defects in those rules and this House under that Act has no power. Now coming to the point, I quite realise the difficulties that have been pointed out by the Finance Member. In other legislation it is provided that the rules shall be placed on the table of the House during a whole Session, and any Honourable Member shall have the right to move amendments to any one of those rules and that Government shall give that Honourable Member facilities to bring those amendments before the House as if it were a measure of Government; that is to say, that Government must find time on a Government business day for such amendments. That I think is sufficient and I would ask the Honourable Member who has moved this amendment to get it amended in that way.

**Mr. T. T. Krishnamachari:** I am powerless.

**Sir Cowasjee Jehangir:** The Honourable Finance Member actually asked whether the Honourable Member would be prepared to amend his amendment.

**Mr. T. T. Krishnamachari:** It is open to him to produce an alternative amendment.

**Sir Cowasjee Jehangir:** The Honourable Member said just now that he deliberately moved his amendment in the form in which he had put it down. I therefore suggest that for the safety of the public and the convenience of Government this amendment should be amended to come into line with the provisions in other Acts; that is to say, that all rules should be placed on the table

of the House during a Session of this House, whether that Session be of a few days or months, and during that time any Honourable Member shall have the right to move any amendment to any rule and Government shall find facilities for that Member for doing so.

**Mr. Chairman** (Mr. K. C. Neogy): Is the Honourable Member in a position to move that amendment formally?

**Sir Cowasjee Jehangir:** I am not; I am only taking up the offer made by the Finance Member. I understand what he meant.

**Dr. P. N. Banerjee:** He may move his own amendment; we will agree to it if it is reasonable.

**Sir Cowasjee Jehangir:** By some misunderstanding the Honourable the Mover of the amendment insisted upon his amendment being put to the vote exactly as he had drafted it. But if this matter can be cut short by the Finance Member allowing this amendment to be amended on the lines of other sections in other Acts, I think we shall have gained something. But if the Honourable Members on both sides will refuse to do this, I am afraid we shall be losing a great deal. I am myself anxious that in every Act that gives power to Government to make rules there shall be this provision that Honourable Members shall have the opportunity to criticise those rules in some form or other. I would request the Finance Member to take up the suggestion even at this late hour and the Honourable the Mover of this amendment to accept that suggestion.

**The Honourable Sir Jeremy Raisman:** Sir, with your permission, I may say that the position is that I actually had before me an amendment in the exact form in which this provision has been made in the Insurance Act,—that is, in a form which Government think is capable of reasonably convenient adoption. Although they are conscious that serious disadvantages do attach even to this procedure, nevertheless the provision is in this form.

[At this stage, Mr. K. C. Neogy vacated the Chair which was then occupied by Mr. Hooseinbhoj A. Lalljee (Another one of the Panel of Chairmen).]

The amendment would run in the following form:

"That to clause 38 of the Bill the following proviso be added, namely,—  
"Provided that every such rule shall be laid as soon as may be after it is made before each of the Chambers of the Central Legislature, while it is in session, for a total period of one month which may be comprised in one session or in two or more sessions, and if before the expiry of that period, or where the period for which the rule is so laid before one chamber does not coincide with that for which it is so laid before the other, before the expiry of the later of these periods, both Chambers agree in making any modification in the rule or both Chambers agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be."

**Sir F. E. James** (Madras: European): What does that mean in plain English?

**The Honourable Sir Jeremy Raisman:** It means that the rules are made; they are laid on the table of both Houses, and if both Houses desire their modification or their cancellation, that takes place. But obviously when they are first made they have effect. If they are opposed to the general opinion of the Legislature, obviously the period during which they would have effect would be extremely short. But it does not require Government to put a motion down on the agenda and go through the procedure of legislation unless the Legislature itself feels that some modification is called for.

**Sir F. E. James:** What would be the precise procedure? If one Member or one Party wished to make an amendment of these rules would he have to seek for time either on a Government day or a non-official day?

**The Honourable Sir Jeremy Raisman:** He would have to give notice of his motion. The papers would be laid on the table and he would have to give notice of his motion.

**Sir F. E. James:** In the form of an amendment?

**The Honourable Sir Jeremy Raisman:** Yes.

**Sir Cowasjee Jehangir:** And, I take it, Government would find time for it on a Government business day?

{Sir Cowasjee Jehangir.}

If I may remind the Honourable Member, there is another Act—I cannot lay my hand on it without notice—in which it is put in a more simplified form. It says exactly what should be done. I wonder if the Honourable Member can help us in this.

**Sir George Spence** (Secretary, Legislative Department): I think the other model to which Sir Cowasjee Jehangir has referred as being in his opinion, preferable, is sub-section (3) of section 133 of the Motor Vehicles Act, which provides that:

"All rules made under this Act by the Central Government or by any Provincial Government shall be laid for not less than fourteen days before the Central or Provincial Legislature, as the case may be, as soon as possible after they are made, and shall be subject to such modifications as the Legislature may make during the session in which they are so laid."

When Government decided to have an alternative amendment available in case the House showed any enthusiasm for the general idea, they deliberately considered the Insurance Act model and the Motor Vehicles Act model and concluded that the Insurance Act model was definitely preferable if only because the Motor Vehicles Act model leaves the position as between the two Chambers completely in the air. It speaks as if the Central Legislature was unicameral. The Insurance Act provision is much more carefully thought out and gives the right result in all respects.

**Sir F. E. James:** Sir, I do not wish to take up the time of the House, but I would like to see the picture of the procedure which this amendment would enable the House to follow. I take it that the rules when placed before the House will be placed in the form of a motion.

**Some Honourable Members:** No, no.

**Sir F. E. James:** What is the procedure for a Member who desires to move an amendment?

**Sir George Spence:** Sir, these provisions requiring rules to be laid on the table have been scrupulously complied with ever since they were placed on the Statute Book, that is to say, whenever a rule is made or amended at the next available sitting of this House the Honourable Member in charge of the Department concerned gets up and says: "Sir, in pursuance of section what not of the what not Act I lay on the table a copy of the what not rules." Hitherto, it is interesting to note, in view of the great enthusiasm shown on the abstract topic, that no Honourable Member in either Chamber has ever followed this up in any way whatsoever. If an Honourable Member did desire to follow it up he would give notice of a motion to the effect that this Assembly recommends that the rules published with notification Number so and so dated so and so, be cancelled, or, if he merely wanted amendments, he would give notice of a motion 'that this Assembly recommends that in rule what not of the what not rules for the words what not the words what not be substituted'. Then, when the motion came up, supposing the motion was that sundry modifications be made, any other Member of the House could put in any amendment he liked and, as the Honourable the Finance Member has indicated, we might be faced with a most embarrassing consumption of the time of the House. But we would hope that Honourable Members will find the rules so completely satisfactory, as in the case of the Motor Vehicles Act and the Insurance Act, that this provision will never come into any kind of operation whatever.

**Mr. T. T. Krishnamachari:** By way of explanation, may I ask whether when draft rules are placed on the table the fact will be mentioned in order paper and whether a specific date will be allotted on which a non-official Member can make the relative motion or whether he can make it on any day set apart for official business.

**Sir George Spence:** If notice of motion is given, it will be an obligation on the Government to put it down on an official day.

**Mr. T. T. Krishnamachari:** If the Chair will permit me, I would like to make an explanation of my own position. I think the Honourable the Finance Member did not quite follow what I said when I moved this amendment. I said "I

felt called upon to move this amendment because the Government had not acted in the matter". If they had an alternative amendment, I would not have had an occasion to move an amendment of this nature.

In view of the fairly general opinion of the House in this matter, if the Chair will permit the Honourable the Finance Member to move the amendment, I should be willing to drop mine.

**Mr. Chairman** (Mr. Hooseinbhoj A. Lalljee): Does the Honourable Member wish to withdraw his amendment?

**Mr. T. T. Krishnamachari:** Provided the Government is moving their amendment.

**Mr. Chairman** (Mr. Hooseinbhoj A. Lalljee): If you withdraw your amendment, I will ask the Government Benches if they wish to move since they have said that they would like to move it. I give them the permission. But your amendment should first be withdrawn.

**Mr. N. M. Joshi** (Nominated Non-Official): I do not think you can insist upon the amendment being withdrawn.

**Dr. P. N. Banerjee:** You need not insist.

**Mr. T. T. Krishnamachari:** Sir, in view of the fact that the Honourable the Finance Member is moving his amendment on the same subject, I beg leave of the House to withdraw my amendment.

**Mr. Chairman** (Mr. Hooseinbhoj A. Lalljee): You have heard the Government Benches already. There cannot be any conditional withdrawal.

**Mr. T. T. Krishnamachari:** Sir, I beg leave of the House to withdraw my amendment.

The amendment was, by leave of the Assembly, withdrawn.

Clause 37 was added to the Bill.

**Sir George Spence:** Sir, I move:

"That to clause 38 of the Bill the following proviso be added, namely,—  
'Provided that every such rule shall be laid as soon as may be after it is made before each of the Chambers of the Central Legislature, while it is in session, for a total period of one month which may be comprised in one session or in two or more sessions, and if before the expiry of that period, or where the period for which the rule is so laid before one chamber does not coincide with that for which it is so laid before the other, before the expiry of the later of these periods, both Chambers agree in making any modification in the rule or both Chambers agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be.'"

**Mr. Chairman** (Mr. Hooseinbhoj A. Lalljee): Amendment moved:

"That to clause 38 of the Bill the following proviso be added, namely,—  
'Provided that every such rule shall be laid as soon as may be after it is made before each of the Chambers of the Central Legislature, while it is in session, for a total period of one month which may be comprised in one session or in two or more sessions, and if before the expiry of that period, or where the period for which the rule is so laid before one chamber, does not coincide with that for which it is so laid before the other, before the expiry of the later of these periods, both Chambers agree in making any modification in the rule or both Chambers agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be.'"

**Nawabzada Muhammad Liaquat Ali Khan** (Rohilkund and Kumaon Divisions: Muhammadan Rural): May I suggest an amendment? For "one month" the words "30 days" be substituted.

**Sir George Spence:** I accept that.

**Mr. Chairman** (Mr. Hooseinbhoj A. Lalljee): The question is:

"That to clause 38 of the Bill the following proviso be added, namely,—  
'That to clause 38 of the Bill the following proviso be added, namely,—  
'Provided that every such rule shall be laid as soon as may be after it is made before each of the Chambers of the Central Legislature, while it is in session, for a total period of 30 days which may be comprised in one session or in two or more sessions, and if before the expiry of that period, or where the period for which the rule is so laid before one chamber, does not coincide with that for which it is so laid before the other, before the expiry of the later of these periods, both Chambers agree in making any modification in the rule or both Chambers agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be.'"

The motion was adopted.

Clause 38, as amended, was added to the Bill.  
Clauses 39 and 40 were added to the Bill.



**Mr. Chairman (Mr. Hooseinbhoj A. Lalljee):** We are reverting to clause 12 and we are considering amendment No. 17. The Honourable the Finance Member was addressing the House at that time. Does he wish to start the discussion?

**The Honourable Sir Jeremy Raisman:** The position was that the amendment in the original form of which my Honourable friend had given notice would certainly not have been acceptable to Government. Before he moved his amendment he obtained the consent of the Chair to move it in a somewhat different form and I was faced at very short notice indeed with the question of deciding what Government's attitude should be to the motion in the form in which he actually did move it, and I suggested that I should have more time to consider it and that this amendment be taken up after the other amendments had been disposed of.

Well, Sir, we have given a good deal of thought to this matter. The position is that the arrangements under the agreement between Mr. Gandhi and Lord Irwin (now Lord Halifax) were embodied in a press communiqué and a notification of the Government of India, dated the 5th March, 1931, and the 22nd May, 1931, respectively. I cannot remember exactly what happened in those intervening days; but at any rate those are the dates on which I find that these two announcements were made. There is a good deal more in this agreement than is included in the amendment moved by my Honourable friend. For example, from the point of view of the Government, it was made quite clear, and it was accepted by Mr. Gandhi, that in the event of the concession being abused the Government would be entitled to withdraw it in all the villages in which it was abused. That is a very important matter. After all, this was what was called a gentleman's agreement, and as far as I am aware it has certainly been observed honourably on the side of the Government, and we have no intention—I would make that quite clear—of departing from the practice which has been adopted ever since that time. At the same time, it did include certain safeguards and those safeguards in our opinion must always be included so long as an arrangement of this kind is in force. In my own opinion, the arrangement is already suitably embodied in this form: it is perfectly well understood in the villages where it takes effect and it is perfectly well understood by the departmental officers; and I cannot see that it is a matter which ought to be given an unduly rigid form by being included in the Statute as a separate section. All other exemptions of this kind, and other special arrangements, are covered by exemption notifications or by rules made to secure the desired effect. I have pursued the matter and I have endeavoured to see in what form it could be incorporated in this measure; and in my opinion it can only be suitably done by adding a new section at the end of the Bill—a new clause 41—and that incidentally would avoid the business of renumbering all the clauses,—and such a clause would have to run as follows:

"Notwithstanding anything to the contrary in the Act, salt collected or manufactured for domestic consumption by any inhabitant of a village immediately adjoining a saliferous area to the extent necessary for the needs of his own family shall be exempt from the duty imposed by section 3 and from the provisions of this Act and any rules made thereunder in regard to licensing:

Provided that no salt shall be so collected or manufactured in any area defined under clauses (xviii) and (xix) of sub-section (9) of section 37:

Provided further that the Collector may by order in writing fix the total quantity which may be collected or manufactured by the inhabitants of any village in such area and the Central Government may by notification in the Official Gazette prohibit such collection or manufacture in any village in which the Central Government has found that salt has been collected or manufactured in excess of such quantity."

**Dr. P. N. Banerjee:** May I ask a question? Are not the words "or for sale within the village" included in the agreement?

**The Honourable Sir Jeremy Raisman:** I really must ask that a certain amount of reasonable notice and time be given to me in dealing with matters of this kind on the floor of the House. The amendment in the original form included something about sale. That we were fully determined to oppose. The amendment was then amended, and the question of sale was excluded and so I and my department have been doing our best to adjust ourselves to the amendment as

actually moved by my Honourable friend. Now at the last moment the question of sale is again brought in . . .

**Dr. P. N. Banerjee:** Is that not contained in the original agreement?

**The Honourable Sir Jeremy Raisman:** Certainly there is a great deal in this agreement which does not find a place in the amendment. There is a great deal of what I may call background material which could not possibly be included in any enactment. It has been expressed in a perfectly amateur and straightforward manner as between two parties, not lawyers. If sale were to be included there are various other limiting phrases and safeguards which would be required and the whole matter would be very much more greatly complicated. If you wish to put this or any part of this on a statutory basis, the disadvantage is that you cannot import everything that is in the original agreement.

**Dr. P. N. Banerjee:** Otherwise there will be a limitation of the right!

**The Honourable Sir Jeremy Raisman:** There will be various limitations, but it is not our intention in any case to depart from the agreement which was then made. But here we are being asked to make an addition, and it must be reduced to some kind of suitable form, and this is the form which we have devised in order to meet the purpose of the amendment which was actually moved by Mr. Krishnamachari. If that secures the agreement of the House, then Government will be prepared to move an amendment in this form; but I regret that I cannot possibly again plunge myself back into the business of trying to translate this agreement into statutory form.

**Mr. K. O. Neogy:** May I request the Honourable Member to read out the notification on the subject, so that we can find out the difference between the actual position as it subsists at the present moment, and the difference that would arise under the suggested amendment?

**The Honourable Sir Jeremy Raisman:** I do suggest with great respect that this House cannot possibly study this matter at this moment and deal with it in this way. It is a thing which will take considerable time, and it has to be done first by one or two people and then put before the House, and as I say in view of the way in which this amendment has been changed at the last moment, I do claim that we have done our best to meet the position; and I regret that I would not be prepared to go any further . . .

**Pandit Lakshmi Kanta Maitra:** May I tell my Honourable friend that we have all been under the impression that he would be coming forward with an amendment which would embody the essence of the contract between Mahatma Gandhi on the one hand and Lord Irwin on the other. We want nothing more and nothing less. We never want anything more than that contained in the agreement. But his draft seeks to curtail some existing rights. When the Honourable Member could not accept our amendment in its original form we were given to understand that he would place his own draft in which the fundamentals of the agreement between Mahatma Gandhi and Lord Irwin would be embodied. But here the important part, viz., the right of sale is excluded and I do not see what practical difficulty is there and why it cannot be embodied in another sub-clause added after that.

**The Honourable Sir Jeremy Raisman:** No; my point is that the Honourable Member's Party, the spokesman of his Party, definitely withdrew and narrowed the scope of their amendment. It was because of that that I felt that I should make some effort to meet that point of view. It seemed to me that the more restricted scope of the amendment might conceivably be conveniently embodied in the Bill, but the importation of the idea of sale makes it a much wider proposition.

**Mr. T. T. Krishnamachari:** May I ask the Honourable Member how this amending clause will affect the present position with regard to sale?

**The Honourable Sir Jeremy Raisman:** It won't affect it in the slightest. The position regarding sale in villages will continue to be regulated by the agreement, and, as a matter of fact, if no amendment were made in this Bill, there would not be the slightest difference in the position which has obtained. So long as their



[Sir Jeremy Raisman.]

conditions are carried out, Government regard themselves as honourably bound by this agreement and will continue to observe it, and actually from that point of view there is no necessity, there is no practical advantage, in moving the amendment. It may be that actually the position, even from the point of view of the Honourable the Mover, will not be as satisfactory as it would have been if he had not moved his amendment, but I must leave it to him to judge of that.

**Mr. Jambadas M. Mehta** (Bombay: Central Division: Non-Muhammadian Rural): Government have honourably carried out the agreement for 13 years—is it necessary to embody it in the Bill?

**Dr. P. N. Banerjee**: I personally do not see what difficulty there would be if we had the words "or sale within the village". There would be no difficulty; otherwise this amendment might be interpreted as having curtailed the right which already belongs to these poor people.

**Mr. Chairman** (Mr. Hooseinbhoj A. Lalljee): I think the position has been made amply clear. Government are prepared to put in a further clause if the Honourable Member who has moved the amendment agrees. If he does not agree, I will have to put the amendment, as it is, to the vote.

**An Honourable Member**: But I hope the discussion is not closed.

**Mr. Chairman** (Mr. Hooseinbhoj A. Lalljee): No. Discussion will go on.

**Mr. E. L. C. Gwilt** (Bombay: European): Sir, I find myself enquiring why there should be the necessity for a piece of legislation on this point? It is based on an agreement which the Honourable the Finance Member has described as a "gentleman's agreement" and which I believe was made in 1931. It is a credit to all parties to that agreement that for 13 years it has, apparently, not been broken. I think that is correct. Then why should it be necessary at this stage to convert that agreement into a form of legislation? Surely, that is a retrograde step.

**Mr. Jambadas M. Mehta**: Sir, I am not interested either in the amendment moved by my Honourable friend, Mr. Krishnamachari; or in the new amendment which the Honourable the Finance Member has read out. I want to test this discussion's value by two things,—one, whether during the 13 years that the agreement has been in force,—it was arrived at on the 5th March, 1931,—there has existed any reason for doubting that its observance will continue as before, and secondly, whether in itself this agreement had any value. Honourable Members who are in favour of this amendment do not seem to be familiar with the fact that that agreement was a face-saving device. There was nothing in the agreement that the villager gained, except the right to eat salt which might be bad for health. On the other hand, as a result of the withdrawal of the campaign on the 5th March, 1931, the country has groaned under the weight of an added salt tax, within 26 days after the agreement, of four annas a maund, and 5 annas subsequently as a surcharge. If I am not mistaken, after this so-called agreement, which was supposed to have brought tremendous credit to the national movement, the poor man has paid an additional 9 annas per maund to the Government coffers, instead of allowing it to remain at one rupee where it was before the campaign began. I remember that, when this Gandhi-Irwin pact was arrived at on the 5th March, 1931, it was condemned in many Congress circles themselves as a miserable climb down breaking the hearts of 75,000 people who had gone to jail for annulment of the salt tax. *Nimak ka qanun tor dia* was the slogan; *balke qanun nahin toota—sar toota*. And the poor people have had to pay nine annas per maund for the last 13 years. Therefore, on both grounds I see no value in the amendment except as a sentimental thing, and also to show to the public how loyal we are to the Gandhi-Irwin agreement without reading it. I challenge anybody to test the value of this so-called concession before a medical board and prove whether this salt is at all good for the people who eat it. It is the miserable poverty of the people, it is their inability to pay even one rupee, which obliges some of them to collect this so-called salt. I know how salt is made and I am living in a district where salt is manufactured, and I do say that the agreement of the 5th March, 1931, was an

absolutely face-saving agreement by which the poor people gained nothing. . . . (Interruption.) Face-saving to the Mahatma, I do not mind saying that. The country gained nothing. The Thana district

**An Honourable Member**: Which party do you belong to? The Congress Party?

**Mr. Jambadas M. Mehta**: I do not belong to that party, I revolted from it in April 1931 and since then I do not agree with almost everything that they do. It is out of consideration for my Honourable friend, Mr. Krishnamachari, who has taken so much trouble for the last three days, for the labours which he has undertaken, I am willing that this may be allowed to be passed—more as a concession to the trouble which he has taken, which was worthy of a better cause; but as regards the value of the agreement, there is not one iota of value to the poor people of this country, and at least this wretched Government has observed it honourably for 13 years. If they have broken many promises, here at least they have been loyal.

**An Honourable Member**: Because it does not mean any loss.

**Mr. Jambadas M. Mehta**: Exactly; they know it has brought them nine annas per maund additional revenue. That is the real broad fact of this so-called Gandhi-Irwin agreement. Most of the Honourable Members who are here perhaps have not read it. I denounced it on the day it was made, at the Madras Beach in Triplicane at a vast meeting. On that very day I denounced it because it broke the hearts of 75,000 young men who had gone into jail in order that the salt tax might be annulled. The salt tax was not annulled. Like Johnnie Walker it is getting stronger and stronger day by day, year by year, and my Honourable friend is left with the device of this amendment to show to the people how loyal we are to the Gandhian movement! It has no substantial value; it is purely sentimental. If it pleases them I do not want to oppose. If people are pleased with baubles it is not my business to prevent them. If Government want to accept it I do not mind. But I am perfectly convinced, and anybody who reads the Gandhi-Irwin Pact and studies the movement which preceded it will feel that there is no substance in this amendment. I have therefore nothing in its favour and I have, also, nothing against it. It leaves us as we were.

**Mr. K. C. Neogy**: I did not imagine that this amendment of my Honourable friend would provoke a political speech.

**Mr. Jambadas M. Mehta**: It is a political amendment.

**Mr. K. C. Neogy**: I am prepared to judge the amendment on its merits. I am not concerned with what happened in the past, or how this particular agreement was viewed by 75 thousand young men; but I am prepared to bear testimony to the fact that this particular agreement does work to the real benefit of the people who are affected by it, that is to say, the people living near about the seaboard—people who in the past used to be living always in dread of the Salt Department subordinates lest they might be caught while scraping the surface of the earth even for the purpose of collecting the salt that was formed there by natural process. These are the people who have been benefited, and it is no use trying to make out in this House that this agreement has not benefited anybody in the least. It has benefited the people for whose benefit it was intended. I am not concerned with its political aspect. It has conferred a real boon on people living near about the Bay of Bengal, and I have seen these people actually taking the fullest advantage of this particular agreement, not merely by collecting or manufacturing salt for their own consumption, but also carrying headloads of salt from near about the seaboard and freely selling them in their own villages, as is definitely contemplated under the terms of the agreement. Therefore, Sir, I do plead for a saner outlook in this House while considering this particular amendment. The whole issue is this: are we or are we not going to place on the Statute-book the substance of the agreement which was entered into between Mahatma Gandhi and Lord Irwin? That is the whole issue. I entirely agree that the Government have carried out the agreement in its true spirit; but at the same time, having regard to the fact that the Government are committed to carry out this agreement in its

[Mr. K. C. Neogy.]

true spirit in future, as they have done in the past, where is the harm in placing this agreement, at least the substance of it, on the Statute-book by an appropriate provision of the law? As a matter of fact, I should have thought that Chapter V which deals with special provisions relating to salt, and actually enumerates two different kinds of qualified exemption, is the appropriate place for embodying a provision of this kind. I have nothing to say as regards the particular place where this amendment may be made, but I think the Honourable the Finance Member will be in a position to give a concrete shape to the agreement in such a manner as would satisfy the legal requirements and then put in an appropriate clause wherever it may be suitable. If necessary, and if the rules of this House do not permit any immediate drafting of an appropriate amendment of this character, may I move that the further consideration of this motion be postponed till tomorrow, if necessary, so that the Government may have a little further time to consider the matter. I daresay the Honourable the Finance Member realises the difficulty in which we find ourselves. If we had suggested this amendment independently of the Gandhi-Irwin Pact, there would have been no difficulty; that is to say, if we had given this right to the coastal people as an unqualified right, as a right arising independently of the agreement itself, then there would have been no difficulty in our agreeing to the suggested amendment read out by the Honourable Member but the amendment purports to be really a reproduction of the substance of that agreement; and from that point of view, the Honourable Member certainly realises the difficulty in which we find ourselves in so far as the suggested amendment of his carries out only a part of the agreement and does not embody what we consider to be an equally important part.

**The Honourable Sir Jeremy Raisman:** I cannot agree that it would be reasonable to adjourn the business of the House merely in order to attempt to give statutory form to an agreement which Government have every intention of observing. The question of sale is peculiarly difficult. I will read one sentence from this document:

"There should be no sale of salt for the purpose of trade outside the villages. It follows therefore that such salt can be carried only on foot and not in carts or such other conveyances."

That language is the ordinary language which people use when discussing matters. My Honourable friend will recognise as a lawyer that to embody that in legal provisions is not an easy matter. Then there is the position that, if in a particular area it is abused, as was agreed between the parties at the time, Government will have to withdraw the concession in that area. I do suggest that, in the interests of the agreement itself and of the beneficiaries of it, we should not attempt to put the substance of it in statutory form. If at any time the Government of India should fail—which I cannot conceive—to carry out this agreement, either in the letter or the spirit, I think it would be open to anybody then to move a suitable amendment; but until such time comes, I do suggest that nothing would be gained by pressing this amendment. It has had the effect of enabling the Government to reaffirm their intention to abide fully by the letter and the spirit of this agreement and I suggest that that is sufficient for all purposes.

**Mr. T. T. Krishnamachari:** Sir, in view of the hornet's nest that my amendment appears to have raised, and the fact that I am unable to accept the alternative so generously suggested by Government, I beg to ask for leave to withdraw my amendment.

The amendment was, by leave of the Assembly, withdrawn.

**Mr. Chairman (Mr. Hooseinbhoy A. Lalljee):** The question is:

"That the First Schedule stand part of the Bill."

The motion was adopted.

The First Schedule was added to the Bill.

The Second Schedule and the Third Schedule were added to the Bill.

Clause 1 was added to the Bill.

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

The Title and the Preamble were added to the Bill.

**The Honourable Sir Jeremy Raisman:** Sir, I move:

"That the Bill, as amended, be passed."

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

"That the Bill, as amended, be passed."

**Mr. T. T. Krishnamachari:** Mr. President, I would like to say a few words at this stage considering that I had taken some pains to get this Bill improved while it was being considered by the House.

**Dr. P. N. Banerjee:** You have done a great deal to improve the Bill and our thanks are due to you.

**Mr. T. T. Krishnamachari:** I was being reminded as the Bill was being pushed through this House of a saying of Plato. He said that human beings do not ever make laws; it is accidents and catastrophes of all kinds happening in every conceivable way that make the laws for us. Sir, I am still to be convinced that this was the time for a consolidated excise measure of this nature to be put before the House and passed by it. I still cannot see where the urgency was for a measure of this kind to be passed.

**Sardar Sant Singh (West Punjab: Sikh):** There was no legislation for the Legislature.

**Mr. T. T. Krishnamachari:** Unless it be, as my Honourable friend to my left suggests, that since the Legislature has been deprived of all its legitimate work, it must be kept busy so that the legislative hunger that it might develop might not develop into ugly proportions. Even at this stage after all the infructuous researches that I have made to find flaws in this Bill and after all the infructuous attempts that I have made to stem the tide of the progress of this measure, I still feel I am unable to get the hang of the whole business. Should accidents determine the fate of this country for ever? Should accidents determine the fate of legislative enactments in this country for all time to come? Sir, I still look for a reason why this Bill has been pushed through and I cannot find any. But if you would permit me to say so, the country must know why those of us who have been the participants in this measure on the floor of the House have felt that there is no need for it. If we have acquiesced, as in the very nature we appear to acquiesce, in measures which encroach on the liberties of the people and the normal trading and manufacturing activities of the people to an extent far beyond what was necessary for the purpose of collection of tax by Government, we have done so because we were powerless. It might be that if the circumstances were otherwise, every one of my amendments might have been carried. But today that is not possible and the very impossibility of these amendments being carried has given courage to this Government.

Sir, why was this measure brought? The measure, as I said, bears the impress of the hand of a policeman, the impress of the hand of a preventive officer. The whole bearing and the whole argument of the measure has been that of the person who thinks that the people are out to do the wrong and they will never do the right thing. I say many accidents have happened in this country. It is an accident that Britain is here to rule us; it is an accident that there are Indian States and there is the British India; it was an accident that there was French territory in this country; . . . . .

**Mr. President (The Honourable Sir Abdur Rahim):** All this has nothing to do with the Bill. The Honourable Member must stick to the motion before the House.

**Mr. T. T. Krishnamachari:** All these accidents have led to the stringent salt and preventive legislation in this country and those legislations are sought to be made the general legislation for all excise commodities. That is why even at this stage, when I think it is customary and conventional to throw bouquets on the Members who are in charge of Government measures, I raise my voice to say that people will be afraid of the manner in which this measure will be put into operation, that the dice is loaded against the people engaged in the several trades which this measure seeks to control. I am not unalive to those little mercies that I have had at the hands of the Government. It might be that I

[Dr. P. N. Banerjee.]

Certain suggestions were made but the Committee merely expressed a pious hope. They said:

"We trust that the valuable reforms which will have the effect of re-establishing firm and centralised control will bear testimony in their effect in reducing extravagance and waste."

It is admitted that there has been a great deal of extravagance and waste. Let us all hope, as the Committee hoped, that steps will be taken to reduce this extravagance and waste.

Then I come to stores. Here they say:

"We observe with regret that the Military Accountant General had to make reservations in the certificate. He had said that in practice the goods could not be linked up with the stores which were used and the Committee desire that the losses should be known."

That is very unsatisfactory; and it is said further that it is impossible to know the losses because of the inadequacy of the accounting. Why should there be any inadequacy in the accounting of these stores? It is further pointed out that the list of losses, which is a very small one, contains only those losses which have been brought to account, the main losses having occurred in items which never entered the Government account at all. That is most unsatisfactory. The Committee were assured that the authorities were fully alive to the extreme importance of stores and that steps would be taken to restore control. The Committee suggested that the accounts of the year 1943-44 must show an improvement in this regard. That is their hope and their injunction.

I next take up the Supply Department. It is pointed out here that the atmosphere of the Supply Department is one of mutual co-operation, trust and good will, but in some cases *ex post facto* costing inquiries have led to refunds being made on old contracts. It is to be hoped that these defects will be removed in future. Then the Committee refer to the utilisation of the surplus. They say that with regard to surplus obsolete and waste stores steps should be taken that they should not be lightly dealt with. These are very important observations, and I hope the different Departments of Government will take note of them and give effect to the recommendations.

Now coming to observations regarding other Departments of Government, I will first take up the Department of Education, Health and Lands which was considered at the fifth meeting of the Committee. In regard to the manufacture and sale of vaccines and sera it was pointed out to the Public Accounts Committee that appreciable profits were made over the last few years and this did not indicate any change in the policy of Government in regard to this matter. Now this is a question of policy. Vaccines, sera and so forth are for improving public health of the country. Should the Government make much profits under this head? I hope the Department of Education, Health and Lands will see to it that the public get the benefit of the manufacture of these things, so that they may purchase them at cost price. No profits should be made.

Some observations have been made (on page 27, paragraph 58) by the Public Accounts Committee with regard to the Finance Department:

"On a general review of financial results the Committee, recognising that accurate budgeting and control over expenditure had been rendered very difficult owing to the intensification of the war and the innumerable demands connected with it which could not possibly be anticipated, agreed with the conclusion of the Auditor-General that, taking all the factors into consideration, both budgeting and control had been, on the whole, satisfactory during the year under review."

This is again, a very halfhearted certificate given. I hope the Honourable the Finance Member will do his best to get a full-hearted certificate in future.

Sir, with regard to the Railway Department, some observations have been made by this Committee. I do not want to take up the time of the House any further, but I will ask the Honourable the War Transport Member to give due consideration to this matter so that all irregularities and defects may be removed at the earliest possible moment.

**Mr. Muhammad Nauman** (Patna and Chotta Nagpur cum Orissa: Muhammadan): Sir, I do not want to take up much time of the House in making comments on this Report, but I would just like to make one or two observations

particularly with regard to Naval Accounts. On page 10 in paragraph 10, it is stated:

"Allied to this problem is the problem of Naval Stores Accounts which was mentioned in our Report last year. We are informed that a complete reorganisation of the accounting arrangements in the Royal Indian Navy has taken place . . . . ."

Then on page 71, last page, it has been shown that certain surplus commodities were either discarded or condemned without any revaluation being done. For instance, it is not stated exactly what happened to the 57,000 surplus table napkins—were they condemned or thrown away? What I wanted to impress on the House is whether the Government is at all guided by the observations that are made from time to time by the members of the Committee. This issue, as far as I remember, was tackled by the Public Accounts Committee during the year before last but things have not improved in this particular case.

Then, Sir, with regard to Appropriation Accounts of 1941-42—Legislative Assembly and Legislative Departments, we find that savings have been increasing consistently every year. They are as follows: 1939-39, 18.5; 1940-41, 20.6; 1941-42, 23.40. The Legislative Assembly Department had to surrender one lakh 30 thousand rupees to Government. But we find that whereas we are making big savings we are being deprived of the privilege of getting a pencil on the table which we used to have. When the Department has got enough money to surrender, I do not see any reason why even this facility should be withdrawn. Last year I complained about Members not being provided with paper, and, of course, Dr. Ambedkar was good enough to say that there was no scarcity of paper and we found that things improved and we did not have any difficulty in so far as paper was concerned. But now another difficulty has arisen—we are not supplied with pencils. I point out this difficulty because, on seeing the Accounts, I was surprised to find that we have surrendered such a big amount. With these few remarks I take my seat.

**The Honourable Sir Jeremy Raisman:** I do not think that there is much that I can say on the points which have been mentioned by the two Honourable Members. Even Professor Banerjee's points have been mostly met in the Report itself. The answer to most of his observations is to be found in sentences either preceding or immediately succeeding the sentence which he has quoted. But I would like to say something about his charge of lack of adequate consideration in fixing the time for the meetings of this Committee.

It has been my unfortunate experience—and this year is the first exception—that I have the utmost difficulty in getting this House to perform its duties in regard to the Report of this Committee. I am at this moment congratulating myself that for the first time since I have been the Finance Member the consideration of this Report has actually been taken up on the first day on which the motion was put down and on which I sought to move it. That has been one kind of trouble. But this year I had another kind of trouble: Owing to the fact that there was a Session of the Legislature during the summer, I found it extremely difficult to get the Members of this Committee to agree to meet at all. There was no time which suited them to carry out their duties. They said they were tired; they had a longer Session than they expected and they wanted to go home.

**Dr. P. N. Banerjee:** You might have had the meetings in July.

**Sir Gomasjee Jehangir** (Bombay City: Non-Muhammadan Urban): Are they paid for working on this committee?

**The Honourable Sir Jeremy Raisman:** They draw the usual allowances. Allowances differ according to whether the Sessions of the Committee are held immediately after or before a Session of the Assembly, and as Finance Member I must plead guilty to the desire to try and save the taxpayer additional expense in sending Members home and bringing them back again. But the main point is this. In the old days when there was either no Session in the summer or a short one, I used to be able to get the Committee together for two or three weeks and by keeping continuously at it we used to finish the

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That an excess grant of Rs. 14,088 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'Executive Council'." The motion was adopted.

#### DEMAND NO. 15.—HOME DEPARTMENT

**The Honourable Sir Jeremy Raisman:** Sir, I move.

"That an excess grant of Rs. 24,647 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'Home Department'."

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That an excess grant of Rs. 24,647 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'Home Department'." The motion was adopted.

#### DEMAND NO. 15A.—CIVIL DEFENCE DEPARTMENT.

**The Honourable Sir Jeremy Raisman:** Sir, I move.

"That an excess grant of Rs. 12,061 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'Civil Defence Department'."

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That an excess grant of Rs. 12,061 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'Civil Defence Department'." The motion was adopted.

#### DEMAND NO. 17A.—DEPARTMENT OF INDIANS OVERSEAS.

**The Honourable Sir Jeremy Raisman:** Sir, I move.

"That an excess grant of Rs. 3,018 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'Department of Indians Overseas'."

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That an excess grant of Rs. 3,018 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'Department of Indians Overseas'." The motion was adopted.

#### DEMAND NO. 18.—FINANCE DEPARTMENT.

**The Honourable Sir Jeremy Raisman:** Sir, I move.

"That an excess grant of Rs. 225 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'Finance Department'."

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That an excess grant of Rs. 225 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'Finance Department'." The motion was adopted.

#### DEMAND NO. 27.—POLICE.

**The Honourable Sir Jeremy Raisman:** Sir, I move.

"That an excess grant of Rs. 42,154 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'Police'."

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That an excess grant of Rs. 42,154 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'Police'." The motion was adopted.

#### DEMAND NO. 38.—EDUCATION.

**The Honourable Sir Jeremy Raisman:** Sir, I move.

"That an excess grant of Rs. 240 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'Education'."

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That an excess grant of Rs. 240 be voted by the Assembly to regularise the

#### DEMANDS FOR EXCESS GRANTS

expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'Education'." The motion was adopted.

#### DEMAND NO. 46.—INDUSTRIES.

**The Honourable Sir Jeremy Raisman:** Sir, I move.

"That an excess grant of Rs. 19,280 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'Industries'."

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That an excess grant of Rs. 19,280 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'Industries'." The motion was adopted.

#### DEMAND NO. 49.—BROADCASTING.

**The Honourable Sir Jeremy Raisman:** Sir, I move.

"That an excess grant of Rs. 36,265 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'Broadcasting'."

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That an excess grant of Rs. 36,265 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'Broadcasting'." The motion was adopted.

#### DEMAND NO. 63.—STATIONERY AND PRINTING.

**The Honourable Sir Jeremy Raisman:** Sir, I move.

"That an excess grant of Rs. 6,73,892 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'Stationery and Printing'."

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That an excess grant of Rs. 6,73,892 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'Stationery and Printing'." The motion was adopted.

#### DEMAND NO. 10.—THE INDIAN POSTS AND TELEGRAPHS DEPARTMENT—WORKING EXPENSES.

**The Honourable Sir Jeremy Raisman:** Sir, I move.

"That an excess grant of Rs. 2,72,265 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'The Indian Posts and Telegraphs Department—Working Expenses'."

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That an excess grant of Rs. 2,72,265 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'The Indian Posts and Telegraphs Department—Working Expenses'." The motion was adopted.

#### RAILWAYS.

##### DEMAND NO. 5.—PAYMENTS TO INDIAN STATES AND COMPANIES.

**The Honourable Sir Jeremy Raisman:** Sir, I move.

"That an excess grant of Rs. 16,52,694 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'Payments to Indian States and Companies'."

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That an excess grant of Rs. 16,52,694 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'Payments to Indian States and Companies'." The motion was adopted.

##### DEMAND NO. 6-B.—WORKING EXPENSES—MAINTENANCE AND SUPPLY OF LOCOMOTIVE POWER.

**The Honourable Sir Jeremy Raisman:** Sir, I move.

"That an excess grant of Rs. 1,61,305 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1941-42, in respect of 'Working Expenses—Maintenance and Supply of Locomotive Power'."

hurled them back in defeat and ruin, as she did another would-be world conqueror 130 years ago. As one who has seen much of the Russian soldier both in peace and in war, I have watched with special interest the prowess of an army and people I have always liked and admired. You have seen too how the United States of America has recovered from the treacherous surprises of Pearl Harbour and Manila, and how powerful a fighting machine she has organised to carry her counter-offensive to Japan. You have seen China indomitable for over six years though almost unharmed. You are joined with four of the toughest nations of the world in spirit and action. The end is certain, and you may be proud of your contribution to it.

When the end will come it is difficult yet to say. Germany is reeling under a series of shocks, physical and moral, which may well put her out of the ring at an early date, though we must not count on it. We shall then be able to intensify the war against Japan. You realise the physical difficulties of the re-conquest of Burma and of the other territory seized by the Japanese early in the war. It will be accomplished but it needs careful training and preparation.

India as one of the principal bases of the war against Japan must be stable and organised. To maintain stability we must solve our economic problems. Food, which is the most important of them, was so fully debated in both Houses at the last Session of the Legislature that I need say little here about it. It is an all-India problem, which my Government is trying to organise on an all-India basis. The key points in our plan are the strict supervision of dealers under the Foodgrains Control Order, the avoidance of competitive buying in the procurement of Government requirements, statutory price-control, control over movements, and rationing in the larger towns. We rely for success on the administrative energy of the Provincial Governments—and on parallel action in the Indian States—and I am glad to say that during the past four months we have made progress. We are not out of the wood yet, but, backed by substantial imports, I believe we can improve our food position greatly in 1944. Our aim is not to favour the townsman at the expense of the cultivator, but to see that the staple foodgrains are available to all at prices at once fair to the cultivator and within the means of the poorer members of our population. The "Grow More Food" campaign has already produced valuable additions to our supplies, and will, I am sure, produce more. There is likely to be a world shortage for some years after the war during the period of recovery, and India must be prepared to stand by herself as far as possible. A bold agricultural policy will be necessary.

The situation in Bengal is special, and has caused my Government grave anxiety. But there, too, conditions have improved and I trust will continue to improve. We must run no risk of last year's disaster being repeated.

The food problem is closely linked with the inflationary threat, which we are determined to avert. The Finance Member will deal fully with this in introducing the Budget, and I do not intend to speak now of the remedies he will propose. I need only say that there has been a distinct improvement in the rate of savings and that we have made some progress in increasing the supply and bringing down the prices of consumer's goods manufactured in India, as well as of those imported from abroad. The new Department of Industries and Civil Supplies has formidable tasks ahead of it but has made a good start with standard cloth, the release of woollen goods to the general public, and the control of the prices of imported drugs.

The transportation system has been subjected to great strains, which it has supported creditably, thanks to the fine work of our Railwaymen, to whose steadiness and regularity we owe a great deal. I know that conditions of travel are not easy for the general public; I am afraid that that is inevitable in war time and is a condition obtaining practically throughout the world at present. The latest problem to confront not only the transportation authorities, but public bodies, industrialists, and private households throughout India is shortage of coal. The seasonal fall in raisings which occurs in the last quarter of

the year was abnormally great in 1943. There were reasons for this—an exceptionally good harvest, the presence of easier and better paid work in the coal-fields, difficulties about the supply of food, and the epidemic of malaria, combined to draw labour away from the mines and to make their return slow. Labour conditions are beginning to return to normal; but there is much to be done to improve the raising and distribution of coal and conditions in the coal-fields. My Government has appointed a Coal Commissioner to study all the factors bearing on production and movement and to see that the policy of the departments concerned is effectively carried out. We shall, I hope, effect a considerable improvement, though it may take time.

Unless and until some other form of government can be established with general consent, the present Government of India, mainly an Indian Government, will continue to carry out to the best of its ability—and I am satisfied that it is a very good ability—the primary purposes of any government—the maintenance of law and order, the duties of internal administration, and the preparation for the work ahead at the end of the war. The winning of this war is our first task, but it must not exclude preparation for the future.

We are approaching the end of the greatest of all wars. On the whole, in view of the scale of the dangers and disasters to the world as a whole, India has come through it with less hurt than any other nation in the front line. And the war has in many directions enhanced her opportunities and prospects. It has hastened her industrial development; it will increase food production, it has strengthened her financial position. That it has not brought, as in certain other countries, an increased unity of spirit and purpose is an unhappy circumstance which we all deplore. There is, however, nothing more unprofitable than to indulge in recriminations about the past. We must look forward and not back.

The post-war world will be for India a world of great opportunities and great dangers, in which she has an outstanding role to play. It is our present business to prepare her materially and morally for these testing years.

Let us count the blessings first. India has great undeveloped resources, in agriculture and in industry. Her soil is not yet cultivated to its full fruitfulness; with improvement in methods, in irrigation, and in fertilization, we can increase our food supply greatly both in quality and quantity. We can much improve the breed of cattle. There is wide scope of development in India's main industry, agriculture.

There are also great commercial possibilities in India. There are mineral resources still undeveloped; there is abundant labour, a portion of which has now attained a considerable degree of technical skill. India has many experienced and able men of business. Her financial position at the end of this war should be a good one. There are almost unlimited markets, internal and external, for her produce.

Such are her main economic assets. She has, however, also many economic difficulties and disabilities. The pressure of increasing population, the small percentage of educated persons, the low standard of health services, the poor conditions in which the greater part both of agricultural and labouring populations live, the flagrant contrast between wealth and poverty, the inadequacy of communications, all mark the immensity of the problem which confronts India in raising the standard of living. Our task is to use rightly and to best advantage her great economic assets; not to increase the wealth of the few, but to raise the many from poverty to a decent standard of comfort. A hard task indeed, but a noble task, which calls from all for a spirit of co-operation, a spirit of hope and a spirit of sacrifice.

The present Government means to prepare the way for India's post-war development with all earnestness of spirit and with all resources, official and non-official, which it can enlist.

We have to consider first of all the "winding-up" process that follows all wars—the demobilisation and resettlement of soldiers, the termination of war-time contracts with industry and the orderly return of industrial labour to



peacetime tasks; the dispersal of property and stocks of goods acquired for war purposes.

Our great aim must be to plan for economic and social development so as to raise our standards of living and general welfare. We must lift the poor man of India from poverty to security; from ill-health to vigour; from ignorance to understanding; and our rate of progress must no longer be at bullock-cart standard but at least at the pace of the handy and serviceable jeep.

As you know, the development of India is being dealt with by a Committee of my Executive Council, which is assisted by a number of other committees with a strong non-official element. I am considering means to strengthen our planning organisation and to accelerate our progress. Much useful preliminary work has been done, and we have now reached a stage at which, for certain subjects at least, as for example the demobilisation and resettlement of soldiers, definite planning can begin in some detail. Over the greater part of the field our actual conduct after the war will depend to some extent—often to a great extent—on international factors—such as tariff policy and international currency—of which we can at present know little. But we need not wait on these; on the big questions of policy we have to make certain broad assumptions, and we are now deciding what our assumptions should be. Concurrently we are appointing individual development officers—not Committees—to draw up outline plans for subjects such as electrification, industries, road development, irrigation and agriculture. We are also arranging to give opportunities for bodies of Indians connected with industry, the health services, and other branches of development to visit the United Kingdom, and if required the U.S.A., to study for the benefit of India the latest developments in their line of work. For the main social services we already have the Educational Adviser's memorandum, and shall later have the report of the Bhoré Committee on medicine and public health. I believe that during 1944 our plans will take shape; they must cover the whole of India, and the Provinces and States will, I am sure, co-operate with the Centre in producing the best and most comprehensive possible statement of our needs. I and my Government are in earnest in doing all we can to further India's progress after the war.

We welcome constructive suggestions; and my Government is examining with interest the plan recently propounded by seven prominent business men. The views of the authors of this plan on the objects to be achieved are in principle the same as those of my Government—we must work for a substantial increase in standards of living and social welfare. We may on examination differ on the methods to be employed, their relative importance in the plan as a whole, the part to be played by the State and by private enterprise, and the financial practicability of development on the scale contemplated within the time suggested by the authors; but our aim is similar and we welcome any sincere contribution to the problem that sets people thinking and makes them realise both the possibilities and the pitfalls ahead of us.

As I said at Calcutta, it may in the initial stages be necessary for the Government of India and the Provincial Governments to devote the larger proportion of the resources available to economic development, agricultural and industrial, so as to increase the wealth of the country. But you may rest well assured that the vital matters of health and education will not be allowed to stand still, and that the recommendations of the Educational Adviser and the Bhoré Committee will receive the most earnest consideration.

So much for India's economic future. It should be possible if all goes well, to make good progress; and to lay plans well ahead. It is more difficult at present to plan India's political future in any detail. I can state to you what I know is the point of view of practically the whole of the British people, of His Majesty's present Government, and, I am confident, of any future Government of the United Kingdom. It is their genuine desire to see India a prosperous country, a united country, enjoying complete and unqualified self-government as a willing partner of the British Commonwealth. That last desire

# H. E. THE GOVERNOR GENERAL'S ADDRESS

is not prompted by any sense of imperialism or wish for domination but by a real belief that in such association India can best find security and help in the testing years ahead, and that peace in the East can so be best assured.

I am absolutely convinced not only that the above represents the genuine desire of the British people, but that they wish to see an early realisation of it. It is qualified only at present by an absolute determination to let nothing stand in the way of the earliest possible defeat of Germany and Japan; and by a resolve to see that in the solution of the constitutional problem full account is taken of the interests of those who have loyally supported us in this war and at all other times—the soldiers who have served the common cause; the people who have worked with us; the Rulers and populations of the States to whom we are pledged; the minorities who have trusted us to see that they get a fair deal. We are bound in justice, in honour, in the interests of progress, to hand over India to Indian rule, which can maintain the peace and order and progress which we have endeavoured to establish. I believe that we should take some risk to further this; but until the two main Indian parties at least can come to terms, I do not see any immediate hope of progress.

The Cripps offer was a bold and generous offer and gave India a great opportunity to progress towards solution of her problems. Be well assured that it was not made in any panic. I can say that with certainty; I was Commander-in-Chief at the time and in a position to know that there was no panic in the councils of those in authority, either in India or in the United Kingdom. We are not a people who panic easily in the face of danger. The offer was made in the hope that when war had come so close to India and threatened its national life, it might arouse, as in other countries, a spirit of unity and co-operation that would have overridden political differences in the hour of danger. That hope was not fulfilled. There is no profit in recriminations about the reasons for the rejection of the Cripps offer. But since that offer, as has been stated more than once by His Majesty's Government, is still open, it may be well to restate it here. Nearly two years have passed since the Cripps draft declaration was made public, but it stands forth today as the solemn pledge of His Majesty's Government that India shall have full control of her own destiny among the nations of the Commonwealth and of the world. It declared in unmistakable terms that India should have the same status as the Dominions or the United Kingdom itself under a constitution of her own devising. It also embodied a constructive suggestion by His Majesty's Government to aid India in the attainment of that status. Proposals were made for setting up a constitution-making body, representative both of British India and of the Indian States; and His Majesty's Government undertook to accept and implement the constitution framed by this body, subject to two conditions. First, the declaration recognised the right of a Province not to accede to the Indian Union. Such Provinces could either retain their present constitutional position; or if they so desired, His Majesty's Government would agree with them upon a new constitution giving them the same status as the new Indian Union itself. Second, the declaration made provision for the signing of a treaty between His Majesty's Government and the constitution-making body to provide for matters arising out of the transfer of power, including protection for racial and religious minorities. It was made clear beyond all doubt that this treaty would not impose any restrictions upon the power of the Indian Union to decide in the future its relationship with the other States of the British Commonwealth of Nations.

The Cripps offer was an offer to India of full self-government, of the right to frame her own constitution, and even of the right, if she so desired, to sever her partnership with the British Commonwealth. Because of the military situation—which still obtains—it was provided that, pending the framing of the future constitution, the direction of defence should remain the responsibility of His Majesty's Government, but it was contemplated that Indian leaders should be associated not only with the Government of their country—under the existing constitution necessarily, till a new constitution was framed and accepted—but with the counsels of the Commonwealth and of the United Nations.

The offer of co-operation in the Government on this basis by the leaders of Indian opinion is still open, to those who have a genuine desire to further the prosecution of the war and the welfare of India. But the demand for release of those leaders who are in detention is an utterly barren one until there is some sign on their part of willingness to co-operate. It needs no consultation with any one or anything but his own conscience for any one of those under detention to decide whether he will withdraw from the 'Quit India' resolution and the policy which had such tragic consequences, and will co-operate in the great tasks ahead.

Not the least of those tasks is the preliminary examination of the constitutional problems of India by an authoritative body of Indians. We should be ready to give this body every assistance it might desire in carrying out its task. For the present the Government of the country must continue to be a joint British and Indian affair—with the ultimate responsibility still remaining with the British Parliament, though it is exercised through a predominantly Indian Executive—until it can be transferred to a fresh constitution. But the framing of that future constitution is essentially and properly an Indian responsibility. Until they can agree on its form, the transfer of power cannot be made. We offered a suggestion in the Cripps proposals, which may or may not have been suitable. If Indians can devise a method which will produce agreement more readily, so much the better. If I may offer a personal opinion, born of some experience, the smaller the body which discusses a difficult and controversial problem, the more likely it is that a profitable solution will emerge.

On the main problem of Indian unity, the difference between Hindu and Muslim, I can only say this. You cannot alter geography. From the point of view of defence, of relations with the outside world, of many internal and external economic problems, India is a natural unit. What arrangements you decide to make for two great communities and certain other important minorities, as well as the Indian States, to live within that unit and to make the best use of its wealth and opportunities is for Indians to decide. That two communities and even two nations can make arrangements to live together in spite of differing cultures or religions, history provides many examples. The solutions of the problem have varied. England and Scotland, after centuries of strife, arrived at an absolute union; in Canada, the British and French elements reached a Federal agreement which operates satisfactorily; the French, Italian and German elements in Switzerland agreed on a different form of Federation. In all the above there were religious as well as racial differences. In the United States many elements, racial and religious, have been fused into one great nation with a Federal structure, after the bitter experience of a disastrous Civil War. In Ireland the conflicting elements have so far failed to unite, and Ireland has a sort of Pakistan, though the analogy is, of course, only relative. The Soviet Union in Russia seems to have devised a new modification of its already flexible system, which will also no doubt repay careful study. These examples are before India for her constitutionists to study. It is for her to say which will most nearly fulfil her own needs. But no man can alter geography.

I have spoken to you frankly and bluntly as I have been taught to speak, as a soldier. Let me re-state the main principles which guide me in my heavy task and responsibility. Our primary object, overriding all others, must be not merely to make certain of winning the war—the United Nations have already done that, by endurance through adversities, by sacrifice of comforts, by unity of spirit, by unremitting hard work—but to win it as speedily as possible, and with the least draft on future prosperity. That is a great administrative task. The second task is to prepare for the future, economically and politically.

We cannot settle the future of this country without the full co-operation of the British and Indian peoples and the co-operation within the Indian people of Hindus, Muslims and other minority groups and of the Indian States.

I am conscious of the co-operation of many elements in this country—the eminent and patriotic Indians of my Executive Council and of Provincial Governments; the fighting forces of India, the largest forces ever raised in history by voluntary enlistment; the leaders and workers of industry who have made such a contribution to the war; the Rulers of the Indian States. All these place India first in their thoughts and aims, but they have a practical view of the necessity for co-operation to realise progress. There is an important element which stands aloof; I recognise how much ability and highmindedness it contains; but I deplore its present policy and methods as barren and impractical. I should like to have the co-operation of this element in solving the present and future problems of India. If its leaders feel that they cannot consent to take part in the present government of India, they may still be able to assist in considering future problems. But I see no reason to release those responsible for the declaration of August 8th, 1942, until I am convinced that the policy of non-co-operation and even of obstruction has been withdrawn—not in sackcloth and ashes, that helps no one—but in recognition of a mistaken and unprofitable policy.

During the last three months, I have visited 7 out of the 11 main provinces of British India, and two Indian States. I am setting out tomorrow to visit two more provinces. I have seen something of the rural life as well as of the towns. I wonder whether, in considering India's economic and political problems, we always remember how much of India is countryside and how little urban, how many live in villages and how few, comparatively, in towns. I am impressed everywhere by the work which is being done for the betterment of India both by officials and non-officials. India has a very small official administration for its size, but it has very fine services; the way in which they have stood up to the additional strain and work thrown on them by the war has been admirable. There are also a very large number of non-official bodies and persons who are doing great work for India. There is much goodwill and wisdom in India if we can harness it to a common purpose.

I have no desire to make invidious comparisons but I do feel it worth while to point out that Coalition government by Indians for Indians is not an impossible ideal. It is being carried out at the Centre without friction; it has been carried on for nearly seven years with conspicuous success in the Punjab. Thanks to the leadership of men of good sense, goodwill, and good courage, the affairs of that Province have prospered with the minimum of communal friction; they have administered their Province in the interests of the Province, but also with regard to the interests of India and of the war effort of the United Nations, to which the Punjab has made so striking a contribution. I will make bold enough to say that had all Provinces worked the 1935 Act in the same spirit and with the same efficiency India would now be very close to complete self-government.

We have come a long way together up the steep and difficult mountain at the summit of which lies complete Indian self-government. We are almost within sight of the top, but as with most mountain climbs that are worth doing, the final cliffs are the steepest and most baffling of all. At such a time it is doubly necessary to test each hand-hold and foot-hold, to cut adequate steps in slippery ice, so that the whole party, roped together, may not fall back in ruin. It is not the moment that prudent mountaineers choose to unrope, to dismiss their guides, and after violent dispute to take separate routes towards different peaks. We must go on together; we cannot halt too long at the heights which we have reached, and we cannot with honour or safety turn back. We may have to pause to reconnoitre or cut steps, but we must endeavour to go on climbing, even though the rate may seem slow to impatient watchers or to the climbers themselves.

Finally, we must keep in mind the splendour of the view that lies before us when the summit is reached—the prospect of an India at peace within herself, a partner in our great Commonwealth of Nations, the mother of a great

people, a shield for peace in the East, busy and prosperous, yet with leisure to develop the thought and poetry and art which are the real salt of life and of which India has already contributed much to the world. Not an immediate vision, but I do not think it unattainable if we work together with patience, good sense and goodwill.

I believe firmly in the future of India, I am a sincere friend of India and should like to help her to political advance, but my military training has made me quite certain that no objective is ever gained without the fullest measure of co-operation from all concerned.

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:

Colonel Henry Wynter Wagstaff, M.C., M.L.A. (Government of India Nominated Official).

## STARRED QUESTIONS AND ANSWERS

## (a) ORAL ANSWERS.

125\*—141\*.

## QUALIFICATIONS AND DUTIES OF COAL COMMISSIONER.

142. \*Mr. K. C. Neogy: (a) Will the Honourable the Labour Member please refer to his reply given in the Legislative Assembly on the 17th November, 1943, to question No. 250, that "the principal factor that contributed to the shortage of coal is undoubtedly the shortage of labour", and state why it was deemed necessary by Government to appoint a Coal Commissioner to help to increase coal raising when the primary cause of shortage, according to his above-mentioned reply, was shortage of labour?

(b) What will be the duties of the Coal Commissioner, and what are the qualifications of the person appointed? Are Government satisfied that no Indian of the requisite qualifications is available?

(c) What will be the official relations of the Coal Commissioner with the Labour Department, the Railway Department and any other Department of the Government, respectively?

(d) What emoluments will the Coal Commissioner be entitled to?

The Honourable Dr. B. R. Ambedkar: The Honourable Member for War Transport has agreed to answer the question on the 24th February, 1944.

## RESPONSIBILITY FOR FEEDING PEOPLE IN DEFICIT AREAS.

143. \*Mr. Amarendra Nath Chatteropadhyaya: (a) Will the Honourable the Food Member please state the basic policy of the Government of India regarding the food question of the country? Whose is the responsibility for feeding people in the deficit areas in India?

(b) Is it a fact that food being a provincial subject, the Government of India's line of action goes only up to suggestions to a Provincial Government, and so far as possible, under section 126-A of the Government of India Act?

(c) Are Government aware that the present situation of the food problem is mainly due to war and India having come within the war zone and do they realise that public demands that His Majesty's Government, too, must share this responsibility? If so, what steps have been taken by His Majesty's Government to help British Government in India to feed India?

(d) Is the Honourable Member in a position to clearly explain the policy of the Government of India in the matter of food in relation to the Government of Bengal and other provinces?

The Honourable Sir Jwala Prasad Srivastava: The Honourable Member is referred to paragraphs 3, 4 and 7 of my statement for the information of the Standing Advisory Committee of the Central Legislature for Food and Commerce Departments which was included in the White Paper on the Food situation in India circulated to the Honourable Members during the last session.

## RESPONSIBILITY FOR FEEDING PEOPLE IN WAR ZONES IN INDIA.

144. \*Mr. Amarendra Nath Chatteropadhyaya: Will the Honourable the Food Member please state whether, in view of the fact that Bengal and Assam

\*For these questions and answers, see pages 359-67, of these Debates.

are situated within the war zone, and the responsibility lies with the Government of India, is it not necessary to make a clear statement regarding the Government of India's responsibility in the matter of feeding the people of India in their charge?

**The Honourable Sir Jwala Prasad Srivastava:** I have already made a clear statement on the subject, a summary of which is given in my statement for the information of the Standing Advisory Committee of the Central Legislature for Food and Commerce Departments, which was included in the White Paper relating to the Food situation in India circulated to Honourable Members during the last Session.

#### METHODS OF PROCUREMENT OF FOODGRAINS FOR GOVERNMENT REQUIREMENTS.

**145. \*Mr. Amarendra Nath Chattopadhyaya:** (a) Will the Honourable the Food Member please state the policy of the Government of India regarding procurement of food grains for their own requirements and that for distribution amongst deficit provinces? Are they utilizing ordinary trade channels in all the provinces or depending upon Provincial Government's agents?

(b) Have the Government of India decided as regards the statutory price control of food grains in the country? In fixing such prices, are they taking into their consideration a fair return to the agriculturists for their products? Do they admit that the cost of production, besides other factors, must be taken into consideration in fixing basic rates? Do they further admit that wheat or rice (paddy) is not only a food crop but a money crop to the majority of agriculturists of the country, hence in fixing statutory prices, a fair margin to the producers is essential?

**The Honourable Sir Jwala Prasad Srivastava:** (a) and (b). The Government of India have entrusted to Provincial Governments the function of procurement of foodgrains for their own requirements and for distribution to deficit areas. Trade channels are employed as far as possible. The Honourable Member is referred to the chapters on Procurement and Prices in the Report on the Progress of the Recommendations of the Foodgrains Policy Committee laid on the table of the House on the 7th February, 1944, in reply to unstarred question No. 16 by Mr. Neogy.

#### METHODS OF DISTRIBUTION OF FOODSTUFFS IN CALCUTTA AND DISTRICTS OF BENGAL

**146. \*Mr. Amarendra Nath Chattopadhyaya:** (a) Will the Honourable the Food Member please state if it is a fact that as the Government of India have got no purchasing agents of their own, in Bengal, purchases on their behalf are being done by Provincial Government's agents, as stated by the Honourable Mr. Suhrawardy, Minister of Food, Bengal, on his return to Calcutta from the last session of the Food Conference held in Delhi?

(b) What is the position of the Government of India as regards supply of foodstuff in the "Greater Calcutta"? Is it only handing over the estimate quantity of foodgrains more specially rice to the Government of Bengal who will distribute the same under rationing system through their own organisation, or will they also direct and supervise, through their own men, the distribution of the same? Do they realise the strong public resentment against the distribution through Government shops? And in view of that, does the Honourable Member think it necessary that larger number of private shops, under licence, will be utilised for distribution over and above the Government shops which will be set up more as parallel organisations to keep back private owned shops from unfair dealings than as profit earning ones?

(c) What was the quantity of rice procured by the Government of Bengal chief agents up to the end of January, 1944, and how had that been distributed in the districts of Bengal?

(d) Is the Honourable Member aware of the fact that the Government of Bengal decided to appoint one wholesale dealer of essential foodstuff in each sub-division on whom specified retail suppliers had to depend?

**The Honourable Sir Jwala Prasad Srivastava:** (a) No purchases of food grains are being made on behalf of the Government of India in Bengal.

(b) The Government of India have undertaken to supply to the Government of Bengal the quantity of foodgrains estimated as approximately equivalent to the amount required to feed Calcutta and its industrial suburbs on a rationed basis for 13 months including one month's reserve. The arrangements for the distribution of these foodgrains are the responsibility of the Bengal Government and the Central Government is in constant touch with the Bengal Government over these arrangements. The efficiency of existing channels of distribution under the Rationing Scheme are under close review by the Provincial Government and the question of increasing the number of private retail shops will be considered if and when, according to them, the need should arise.

(c) It is not desirable in the public interest to disclose at this stage the quantity of rice procured by the Government of Bengal's chief agents by the end of January, 1944. The quantity procured is in the process of distribution according to a pre-arranged programme.

(d) No, Sir. It is, however, understood that wholesale dealers have been selected for each importing deficit area in a sub-division, the number of such dealers depending on the requirements of the area.

#### RICE SOLD AT HIGH PRICES IN CERTAIN PARTS OF BENGAL.

**147. \*Mr. Amarendra Nath Chattopadhyaya:** (a) Is the Honourable the Food Member aware of the fact that up to the 30th January, 1944, not a particle of rice was available in open market at places in Bengal other than Calcutta, and that rice was available only through the black market at Rs. 25 per maund, while Government statutory price was fixed at Rs. 16 or Rs. 17 per maund?

(b) How long will the Government of India leave the matter of feeding Bengal with the Provincial Government?

**The Honourable Sir Jwala Prasad Srivastava:** (a) No Sir. Except in certain parts of East Bengal rice was generally available throughout December 1943 and January 1944 in the open markets at or below the Statutory maximum wholesale prices which on the 15th January were reduced from Rs. 16 and Rs. 17 to Rs. 14 and Rs. 15 for traders in surplus and deficit districts, respectively.

(b) The Honourable Member is aware of the constitutional position and of the policy of the Central Government in the matter of guidance and control in the carrying out of the All India policy. I have nothing to add to the statements I have already made on the subject.

#### APPOINTMENT OF BRIGADIER WHEELER AS DIRECTOR-GENERAL OF ARCHAEOLOGY.

**148. \*Nawab Siddique Ali Khan (on behalf of Qazi Muhammad Ahmad Kazmi):** (a) Will the Secretary for Education, Health and Lands please state if the Government of India are aware that the *Statesman* and other leading Indian dailies published the appointment of Brigadier Wheeler to the post of Director General of Indian Antiquities, *vice* Rao Bahadur K. N. Dikshit, the retiring incumbent? Is the news correct?

(b) Is it or is it not a fact that, in pursuance of the recommendations of Sir Leonard Woolley in his report on Indian Archaeology wherein he describes archaeological officers as "the blind leading the blind", the Government of India considered all Indian officers unsuitable for the post of the Director General? If not, what was the reason for throwing capable and experienced Indian officers aside, and recruiting an outsider from England?

(c) What are the qualifications of Brigadier Wheeler, and in what respects is he specially suitable for Indian Archaeology, in preference to Indian Archaeological officers?

(d) Did the Government of India consider the claims of Indian Archaeological officers as well, while making the appointment? If so, in what particular branches were they found more efficient or less efficient than Brigadier Wheeler?

**Mr. J. D. Tyson:** (a) Yes.

(b) and (d). Government are satisfied that none of the officers within the range of selection has the wide range of knowledge and experience of modern technique and methods of archaeological excavation, preservation of ancient monuments and museum organisation which the Director General of Archaeology

should possess if the Archaeological Survey is to be reorganised and placed on a sound basis.

(c) Dr. Mortimer Wheeler is a well-known archaeologist who is outstanding in his profession and has had a wide range of experience in modern archaeological excavation, the preservation of ancient monuments and the organisation of museums as well as teaching experience. He is a Fellow of the University College, London; Member of the Ancient Monuments Board for England and Wales; Honorary Director, Institute of Archaeology, London University; Lecturer in British Archaeology, University College, London and a Governor of the National Museum of Wales. Before the War he was Keeper and Secretary of the London Museum.

**Sir Muhammad Yamin Khan:** May I ask if the non-selection of an Indian in the service of the Government of India for the Director-Generalship of Archaeology is based on the reports of the persons who have been condemned on the floor of the House many times?

**Mr. J. D. Tyson:** I do not know what the Honourable Member means by the reports of persons?

**Sir Muhammad Yamin Khan:** I want to know if the non-selection of an Indian is based on the reports of the very person whom this House had been criticising, that is, the Director General of Archaeology.

**Mr. Jamnadas M. Mehta:** Nobody criticised him. He was the soundest man. You tyrannised over him.

**Sir Muhammad Yamin Khan:** I want an answer from the Honourable Member in charge.

**Mr. J. D. Tyson:** Reports on officers made over a long period of years are available to Government.

**Pandit Lakshmi Kanta Maitra:** Has this gentleman Indian experience?

**Mr. J. D. Tyson:** Probably not.

**Mr. K. C. Neogy:** Is it not a fact that Indian Archaeology entails a study of Indian subjects like Indian languages, Indian epigraphy, Indian numismatics, Indian art, etc., and if so has this gentleman the necessary experience of these subjects?

**Mr. J. D. Tyson:** It is not necessary that the Director General of Archaeology should have a knowledge of Indian languages. An acquaintance with Indian history and Indian archaeological remains would be an advantage but in this case we attach more importance to getting the Department reorganised and the personnel of the Department trained in modern archaeological methods.

**Mr. N. M. Joshi:** May I ask what Government did to train their officers and make them capable of being in charge of these offices during the last hundred years?

**Mr. J. D. Tyson:** We do not seem to have done enough.

**Mr. N. M. Joshi:** May I ask when Government of India will give up their policy of importing Britishers for such jobs in India?

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

#### COMMISSION TO ENQUIRE INTO ALLEGED INEFFICIENCY OF ARCHAEOLOGICAL OFFICERS

149. \***Nawab Siddique Ali Khan** (on behalf of **Qazi Muhammad Ahmad Karmi**): (a) Will the Secretary for Education, Health and Lands please state if it is a fact that the History Congress held at Aligarh in December, 1943, passed a resolution demanding the institution of an impartial Commission to enquire into the alleged inefficiency of the Archaeological officers, as hinted by Sir Leonard Woolley, and to consider the desirability of recruitment from outside India in preference to experienced Indian officers based on comparative superiority in archaeological merits?

(b) Did Government take any action on the above resolution? If so, what, and, if not, why not?

(c) Did Government adopt the usual course of consulting the Public Service Commission and the Director General of Archaeology in India in the matter of selecting Brigadier Wheeler? If not, why not?

(d) Is it a fact that the age of Brigadier Wheeler is only a few months less than that of the retiring Director General of Archaeology? If so, why has he been recruited in disregard of the age of superannuation in India, which obviously applies to the retiring Director General who could have been kept on by granting an extension like the Archaeological Chemist in India?

**Mr. J. D. Tyson:** (a) and (b). Government have no information of the resolution.

(c) The Director General of Archaeology was consulted regarding possible candidates in the Department. The Federal Public Service Commission were not consulted as regards the selection of Dr. Mortimer Wheeler as their advice is not required to be obtained as regards candidates selected through the High Commissioner.

(d) No. The age of Dr. Mortimer Wheeler is 53.

**Mr. Lalchand Navai:** May I know why the Director General of Archaeology put it on paper that he had deserving men available in his Department and did the Government of India make any attempt to find out another Director General not from the Department but from the whole of India?

**Mr. J. D. Tyson:** The Director General of Archaeology did not put anything on paper and all possible candidates from the whole of India were considered.

**Mr. N. M. Joshi:** In view of the fact that this gentleman, Dr. Mortimer Wheeler, is 53 years of age, does the Government of India hope to get him to train people who will be capable of being in charge of the Archaeological Department? Since they could not train people during the last hundred years, do they hope now this gentleman will be able to train people in two years' time?

**Mr. J. D. Tyson:** He has been given an appointment for four years and we hope that he will be able to do a great deal of training in this period.

**Pandit Lakshmi Kanta Maitra:** Did the Government of India advertise for this post at all?

**Mr. J. D. Tyson:** No, Sir.

**Mr. Lalchand Navai:** Why was not advertisement made?

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

#### RECRUITMENT OF LOWEST GRADE READERS IN GOVERNMENT OF INDIA PRESSES.

150. \***Mr. Muhammad Azhar Ali:** Will the Honourable the Labour Member kindly state:

(a) if it is not a fact that instructions to hold proper examinations for filling posts of readers in the lowest grade or class likely to fall vacant during the ensuing two years in all the Government of India Presses were issued by the Controller of Printing and Stationery (India) sometime in September, 1935, which had effect from the date of their issue, covering all those posts or vacancies which were not permanently filled, and also covering all those future vacancies as well which were anticipated or likely to fall vacant during the ensuing two years, either by retirement, death or otherwise;

(b) if the answer to (a) above is in the affirmative, if any examination was held accordingly in the year 1936 in all the Government of India Presses; and, if so, whether he proposes to place on the table of the House the names of the qualified candidates who appeared for such tests in all the Presses, showing the posts which those qualified candidates were holding at the time the results of the examinations were declared by the Managers, particularly mentioning whether such candidates were at that time officiating or temporary or permanent copyholders or revisers; and

(c) how many posts had fallen vacant, particularly in the Government of India Press, Simla, from September, 1935 to March, 1939, in the following categories:

(i) posts fallen vacant temporarily due to men proceeding on short leave in which officiating arrangements were made in lowest grade;

(ii) posts fallen vacant after the receipt of these instructions by the Manager in September, 1935, due to the death of readers; and

(iii) posts filled provisionally pending the result of the examination which was to be held in March 1936?



**The Honourable Dr. B. R. Ambedkar:** With your permission, Sir, it is proposed to reply to Questions Nos. 150, 151 and 152 together.

The information asked for by the Honourable Member is being collected and will be laid on the table in due course.

#### RECRUITMENT OF LOWEST GRADE READERS IN GOVERNMENT INDIA PRESSES.

†151. **\*Mr. Muhammad Azhar Ali:** If the enquiries contemplated in the preceding question reveal that certain deaths actually occurred in the Government of India Press, Simla, after the receipt of the Controller's instructions referred to above, will the Honourable the Labour Member kindly state whether such posts were filled by promotion of only those qualified candidates who had appeared for the test prescribed by the Controller and held in March 1936? If that was not the case, does the Honourable Member propose to make enquiries as to why such qualified candidates were deprived of promotions, and unqualified candidates were given preference in disregard of Government instructions? Are Government aware that these unqualified candidates should have held the posts tentatively till the qualified men were available for filling up these vacancies permanently, whereas these unqualified men were permanently fixed up in disregard of the instructions quoted above?

#### RECRUITMENT OF LOWEST GRADE READERS IN GOVERNMENT OF INDIA PRESSES.

152. **\*Mr. Muhammad Azhar Ali:** If the enquiries contemplated in the preceding two questions reveal that the Managers of the Presses have not complied with the instructions of the Controller referred to in the preceding question, will the Honourable the Labour Member kindly state:

- (i) what action he proposes to take against such delinquents;
- (ii) whether he is prepared to consider the cases of those qualified persons who were deprived of the posts to which they were entitled under these instructions, from the date of their passing the prescribed test held in March, 1936 and who were entitled to permanent posts on communal basis and whose case falls within the purview of "Direct Recruitment", vide paragraph 108(3)(b) and (c), pages 106-107 of the Government of India Presses Hand-Book, Chapter V—Communal Representation in Services—Section I—Summary of Rules; and
- (iii) whether the posts so filled in violation of the Communal Representation Rules will be declared null and void and the persons entitled to them will be appointed to such posts with retrospective effect?

#### COMPLAINTS FORWARDED TO THE DELHI ADMINISTRATION UNDER THE HOARDING AND PROFITEERING ORDINANCE.

153. **\*Sir F. E. James:** Will the Honourable Member for Industries and Civil Supplies be pleased to state:

- (a) how many complaints under the Hoarding and Profiteering Prevention Ordinance have been passed on by his Department to the Delhi Administration for action since the Ordinance came into effect;
- (b) how many prosecutions under the Ordinance have been instituted at the instance of the Delhi Administration;
- (c) how many cases under (a) and (b) above, respectively, have been dealt with by the courts;
- (d) the results of the prosecutions under (a) and (b) above; and
- (e) what special arrangements, if any, have been made by the Delhi Administration to deal promptly and effectively with complaints made and substantiated under the Ordinance?

**The Honourable Sir M. Azizul Huque:** (a) 14.

(b), (c) and (d). In four of the above cases sanction to prosecute has been given on behalf of the Provincial Administration under section 14 of the Ordinance, and these cases are now pending in court.

(e) A special Investigation and Prosecution Section has been formed in the office of the Director of Civil Supplies for the Delhi Province to deal with cases under this Ordinance and under certain other 'Control' orders, and the sanction

† For answer to this question, see answer to question No. 150.

of the Government of India has lately been accorded for the re-employment of a retired Superintendent of Police to be in charge of this section.

#### FIFTEEN-YEAR PLAN FOR DEVELOPMENT OF INDIA.

154. **\*Sir Abdul Halim Ghaznavi:** (a) Will the Honourable the Food Member be pleased to state if the Government of India have examined the fifteen year plan for the development of India, published by prominent industrialists?

(b) Do the Government of India accept the principles underlying this plan? If not, why not?

(c) Do the Government of India propose to take this plan as a basis of discussion by the Post-War Reconstruction Policy Committees? If not, why not?

**The Honourable Sir Jwala Prasad Srivastava:** (a) The Government of India have seen copies of the plan.

(b) and (c). The Government of India are collecting data and material required for the formulation of detailed policy and specific plans for post-war development. In formulating their policy and schemes, they will give due consideration not only to the proposals published in the fifteen year plan but also to such other suggestions as may be forthcoming.

#### BOOKING OF ORDERS FOR CAPITAL GOODS WITH THE UNITED KINGDOM.

155. **\*Sir Abdul Halim Ghaznavi:** (a) Will the Honourable the Commerce Member be pleased to state whether it is a fact that orders for capital goods are being booked in this country to be placed with the United Kingdom?

(b) Is it a fact that one of the conditions of booking of such orders is that the industrialists have to pay a certain deposit which will be forfeited if the orders do not mature, and that there is no guarantee that the goods will be delivered or delivered at prices originally fixed?

(c) Is it a fact that the Government of India are already reserving a portion of India's sterling balance in lieu of these orders?

(d) Is it a fact that the Government of India are inducing and encouraging Indian industrialists to book the orders immediately?

**The Honourable Sir M. Azizul Huque:** The answer to all parts of the question is in the negative. Industrial concerns have, however, been invited to intimate their post-war requirements of capital goods (machinery) so as to enable Government to assist such industries in securing priority for their requirements if they so desire.

#### REGULATION OF TRADE BETWEEN INDIA AND THE MIDDLE EASTERN COUNTRIES.

156. **\*Sir Abdul Halim Ghaznavi:** Will the Honourable the Commerce Member be pleased to state:

(a) whether it is a fact that Major Brown, a representative of the Middle East Governments, had discussion with the Government of India on the question of supply of goods to the Middle Eastern Countries;

(b) whether it is a fact that, as a result of this discussion, decisions are reached whereby trade between India and the Middle Eastern Countries will be regulated;

(c) whether the Government of India has secured an assurance that the trade between India and the Middle Eastern Countries will be allowed through the normal Indian trade channels only, and that the United Kingdom Commercial Corporation or the United States Commercial Corporation will be considered as normal trade channels for this purpose;

(d) whether, as a result of this discussion, export licence from India will be automatically covered by an import licence from those countries;

(e) whether the Government of India have secured an assurance that the grant of export licence by the Government of India will not be conditional on the prior obtaining of an import licence by the importer at the opposite end, and that the export licence will be given by the Government of India to the Indian exporter without requiring him to produce an evidence that import licence has already been given to the importer in those countries;

(f) whether it is a fact that, as a result of this discussion, prices of Indian goods to be sold in those countries are to be fixed;

(g) if the reply to (f) is in the affirmative, the commodities in regard to which prices are to be fixed, and whether the selling price of that commodity in the importing country is to be fixed, or that the exporting price of the article is also to be fixed in this country; and

(h) if the Government of India have agreed to fix the export price of an article destined for those countries, whether the Government of India have secured a similar fixation of prices of goods to be exported from the Middle Eastern Countries to this country; and, if so, the commodities in regard to which export prices in those countries will be fixed?

**The Honourable Sir M. Azizul Huque:** (a) and (b). There were no discussions with Major Brown or with any representative of the "Middle East Government". Presumably the Honourable Member refers to the visit to India of Major Smith, a representative of the Middle East Supply Centre, in January 1944. Government of India have had discussions with him regarding the scheme for co-ordinating Indian export licences with import licences granted in the Middle East Countries.

(c) to (e). The attention of the Honourable Member is invited to the terms of the notice issued to exporters in this country on the subject, a copy of which will be found in the Library of the House.

(f) No. The Middle East Countries have adopted certain general measures of price control in respect of imported articles. But we have no complete details of the measures adopted. In any case the question of fixation of import prices in the Middle East Countries was not discussed with Major Smith.

(g) Does not arise.

(h) The Government of India have not agreed to fix the export price of any article destined to the Middle East Countries. The other parts of the question do not arise.

**Sir F. E. James:** May I ask whether India is either represented on the Middle East Supply Council or is permitted to have a representative sitting at the meetings of that Council in view of the importance of this area to Indian overseas trade?

**The Honourable Sir M. Azizul Huque:** I will not be able to answer this question off-hand; but I will be able to give the Honourable Member the information he wants tomorrow after getting the details about it.

#### ACTION ON RECOMMENDATIONS OF SPECIAL HAJ ENQUIRY REPORT.

157. **\*Seth Yusuf Abdoola Haroon:** Will the Honourable Member for Indians Overseas please state:

(a) if the proceedings of the Haj Conference will be placed in the Library of the Indian Legislature for the use of Members;

(b) what steps have so far been taken to construct the proposed *musa'fir-khana* for Hajees at Calcutta; and

(c) which of the recommendations made by Mr. Rahim, in his Special Haj Enquiry Report have been accepted by Government, and what action has so far been taken in connection with such recommendations?

**The Honourable Dr. N. B. Khare:** (a) A copy of the proceedings of the Haj Conference held in May, 1943, has been placed in the Library. A copy of the proceedings of the second Haj Conference held in January 1944, will be placed in it when printed copies are available.

(b) The attention of the Honourable Member is invited to the reply given on the 13th November, 1943, to Kham Balmadur Shaikh Fazl-i-Haq Piracha's starred question No. 154.

(c) I lay on the table a statement containing the necessary information.

Statement showing recommendations in the Special Haj Enquiry Report accepted by Government and action taken on them.

| Recommendation No. | Action taken.                                                                                                                                                                                                                                                                                                         |
|--------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1                  | Port Haj Committees have been asked to arrange for the medical examination of foreign pilgrims during the outward pilgrim season.                                                                                                                                                                                     |
| 2                  | The Scindia Steam Navigation Company agree to continue the concessions in future. The Mogul Line have no present intention of discontinuing the concessions for children.                                                                                                                                             |
| 4                  | Will be given effect to after the war.                                                                                                                                                                                                                                                                                |
| 5                  | Rule 117 of the Indian Pilgrim Ships Rules has been amended.                                                                                                                                                                                                                                                          |
| 12                 | Shipping Companies have been asked to give effect to the recommendation.                                                                                                                                                                                                                                              |
| 15                 | The first part has been accepted and the shipping companies have been informed; the last part of the recommendation regarding the provision of shelves is still under consideration.                                                                                                                                  |
| 17                 | Messrs. Turner Morrison and Company have been asked to provide a microphone with loud speakers in their ships when carrying pilgrims. Messrs. Scindia Steam Navigation Company are prepared to install loud speakers on their ships. (It is not proposed to ask Shipping Companies to provide radio sets at present). |
| 18                 | Draft amendment to the Indian Pilgrim Ships Rules has been notified for comments.                                                                                                                                                                                                                                     |
| 19                 | Shipping Companies have been asked to erect temporary hospitals before the commencement of the pilgrim season so that the arrangements may be examined by the Government Surveyor and the Port Health Officer.                                                                                                        |
| 20                 | The Shipping Companies have been asked to advertise for Muslim doctors and also to consult the Shipping Masters at ports.                                                                                                                                                                                             |
| 23                 | Rule 156 (4) of the Indian Pilgrim Ships Rules has been amended.                                                                                                                                                                                                                                                      |
| 24                 | Necessary amendment to the Indian Pilgrim Ships Rules will be issued shortly.                                                                                                                                                                                                                                         |
| 26                 | Necessary instructions to the Port Health Officers have been issued.                                                                                                                                                                                                                                                  |
| 28                 | The Shipping Companies have been asked to make efforts to employ Bengali cooks. The relevant rules in the Pilgrim Ships Rules have been amended.                                                                                                                                                                      |
| 30-32              | The Shipping Companies have been requested to make arrangements for the sale of cooled drinks when refrigerators are available and to suggest amendments to Rule 81 of the Indian Pilgrim Ships Rules, if necessary.                                                                                                  |
| 33                 | Port Haj Committees have been requested to make the necessary arrangements but not to exercise compulsion on pilgrims.                                                                                                                                                                                                |
| 40                 | Facilities will be provided, but immunisation will be purely voluntary.                                                                                                                                                                                                                                               |
| 42                 | Port Haj Committees have been asked to undertake propaganda in favour of depositing their heavy luggage in the ships' hold and to collect it on the day fixed for loading the luggage.                                                                                                                                |
| 44                 | It has been decided to acquire 2 plots of land adjoining the Camp and the Sind Government have been asked to take the necessary acquisition proceedings. Reconstruction of the Camp has been deferred till the end of the war.                                                                                        |
| 47                 | The recommendations have been brought to the notice of the Port and Provincial Haj Committees.                                                                                                                                                                                                                        |
| 52 and 80          | Necessary instructions have been issued to the Port Haj Committees and the British Legation, Jeddah.                                                                                                                                                                                                                  |
| 61                 | The necessary instructions will be issued shortly to the Port Haj Committees and Shipping Companies. The Indian Pilgrim Ships Rules are being amended.                                                                                                                                                                |
| 62                 | The draft of the form of the report to be submitted by an Amir-ul-Haj has been referred to the Port Haj Committees for comments.                                                                                                                                                                                      |
| 63                 | Provincial Governments have been asked to amend the rules.                                                                                                                                                                                                                                                            |
| 64                 | The Provincial Governments concerned have been asked to give effect to the recommendations.                                                                                                                                                                                                                           |
| 66, 67 and 68.     | Necessary instructions have been issued to the Port Haj Committees of Bombay and Calcutta.                                                                                                                                                                                                                            |
| 73                 | The Port Haj Committees have been asked to supply copies of instructions to pilgrims and notices of importance to provincial and local Haj Committees on the regional basis.                                                                                                                                          |
| 77                 | This recommendation will be given effect to after the war.                                                                                                                                                                                                                                                            |
| 82                 |                                                                                                                                                                                                                                                                                                                       |

**Syed Ghulam Bhik Nairang:** With regard to part (c) of the question, will the Honourable Member be good enough to tell us what steps have been taken to implement the recommendation regarding the appointment of a Pilgrim Officer in the Government of India Secretariat?

**The Honourable Dr. N. B. Khare:** The recommendation regarding the creation of a permanent post of a Pilgrim Officer is at present under consideration and a temporary officer is now employed on Haj work.

**Mr. Lalchand Navalrai:** With regard to part (c) of the question, may I know what steps has the Government taken since the last answer was given with regard to *musa'fir-khanas*?

**The Honourable Dr. N. B. Khare:** All aspects of this case are under correspondence with the Government of Bengal. When we receive a reply from them, all these things will be carefully considered.

**Mr. Lalchand Navalrai:** When will that be? How much time will the Honourable Member take?

**Mr. President** (The Honourable Sir Abdur Rahim): Order, Order.

**Sir Abdul Halim Ghuznavi:** The Honourable Member said on the 13th of November that the question of the construction of the *musafirghanas* at Calcutta was under the consideration of the Government of Bengal and we are now in the month of February. Has he not received any reply from the Government of Bengal in the meantime? If not, why not?

**The Honourable Dr. N. B. Khare:** After that, our Pilgrim Officer visited Calcutta and had discussions with all concerned. We are now awaiting the reply from the Government of Bengal.

**Sir Abdul Halim Ghuznavi:** The Honourable Member is aware that this question of the construction of *musafirghanas* has been going on for the last three years and a plot of land was secured in Calcutta, but nothing has been done; that plot of land will not be available if urgent steps are not taken to secure it.

**The Honourable Dr. N. B. Khare:** We shall remind the Bengal Government.

**Sir Abdul Halim Ghuznavi:** It is not the function of the Government of Bengal; it is the function of the Government of India. The Honourable Member is responsible to have *musafirghanas* in Calcutta. It is the responsibility of the Government of India. They have constructed *musafirghanas* in Karachi and they should also do the same in Calcutta.

**The Honourable Dr. N. B. Khare:** I am afraid, Sir, it is not a question.

#### FACILITIES FOR EXPORTS OF BRITISH COTTON MANUFACTURES TO INDIA.

**158. \*Mr. T. T. Krishnamachari:** Will the Honourable the Commerce Member please state:

(a) whether his attention has been drawn to the Annual Report of the Manchester Chamber of Commerce, wherein it is stated that "the British Government has promised to obtain all facilities for export of cotton manufactures to India, particularly in the matter of procurement of Indian import licences and shipping space";

(b) whether His Majesty's Government have approached the Government of India to obtain these facilities;

(c) whether His Majesty's Government have made any proposals to the Government of India to secure the imports of textiles from the United Kingdom;

(d) if the answer to (b) and (c) is in the affirmative, the specific facilities demanded by His Majesty's Government from the Government of India, or the specific proposals put forward by His Majesty's Government to the Government of India; and

(e) whether the Honourable Member is aware of the fact that the assurance of His Majesty's Government to obtain all facilities for exports of British cotton manufactures to India has led the Manchester Chamber of Commerce to the expectation that the accumulation of sterling balances in India's favour will be used up for bringing such goods from Britain to India?

**The Honourable Sir M. Azizul Huque:** (a) and (b). No, Sir.

(c) In accordance with their policy of increased imports of consumers' goods, Government placed a comparatively small demand on the United Kingdom for imports of certain textiles. His Majesty's Government are meeting this demand as far as possible.

(d) Does not arise.

(e) No.

**Mr. T. T. Krishnamachari:** What does the Honourable Member mean by "certain textiles"?

**The Honourable Sir M. Azizul Huque:** Such textiles as are not available in India and the quantity is not more than 75 tons in six months.

**Mr. T. T. Krishnamachari:** Will the Honourable Member tell the House what those textiles are?

**The Honourable Sir M. Azizul Huque:** I am not a specialist in that line to know all these details.

#### APPOINTMENT OF BRIGADIER WHEELER AS DIRECTOR-GENERAL OF ARCHAEOLOGY.

**159. \*Mr. T. T. Krishnamachari:** (a) Will the Secretary for Education, Health and Lands please state whether his attention was drawn to an item of news that appeared in the *Statesman* of the 3rd December, last, about the appointment of a Brigadier Wheeler as Director General of Indian Antiquities?

(b) Was a new post in the Archaeological Department being created for Brigadier Wheeler, or is he to replace the existing incumbent holding the post of Director General of Archaeology, and, if so, when?

(c) If it is the intention of Government that this Brigadier Wheeler is to fill the post of Director General of Archaeology, have Government examined the claims of the existing officers in the Department to fill the post?

(d) If the answer to (c) above is in the affirmative, have Government consulted the existing Director General on this matter, and is it proposed to place his opinion on the table?

(e) Does the appointment of the Director General of Archaeology come within the scope of the work of the Federal Public Service Commission? If so, have they been consulted in regard to the appointment of Brigadier Wheeler.

(f) What are the special qualifications of the ancient Indian history, and is he familiar with any of the ancient Indian languages and scripts?

(g) What are the terms on which he has been appointed?

(h) What are the reasons that made Government ignore the recommendations of Sir Leonard Woolley in regard to the person to be appointed as Director General of Archaeology?

**Mr. J. D. Tyson:** (a) Yes.

(b) Dr. Mortimer Wheeler has been appointed to succeed Rao Bahadur K. N. Dikshit as Director General of Archaeology.

(c) Yes.

(d) The Director General was consulted. Government do not disclose the opinions given by their officers.

(e) The Honourable Member is referred to the answer just given to part (c) of starred question No. 149.

(f) As regards the first part of the question reference is invited to the reply just given to part (c) of starred question No. 148. Dr. Mortimer Wheeler may not have a specialised knowledge of ancient Indian history and languages but he is an archaeologist of the first rank with wide experience of archaeological practice and is, therefore, well equipped for the work of reorganising the Department.

(g) He has been appointed for a period of four years.

(h) Sir Leonard Woolley recommended the appointment of an Adviser to the present Director General. Government considered that such an appointment would be likely to lead to administrative difficulties and that the better course would be to appoint a specially selected person with the requisite knowledge and experience as Director General for a limited period with a view to the reorganisation of the Department and the training of staff.

**Mr. T. T. Krishnamachari:** With reference to part (b), the Honourable Member did not tell us when this officer will take charge?

**Mr. J. D. Tyson:** He is going to be on special duty for two months and then take charge. Probably he will take charge about the beginning of May.

**Mr. T. T. Krishnamachari:** With reference to part (f) may I know whether the knowledge of this gentleman on modern archaeology extends only to the Roman ruins in England?

**Mr. J. D. Tyson:** That has been his principal subject, but the point about him is his knowledge of modern archaeological methods.

**Mr. T. T. Krishnamachari:** May I ask if this brilliant professor had any experience of sappers and miners work connected with the army and that entitles him to be a modern archaeologist.

**Mr. J. D. Tyson:** The Honourable Member will understand that there are many professional men now in the armed forces in Great Britain. He was a member of the Territorial Army—gunners, not sappers—before the war.

**Mr. T. T. Krishnamachari:** May I ask if he has any knowledge, not a very thorough knowledge perhaps of Indian history or Indian languages?

**Mr. J. D. Tyson:** I would not care to deny him any knowledge, but I do not know that he has any knowledge of them.

#### STOCKS OF NEWSPRINT.

160. **\*Mr. T. T. Krishnamachari:** Will the Honourable Member for Industries and Civil Supplies, please state:

(a) the position of stocks of newsprint in the country, as compared with the position of stocks at the time when the Government fixed the size and prices of newspapers, under the following headings (i) with the newspapers, and (ii) in the market with newsprint dealers;

(b) the quantity of newsprint imported into the country during the twelve months ending the 31st December, 1943;

(c) whether Government consider it desirable to allow the present tariff, of price and the relative size of newspapers to remain unaltered, or whether they periodically examine the question of giving the public better value for the money spent by them on newspapers; and

(d) whether Government realise that the continuance of the present scale of prices of newspapers militate unduly against the well-established papers with a large advertising clientele who find it necessary to restrict space available for news and at the same time turn down advertisements as the market open to them will not permit of any increase in the price of their newspapers?

**The Honourable Sir M. Azizul Huque:** (a) The price-pages schedules of the Newspaper Control Order, 1942, have been amended from time to time. The last principal amendments in these schedules were made at the end of February, 1943. A statement showing the stocks of newsprint at the end of March, 1943 and at present is placed on the table of the House.

(b) About 10,000 tons.

(c) and (d). Government would welcome lower prices for newspapers but they are unable to make a permanent increase in the permissible number of pages and in the newsprint ration of newspapers as the newsprint supply position cannot yet be considered wholly satisfactory. As a temporary measure Government have already allowed certain concessions to newspapers, which are set out in a press note dated 16th February, 1944, a copy of which is available in the Library of the House.

#### Statement.

|                             | Newsprint<br>with<br>dealers | Newsprint<br>with<br>Newspapers. | Total. |
|-----------------------------|------------------------------|----------------------------------|--------|
|                             | Tons.                        | Tons.                            | Tons.  |
| At the end of March, 1943   | 649                          | 6,830                            | 7,479  |
| At the end of January, 1944 | 792                          | 9,780                            | 10,572 |

**Mr. T. T. Krishnamachari:** In deciding to continue the restriction of the size of newspapers, has the Honourable Member taken into account the position of the consumer public in this matter and has he considered the fact that the newspapers are making a lot of money, and, will the Honourable Member consider the question of lowering the price of newspapers so as to benefit the consuming public?

**The Honourable Sir M. Azizul Huque:** I take it that at the time when these schedules were prepared, all these things must have been looked into. If my Honourable friend wants the question further looked into, I shall be pleased to do so.

**Mr. Lalchand Navabhai:** Is the Honourable Member aware that the price of newspapers has been raised and is the Honourable Member going to help the public in that direction by giving them more print paper?

**The Honourable Sir M. Azizul Huque:** I have already answered that question.

**Mr. T. T. Krishnamachari:** With reference to part (d) has the Honourable Member considered the question raised from the point of view of the present restrictions militating against well established papers with a large advertising clientele?

**The Honourable Sir M. Azizul Huque:** I am not aware that it unduly militates against well established papers with a large advertising clientele.

**Mr. T. T. Krishnamachari:** Now that the question has been raised, will the Honourable Member make enquiries?

**The Honourable Sir M. Azizul Huque:** I would look into the matter.

**Mr. E. L. C. Gwilt:** Will the Honourable Member be pleased to give details of quotas of newsprint that have been given to newspapers?

**The Honourable Sir M. Azizul Huque:** It is very difficult to answer off hand. I shall certainly look into the question and I will inform him in a day or two whether we will be able to get the information collected within the time allotted to us.

#### APPOINTMENT OF A EUROPEAN AS DIRECTOR-GENERAL OF ARCHAEOLOGY.

161. **\*Bhai Parma Nand:** Will the Secretary for Education, Health and Lands be pleased to state:

(a) if it is a fact that Government have taken a European gentleman from outside as Head of the Archaeological Department, in supersession of persons who have served the Department in their career; and

(b) if the answer to (a) be in the affirmative, how Government propose to compensate them for depriving them of their right on account of this supersession?

**Mr. J. D. Tyson:** (a) Dr. Mortimer Wheeler has been appointed to succeed the present Director General of Archaeology.

(b) Government have not considered the question of compensation. If any claim for compensation is made Government will consider it.

#### UNSTARRED QUESTIONS AND ANSWERS.

†45—49.

#### REQUISITIONING ACCOMMODATION IN SHAHDARA, DELHI, FOR STAFF OF UPPER JUMNA VALLEY ELECTRICITY COMPANY.

50. **Mr. Ananga Mohan Dam:** Will the Honourable the Labour Member please state:

(a) if it is a fact that the Revenue Officer, Delhi Province, asked the Tehsildar, Delhi, in his letter No. 13624/Mis., dated the 24th November, 1943, to take an undertaking from the Upper Jumna Valley Electricity Company, Limited, for the compensation to be paid for the requisition of residential quarters required for the use of the staff of the said company within the town of Shahdara, Delhi Province;

(b) the description of the land, and of quarters requisitioned for the said purpose;

(c) the enactment under which the land and quarters were requisitioned;

(d) the justification for the requisition, and whether the staff of the said company was not residing in quarters at Shahdara;

(e) whether the staff from their present office, post and residence are not carrying out or discharging their duties efficiently; and

(f) in what respect the said staff claims a preference under the Defence of India Act Rules and the nature of the reports received by the District Magistrate regarding any apprehension of the break down of the supply of electricity to the town by the public in the event the quarters are not requisitioned for the said staff?

**The Honourable Dr. B. R. Ambedkar:** The information asked for is being collected and will be laid on the table of the House in due course.

**AUTHORITY RESPONSIBLE FOR SANITATION OF LAND BETWEEN RAILWAY BRIDGE, SHAHDARA, AND GRAND TRUNK ROAD.**

**51. Mr. Ananga Mohan Dam:** Will the Secretary for Education, Health and Lands please state the authority (Central Public Works Department, District Board, Municipal Committee or the owners of buildings) who is responsible for the sanitation of the land lying unoccupied on either side of the Feeder Road in front of the buildings between the Railway Bridge, Shahdara, and the Grand Trunk Road?

**Mr. J. D. Tyson:** The information has been called for and a reply will be furnished to the House when it is received.

**POSTPONEMENT OF ELECTIONS TO SHAHDARA NOTIFIED AREA COMMITTEE.**

**52. Mr. Ananga Mohan Dam:** Will the Secretary for Education, Health and Lands please state if it is a fact that the election of city fathers in place of the present nominated members of the Shahdara Notified Area Committee has been postponed indefinitely? If so, what are the reasons therefor? If not, when is it to be held?

**Mr. J. D. Tyson:** The information has been called for and a reply will be furnished to the House when it is received.

**SUPPLY OF FOODSTUFFS TO RESIDENTS OF SHAHDARA, DELHI.**

**53. Mr. Ananga Mohan Dam:** Will the Honourable Member for Food please state the nature of arrangements made for the supply and distribution of foodstuffs to the residents of Shahdara, Delhi Province, the export of which has been prohibited from the city of Delhi by an order of the Government? If no arrangements are made, what are the reasons therefor?

**The Honourable Sir Jwala Prasad Srivastava:** In order to prevent leakage of foodgrains from the Punjab-Delhi area into the United Provinces the booking and despatch of foodgrains to Shahdara without the permission of the Assistant Director of Civil Supplies, Delhi, has been prohibited. Under the Foodgrains Control Order 1942 licences have been granted to twelve shopkeepers in Shahdara. The requirements of the Shahdara population have been carefully estimated and weekly permits are issued to these licensees through the Secretary of the Shahdara Municipal Committee enabling them to obtain foodgrains from Delhi city.

**IRREGULARITIES REPORTED UNDER PAYMENT OF WAGES ACT AGAINST EAST INDIAN RAILWAY.**

**54. Mr. Ananga Mohan Dam:** (a) Will the Honourable Member for Labour please state the nature of irregularities reported by the Inspector under the Payment of Wages Act against the East Indian Railway since 1938, and the action taken thereon by the Government, by the Railway Board and by the Railway Administration, respectively? If no action has been taken, what are the reasons therefor?

(b) Have any of these irregularities been repeated in reports from year to year?

(c) What action has been taken on the irregularities referred to in part (b)? If not, why not?

(d) What are the reasons for not taking proceedings under the Payment of Wages Act against the Railway Administration for the repetition of irregularities?

**The Honourable Dr. B. R. Ambedkar:** (a) and (b). Information is being obtained and will be placed on the table of the House in due course.

(c) The irregularities detected were brought to the notice of Railway Administration for rectification.

(d) Government does not consider it necessary to proceed formally under the Act when satisfactory settlement in individual cases can be otherwise achieved.

**NON-PAYMENT OF WAGES TO WORKERS BY LOADING CONTRACTOR AT DELHI-SHAHDARA RAILWAY STATION.**

**55. Mr. Ananga Mohan Dam:** Will the Honourable Member for Labour please state:

(a) if it is a fact that in the past workers employed by the Loading and Unloading Contractor at Delhi-Shahdara Railway Station on the North Western Railway were not paid their wages;

(b) if it is a fact that the delay in payment and the non-payment of wages were reported by the Inspector of the Railway Labour;

(c) if it is a fact that the Inspector under the Payment of Wages Act suggested the prosecution of the said contractor, and of stoppage of the payment due to him by the Railway Administration;

(d) if it is a fact that the Railway Administration paid him against the said suggestion and the Railway Board refused his prosecution under the Payment of Wages Act; and

(e) if it is a fact that the said workers have not received their wages uptill now for that period?

**The Honourable Dr. B. R. Ambedkar:** (a) to (e). Information is being obtained and will be placed on the Table of the House in due course.

**ELECTRICITY SUPPLY RATES WITHIN THE DELHI PROVINCE.**

**56. Mr. Ananga Mohan Dam:** Will the Honourable Member for Labour please state:

(a) the rate of charges for the electric power supplied for domestic purposes in the areas of (i) New Delhi, (ii) Delhi Fort, (iii) Delhi City, (iv) Delhi and Civil Lines, (v) Delhi Cantonment, (vi) Shahdara Delhi, and (vii) other places, within the Delhi Province;

(b) the reasons for the difference in rates, if any, in those areas; (c) the rates on which the Delhi Central Electric Power Authority, Limited, has been supplying the power in bulk to the Delhi Electric Supply and Traction Company, Limited, for distribution for domestic purposes;

(d) the rates on which the Delhi Electric Supply and Traction Company, Limited, distribute the power to the consumers for domestic purposes;

(e) the rates on which the Irrigation Department of the United Provinces of Agra and Oudh supply the power in bulk to the Upper Jumna Valley Electricity Company, Limited, for distribution for domestic purposes;

(f) the rate on which the Upper Jumna Valley Electricity Company, Limited, distribute the power to the consumers at Shahdara Delhi for domestic purposes;

(g) the reason for the difference in the rate of the Delhi Electric Supply and Traction Company, Limited, and of the Upper Jumna Valley Electricity Company, Limited, for the distribution of power for domestic purposes; and

(h) whether those areas are not under the Central Electric Power Control Board or Central Electricity Board or the Delhi Central Electric Power Authority, Limited; if so, the reasons therefor?

**The Honourable Dr. B. R. Ambedkar:** Information is being obtained and will be laid on the table in due course.

**TRANSFERRED STARRED QUESTIONS AND ANSWERS.**

**CONTROL OVER APPELLATE ASSISTANT COMMISSIONERS OF INCOME-TAX.**

**125. \*Mr. Lalchand Navalrai:** (a) Will the Honourable the Finance Member be pleased to state if it is a fact that while creating Appellate Income-Tax Assistant Commissioners, it was intended to recruit such officers from the Judicial Department or those possessing judicial qualifications?

(b) Under whose control, for the purpose of promotion, leave and other administrative functions are these Appellate Commissioners?

\*The meetings of the Assembly that were to be held on the 17th and the 18th February, 1944, having been cancelled, the answers to starred questions for those days were, in pursuance of convention, laid on the table of the House to-day.—Ed. of D.



(c) Do Government propose to put these Appellate Assistant Commissioners for appointment, promotion and such other functions under the control of Legislative Department of the Government of India?

**The Honourable Sir Jeremy Raisman:** (a) No Sir.

(b) and (c). I would refer the Honourable Member to my reply to parts (c) and (d) of his starred question No. 66 on the 12th February, 1943.

**UNCONFIRMED INCOME-TAX OFFICERS AND INSPECTORS, ETC., IN SIND.**

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

(a) how many permanent and how many unconfirmed Income-Tax Officers are working in Sind;

(b) since how long they have remained unconfirmed; and whether Government propose to confirm them; if not, why not; and

(c) how many Inspectors and Examiners are yet unconfirmed, and since how long each of them has remained unconfirmed?

**The Honourable Sir Jeremy Raisman:** (a), (b) and (c). A statement is laid on the table of the House. The question of confirming these Income-tax Officers is under consideration.

*Statement.*

*Income-tax Officers.*

|                                  |   |
|----------------------------------|---|
| Permanent                        | 3 |
| Unconfirmed—                     |   |
| Officiating for more than :      |   |
| 5 years                          | 1 |
| 3 years                          | 1 |
| 1 year                           | 3 |
| Officiating for less than 1 year | 2 |
|                                  | 7 |

*Inspectors and Examiners.*

|                                  |   |
|----------------------------------|---|
| Officiating for more than :      |   |
| 6 years                          | 1 |
| 5 years                          | 1 |
| 3 years                          | 1 |
| 1 year                           | 4 |
| Officiating for less than 1 year | 2 |
|                                  | 9 |

**ILL-TREATMENT METED OUT TO SARDAR SARDUL SINGH CAVEESHAR.**

**127. \*Sardar Sant Singh:** (a) Will the Honourable the Home Member please state if it is a fact that in the petition Sardar Sardul Singh Caveeshar stated that though he had sent petitions to the Home Member, Government of India, and some other members of the Viceroy's Executive Council drawing their attention to illegal treatment meted out to him during his detention in the Lahore Fort, these petitions were not forwarded by the authorities concerned to the Members of the Viceroy's Executive Council, and that he based this statement on the replies of the Home Member to the questions of Maulana Zafar Ali when it was stated in the House three months after the submission of the petition that no such petition was received by the Home Member?

(b) What are the reasons that when a person is detained under orders of the Government of India, members of Government are kept in dark about the treatment meted out to him and his petition to Members of that Government are not transmitted to them?

(c) What action do Government propose to take on the petitions of Sardar Sardul Singh Caveeshar to the Home Member and the Governor General in Council? If not, why not?

(d) Is it a fact that in the petitions to the Governor General in Council, the Home Member and other members of the Government of India and to the High Court, Sardar Sardul Singh Caveeshar made serious allegations against

certain C. I. D. officers of the Punjab and of the Government of India, about the illegal and criminal treatment meted out to him during his detention in the Lahore Fort?

**The Honourable Sir Reginald Maxwell:** I would invite attention to my replies to the Honourable Member's questions Nos. 102, 103 and 104 on February 14th. Government do not propose to take any action since the allegations made by Sardul Singh Caveeshar are without foundation.

**ILL-TREATMENT METED OUT TO SARDAR SARDUL SINGH CAVEESHAR.**

**128. \*Sardar Sant Singh:** (a) Will the Honourable the Home Member please state if it is a fact that Sardar Sardul Singh Caveeshar applied to the Home Member for a copy of orders of the Government of India ordering his detention under section 26 of the Defence of India Act, but he was informed by the C. I. D. that no such orders could be furnished to him?

(b) Is it a fact that Mr. Wace saw Sardar Sardul Singh Caveeshar in August, 1942, in the Lahore Fort and told him that if he did not tell him within three days what the Deputy Inspector General wanted, he would create in the Fort conditions of a concentration camp?

(c) Is it a fact that when Mr. Caveeshar made no statement during those three days, he was tortured in the manner complained of by him in his letters to the Governor General in Council, Home Member and other officials, and which letters were not allowed by the Punjab Government to reach such officials?

(d) What was the conversation that took place between the Deputy Inspector General, C. I. D., and Sardar Sardul Singh Caveeshar in the Lahore Fort? Was the Government of India consulted before Mr. Wace saw Mr. Caveeshar and threatened in the manner complained of by him in his *Habeas Corpus* petition to the High Court,

(e) Is it a fact that one of Mr. Caveeshar's Assistant Pandit Ram Rup Sharma has been detained under section 26 of the Defence of India Act?

**The Honourable Sir Reginald Maxwell:** (a) I would invite attention to my reply to the Honourable Member's question No. 103 on February 14th.

(b) and (c). No. The conversation was confined to matters connected with Sardul Singh's detention.

(e) Yes, an order of the Punjab Government.

**FILMS OF PRESIDENTIAL PROCESSIONS OF CERTAIN ORGANISATIONS.**

**129. \*Sardar Mangal Singh:** Will the Honourable Member for Information and Broadcasting please state whether it is a fact that films of the presidential processions of all or any of the following organisations were taken during December last at the occasion of their annual sessions under Government orders:

- (1) All-India Liberal federation;
- (2) All-India Muslim League;
- (3) All-India Hindu Mahasabha; and
- (4) All-India Depressed Classes Conference?

**The Honourable Sir Sultan Ahmed:** With your permission, Sir, I propose to answer this question along with question No. 132 later on.

**ILLNESS OF SARDAR NIRANJAN SINGH TALIB, A SECURITY PRISONER.**

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

(a) whether Sardar Niranjan Singh Talib, a security prisoner in the Punjab, was transferred to Mayo Hospital for treatment;

(b) the disease from which he was suffering;

(c) whether he was re-transferred to jail after treatment; and

(d) whether he has now completely recovered from the disease from which he was suffering?

**The Honourable Sir Reginald Maxwell:** (a) Yes.

(b) He was suffering from chronic rhinitis.

(c) Yes.

(d) No. The treatment is being continued in jail.

## FAMILY ALLOWANCE FOR SARDAR NIRANJAN SINGH TALIB.

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

(a) whether any family allowance is being paid to the family of Sardar Niranjan Singh Talib; if so, what?

(b) whether Government are prepared to reconsider his case with a view to increasing this amount, particularly in view of high prices; and

(c) whether Sardar Niranjan Singh Talib applied to Government that he may be kept at Amritsar or at least Lahore so that his people could interview him without much inconvenience and expenditure; if so, whether the same was accepted?

The Honourable Sir Reginald Maxwell: (a) and (b). Yes. His family allowance which was fixed at Rs. 75 per mensem has since been increased by 50 per cent. in view of the high prices.

(c) No. He is, however, at present confined in the Central Jail, Lahore.

## FILM OF MUSLIM LEAGUE PRESIDENTIAL PROCESSION AT KARACHI.

132. \*Mr. Lalchand Navalrai: Will the Honourable Member for Information and Broadcasting be pleased to state:

(a) if his attention has been drawn to the *Roy's Weekly*, dated the 28th January, 1944, referring to the ovation given to Qaid-e-Azam when he presided over the Muslim League session held recently at Karachi;

(b) who authorised the bringing out of the film of his procession in Karachi;

(c) the purpose of singling out Qaid-e-Azam's procession, when such processions of other leaders were not so filmed;

(d) if it is a fact that the Information and Broadcasting Department had blacked out the Congress, the Mahasabha and even the Liberal Federation from such publicity; if so, why?

(e) the reasons for the use of public money on the publicity of the Muslim League session; and

(f) what advantage the Indian Government or the British Government gained by such advertisement?

The Honourable Sir Sultan Ahmed: (a) Yes.

(b) The Central Government.

(c) and (d). There has been no question of singling out any procession or any party for publicity. 'Indian News Parade' which is the Government of India's organisation for the production and distribution of a weekly news reel has been authorised to film items of news value for the news reel. It endeavours to cover everything photographically practicable as far as the available camera staff and facilities allow. The meeting of the Liberal Federation could not be filmed because lighting facilities were inadequate in the Cama Oriental Institute where it was held. An attempt was made to film the Presidential procession of the Hindu Mahasabha but the cameraman was badly mauled by the crowd and camera damaged in subsequent lathi charge. The Scheduled Casts Conference at Cawnpore could not be filmed because the regional cameraman was down with fever at the time and the cameramen elsewhere had other important assignments. As for the Indian National Congress, there has been no such procession or meeting of that party since the inception of the Government news reel in September 1943.

(e) and (f). Do not arise.

## REPRESENTATION BY THE SOCIETY OF REGISTERED ACCOUNTANTS IN NORTHERN INDIA.

133. \*Mr. Ananga Mohan Dam: Will the Honourable the Finance Member please state:

(a) whether the Central Board of Revenue has received any representation from the Society of Registered Accountants in Northern India about assessment of or profits on properties, including business premises, under Rule 2(a) of the Schedule to the Income-tax Act; and

(b) if the reply to (a) be in the affirmative, what reply has been given; and if the reply was in the negative, whether executive instructions will be

given pending amendment of the law that the same is not to be considered as income since the receipts will be capital in nature?

The Honourable Sir Jeremy Baisman: (a) Yes.

(b) The point raised by the Society is being considered.

## EXTENSIONS OF SERVICE TO SUBORDINATE RAILWAY STAFF.

134. \*Mr. Lalchand Navalrai: Will the Honourable Member for Railways be pleased to state:

(a) whether it is a fact that the policy of giving extension to the subordinate Railway staff beyond the age of 55 has been revised, and no extensions are now given to them;

(b) if the reply to part (a) above be in the negative, the figures of the subordinate staff on the North Western Railway who are in grades above the lowest grade, and were given extension of service on or before the 1st January, 1944;

(c) if the reply to part (a) above be in the affirmative, how it is that Train Examiners are still being given extension of service on the North Western Railway, or have been recalled after retirement;

(d) how many such Train Examiners have been given extension or have been recalled and were in service on the 1st January, 1944;

(e) whether they have been provided against the ordinary or the supernumerary posts; if against ordinary posts, why the claims of persons awaiting chances of promotion from the lower to the higher grades are overlooked; and

(f) whether the Honourable Member proposes to give relief to the Train Examiners referred to in part (e) above; if not, why not; and if so, what kind of relief is proposed?

The Honourable Sir Edward Benthall: (a) No.

(b) As far as can readily be ascertained, 101 subordinates in grades higher than the lowest had been granted extensions on the North Western Railway up to 1st January, 1944.

(c) Does not arise.

(d) Four who had been given extension and two who had been recalled from leave preparatory to retirement.

(e) These six men were against regular cadre posts. As regards the second part, as there was serious shortage in the category, it was necessary to retain available personnel and any postponement of promotion which this may cause is inevitable.

(f) No, because Government have never accepted the view that the grant of an extension created a right to compensation on the part of any one expecting to succeed to the post.

## DEPUTATION TO RUSSIA TO STUDY HER CULTURE.

135. \*Mr. Govind V. Deshmukh: Will the Foreign Secretary please state if Government propose to send a deputation of professors and a batch of students to Russia to get this country acquainted with its culture, system of education and industrial methods? If not, why not?

Mr. O. K. Caroe: Not at present. No response has been received from the Soviet Government to earlier suggestions that delegations from India might visit Russia during the war, and it may be assumed that the Soviet Government's preoccupations with their successful struggle against the Nazi Armies do not permit them at this juncture to welcome delegations whose business is not immediately connected with the active prosecution of the war.

## FACILITY OF MAIL TRAVEL TO PRIVILEGE TICKET HOLDERS.

136. \*Mr. Lalchand Navalrai: Will the Honourable Member for Railways be pleased to state:

(a) whether it is a fact that Railway employees holding tickets in exchange for Privilege Ticket Orders are allowed to travel by mail and express trains carrying passengers of the class for which the P. T. O. ticket is held;

(b) if it is a fact that the employees, referred to in part (a) above, are not allowed to travel by mail trains, when fares for travel by mail trains are a bit higher than those for ordinary third class travel;

(c) if it is proposed to afford facility of mail travel to Privilege Ticket holders by the payment of difference between the ordinary and mail fares; if not, why not; and

(d) on which Class I Railways, different fares for ordinary and mail third class travel exist, and whether the North Western Railway have made any representation to such Railways in terms of part (c) above; if so, with what result; if not, if it is proposed to refer the matter to the Indian Railways Conference Association for a common agreement?

**The Honourable Sir Edward Benthall:** (a) and (b). The rule in this connection is that:

(a) first class privilege tickets are available by any train carrying passengers;

(b) second class privilege tickets are available by mail trains to:

(i) employees drawing Rs. 400 per mensem and over;

(ii) employees drawing Rs. 176 per mensem and less than Rs. 400 when travelling 600 miles and over; and

(iii) employees travelling on medical certificate at the issuing General Manager's discretion.

(c) intermediate and third class privilege tickets are not available by mail trains.

(e) No, because of the limited accommodation on mail trains and the pressure on such accommodation.

(d) The following class I railways have separate scales for third class fares by (1) mail and express and (2) trains other than mail or express:

B., B. & C. I.,

B. N.,

G. I. P.,

Jodhpur,

M. & S. M.,

Mysore State, and

S. I.

As regards the second part, Government are informed that no representation has been made by the N. W. Railway to other railways on the subject and for the reason given in part (c) above it is not proposed to refer the matter to the Indian Railway Conference Association.

#### AMERICAN ORDER FOR HESSIAN OF JUNE 1943.

137. \***Mr. K. C. Neogy:** Will the Honourable the Supply Member be pleased to refer to starred question No. 17 of the 8th November, 1943, and his answer thereto, and state:

(a) whether it is a fact that on the 14th June, 1943, the Adviser on Jute Supplies on behalf of the Government of the United States of America placed an order in India for 70 crores of yards of hessian at rates below the then market price;

(b) whether it is a fact that the Washington representative of Economic Warfare in India on behalf of the Government of the United States of America refused to pay any price for the said hessian above the domestic ceiling price in the United States of America and that the Government of India supported him in this attitude;

(c) whether it is a fact that the above order was classed as a war order and, as such, given priority over others;

(d) whether the Government of India satisfied themselves that this was really an order exclusively for the purposes of war effort, and was not intended to supply the domestic civilian needs in the United States of America to any extent whatsoever;

(e) the price of hessian at which these orders were executed, and the price of hessian ruling in the market in the country then;

(f) whether it is a fact that the Members of the Indian Jute Mills' Association entered into an agreement amongst themselves not to purchase raw jute for the execution of these orders at more than Rs. 14, Rs. 17 and Rs. 19 per maund for Bottoms, Middles and Tops, respectively;

(g) whether it is a fact that the Government of the United Kingdom agreed, not to purchase jute in the Indian market at that time, in order to keep the prices at the level agreed to amongst the Members of the Indian Jute Mills Association;

(h) whether it is a fact that the prices of jute ruling about the time when the American order for hessian was placed, were higher than those fixed by the Indian Jute Mills' Association; and

(i) how the prices offered by the Indian Jute Mills' Association for jute compared with the average prices of other agricultural commodities, particularly foodgrains, month by month, since June, 1943, in the principal jute producing areas?

**The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar:** (a). No. The negotiations leading up to the placing of contract, were conducted by Mr Swerling, U. S. A. Representative with the Committee of Indian Jute Mills Association.

(b) The price paid was the result of free negotiations between the U. S. A. Representative and the Committee of the Indian Jute Mills Association and the question, therefore, of support by the Government of India does not arise.

(c) and (d). Yes.

(e) Basis Rs. 19-8-0 per 100 yards for 9 porters and Rs. 26 per 100 yards for 11 porters against ruling market prices of Rs. 21-10-0 and Rs. 23-8-0, respectively.

(f), (g) and (h). Yes.

(i) Information regarding prices of agricultural produce in Bengal is being collected and a statement will be laid on the table of the House. I may, however, state from such information as is readily available that the normal parity between jute paddy did not prevail during the period, the price of paddy far outdistancing the price of jute.

#### LOCATION IN DIFFERENT BUILDINGS OF THE RAILWAY CLEARING ACCOUNTS OFFICE, DELHI.

138. \***Mr. Amarendra Nath Chattopadhyaya:** Will the Honourable Member for Railways be pleased to state:

(a) whether he is aware:

(i) that at present the Railway Clearing Accounts Office, Delhi, is located in four different buildings—Ludlow Castle, Delhi Sadar, Dak Shed and the temporary building constructed beyond the Kishengunj Railway Station;

(ii) that the distance from Ludlow Castle to Delhi Sadar is about three miles, and that of Kishengunj more than five miles;

(iii) that the staff experiences great inconvenience, and there is a huge waste of time when they have to go quite frequently from one building to another in connection with office work;

(iv) that no arrangement exists in the office for the conveyance of these clerks from one building to another;

(v) that the staff who thus perform office work is not given any tonga hire from the contingent grant; and

(vi) that certain staff of the Ludlow Castle are sitting in tents without any proper arrangements for flooring, and that they are getting severe cold and spoiling their clothes due to heavy dust; and

(b) whether he is prepared to take immediate steps to see that either suitable conveyance arrangements are made, or the clerks concerned are given tonga hire from contingency, or to decentralise the Railway Clearing Accounts Office at once?

**The Honourable Sir Edward Benthall:** (a), (i) Yes.

(ii) The distance from Ludlow Castle to Delhi Sadar is about one mile and a half and to Kishanganj about three miles.

(iii) Some inconvenience is inevitable, but, as far as possible, independent units of the staff have been located in the same building and the staff are not required to visit other buildings frequently in connection with office work.

(iv) Office has two hired tongas for Office work. They are also available for conveying staff from one building to another when required to do so on duty. An additional tonga is hired when necessary.

(v) As free conveyance is provided, the question of payment of tonga hire does not arise.

(vi) At the present time 105 out of 1,884 men in this office are working in tents. There has been no complaint of cold, etc., except on a few days when there was cloud or rain and angithis were provided to meet the difficulty.

(b) Does not arise.

#### DIFFERENT DATES FOR ENFORCING NEW PAY RATES AND LEAVE RULES IN RAILWAY ACCOUNTS OFFICES.

139. \*Mr. Amarendra Nath Chattopadhyaya: Will the Honourable Member for Railways be pleased to state:

(a) if it is a fact:

(i) that in all the Civil Departments of the Government of India, the new rates of pay and the new leave rules came into force from one and the same date, viz., 16th July, 1931; and

(ii) that in the Railway Department, specially in the Railway Accounts Offices, the new rates of pay were introduced from the 16th July, 1931, but the new leave rules were enforced from September, 1928, with the result that the persons who were recruited between the years 1928 to 1931 are drawing old rates of pay, but are governed by the new leave rules; and

(b) if he is prepared to so amend the rules as to bring the Railway Accounts Offices into line with other Government of India Departments in regard to leave rules, so that the new leave rules and new rates of pay may be deemed to come in force from one and the same date, viz., 16th July, 1931, thereby giving those persons who were recruited between September, 1928 and the 16th July, 1931, and who are continuously holding the post, the benefit of old leave rules with retrospective effect?

The Honourable Sir Edward Benthall: (a) (i). Both the sets of rules referred to apply to persons who entered Government service on or after 16th July, 1931.

(ii) Yes, the reason being that on and after 1st September, 1928, staff were recruited on the distinct condition that when the new State Railway leave rules which were then under consideration were promulgated, they would be brought under their operation. In this respect the position of the Accounts staff is not different from that of other Railway staff.

(b) No. The question does not arise in view of what is stated in (a) (ii) above. Moreover, the conditions of service in the Railway Department and the other Government of India Departments are not similar in all respects.

#### WHEAT PURCHASED BY EAST INDIAN RAILWAY TO SUPPLEMENT DEARNESS ALLOWANCE.

140. \*Mr. Kailash Bihari Lall: Will the Honourable Member for Railways please state:

(a) the amount of wheat purchased by the East Indian Railway in each year since September, 1941, for each Division, separately, to supplement the Dearness Allowance by its supply to the staff;

(b) the rate, and cost for each year, at which it was purchased for each Division, separately;

(c) the amount of wastage in it in each Division, separately, for each year;

(d) the rate at which the wastage was calculated in each year by each Division, separately; and

(e) the amount of wastage "written off" in each year by each Division, separately?

The Honourable Sir Edward Benthall: (a) to (e). I regret I cannot undertake to compile the information under present circumstances.

#### TRANSFERRED STARRED QUESTIONS AND ANSWERS. COAL RESERVED FOR AGRICULTURAL OPERATIONS.

141. \*Sardar Mangal Singh: Will the Honourable Member for War Transport please state:

(a) whether Government have set apart any amount of coal for the use of agricultural operations, particularly for the "grow more food" campaign; and

(b) what quota they have allotted to the Punjab for the year 1943-44 or for the next crop?

The Honourable Sir Edward Benthall: (a) I have no information about coal set apart for agricultural operations. Under the coal rationing scheme quotas have been allotted to provinces to meet the requirements of domestic consumption and small industries and it is for the Coal Controllers appointed by Provincial Governments to make allotments from these quotas for agricultural operations if they consider it necessary.

(b) The provincial quota for the Punjab is 500 wagons a month.

#### TRANSFERRED UNSTARRED QUESTIONS AND ANSWERS.<sup>†</sup> PRODUCTION OF OPIUM ALKALOIDS AT GHAZIPUR FACTORY.

45. Mr. K. C. Neogy: Will the Honourable the Finance Member please refer to his reply to question No. 186 on the 15th November, 1943, wherein he stated, with reference to the manufacture of opium alkaloids at Ghazipur Factory, that "production has, in addition, been materially reduced as a result of the August disturbances last year", and state:

(a) in what particular way the August disturbances reduced production in the Ghazipur Factory;

(b) whether there was any labour strike in the factory at that time;

(c) whether the machinery, plant or building was actually damaged; and

(d) the total reduction in production through this cause?

The Honourable Sir Jeremy Raisman: Precise information has been called for and will be placed on the table of the House in due course.

#### PRODUCTION OF OPIUM ALKALOIDS AT GHAZIPUR FACTORY.

46. Mr. K. C. Neogy: Will the Honourable the Finance Member please state:

(a) the quantity of opium alkaloids produced by the Government Factory at Ghazipur during the years 1939-40, 1940-41, 1941-42 and 1942-43;

(b) the supplies given by this factory to the chemical and pharmaceutical industries during the same period;

(c) the monthly supplies of this factory to the said industries since April, 1943;

(d) the total annual requirements of opium alkaloids for the chemical and pharmaceutical industries in India;

(e) the steps taken by Government to increase the manufacture of opium alkaloids at the Ghazipur Factory; and

(f) the maximum productive capacity of this factory?

The Honourable Sir Jeremy Raisman: (a), (b), (c), (d) and (f). The information has been called for and will be placed on the table of the House in due course.

(e) A new factory is under construction at Ghazipur, which is expected to be in full operation in the near future.

#### SALE OF GOLD BY RESERVE BANK OF INDIA.

47. Mr. K. C. Neogy: Will the Honourable the Finance Member please state:

(a) from which date the Reserve Bank of India commenced selling gold to the public in this country;

(b) the amount of gold sold from that date till now;

(c) the average price at which this gold has been acquired by the Reserve Bank of India locally or from outside India;

(d) the average price at which this gold has been sold; and

(e) what profits have been made so far by the Reserve Bank of India, or the Government of India, over these transactions?

<sup>†</sup>The meetings of the Assembly that were to be held on the 17th and the 18th February, 1944, having been cancelled, the answers to unstarred questions for these days were, in pursuance of convention, laid on the table of the House today.—Ed. of D.

**The Honourable Sir Jeremy Ralsman:** (a) From the middle of August, 1943.

(b) and (d). I am not prepared to give details of the amounts and prices at which sales have been made.

(c) The Reserve Bank of India did not purchase the gold but were selling as agents on behalf of His Majesty's Government and the Government of the United States of America. The gold was provided by those Governments from their own resources.

(e) No question of profit arises. The proceeds of the gold sales were utilised by those Governments in meeting their war expenditure in this country.

**INSPECTION OF CERTAIN RAILWAY STATIONS IN MORADABAD DIVISION BY THE COMMERCIAL SUPERINTENDENT AND THE ASSISTANT SUPERINTENDENT.**

**48. Mr. Kailash Bihari Lall:** Will the Honourable Member for Railways please state:

(a) the dates, since 1941, on which the stations of Raiwala, Kausro, Doiwala and Harawala on the Hardwar-Dehra Dun section of the East Indian Railway, were inspected by the Superintendent and the Assistant Superintendent, Commercial, Moradabad Division, separately;

(b) the dates of the posting of the present Superintendent Commercial and Assistant Superintendent, Commercial, to continuous service since 1941 in the Moradabad Division;

(c) if the reply to part (a) be in the negative, that is, no inspection of those stations was conducted by those officers, the reasons therefor; and

(d) the dates on which those officers passed through those stations en route to and from Dehra Dun cum Mussoorie since their assumption of the charge of those offices in the Moradabad Division?

**The Honourable Sir Edward Benthall:** (a) to (d). Government do not receive information concerning such minor details of administration.

**FEES PRESCRIBED FOR SUPPLYING COPIES OF CERTAIN RAILWAY DOCUMENTS.**

**49. Mr. Kailash Bihari Lall:** Will the Honourable Member for Railways please state the scales of fees prescribed under section 76 of the Indian Evidence Act, 1872, for copies of (i) Service Agreement and service records of non-gazetted railway servants; (ii) Railway Administration's Gazettes, Notices and other publications, (iii) instructions, circulars and other regulations concerning the duties, condition of service, conduct and discipline, scales of pay and allowances and other cognate matters affecting the non-gazetted Railway servants, and (iv) subsidiary rules to the General Rules made by the Government of India, issued from time to time by the Railway Administrations. If no scales of fees are prescribed, what are the reasons therefor?

**The Honourable Sir Edward Benthall:** There is no power to prescribe copying fees under section 76 of the Indian Evidence Act, the sole effect of which is to entitle a person having a right to inspect a public document to be furnished with a copy of the document on payment of the legal fees otherwise prescribed therefor. For the amount of the fee chargeable in any particular case, the Honourable Member is referred to the relevant entries in Schedule I to the Court-fees Act and Schedule I to the Indian Stamp Act. I should perhaps add that I should not be understood to endorse the Honourable Member's statement that all the classes of document to which he refers are public documents.

**DISPENSING WITH THE QUESTION HOUR ON THE GENERAL BUDGET PRESENTATION DAY.**

**Mr. President** (The Honourable Sir Abdur Rahim): I may inform Honourable Members that in accordance with the usual practice no allotment as regards questions was made in respect of the meeting for the 29th February, 1944, fixed at 5 p.m. for the presentation of the General Budget, and that there will, therefore, be no questions on that day.

**ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR THE INFORMATION AND BROADCASTING DEPARTMENT.**

**Mr. President** (The Honourable Sir Abdur Rahim): I have to inform the Assembly that up to 12 Noon on Wednesday, the 16th February, 1944, the time fixed for receiving nominations for the Standing Committee for the Department of Information and Broadcasting, five nominations were received. As the number of candidates is equal to the number of vacancies, I declare the following members to be duly elected: (1) Mr. Lalchand Navalrai, (2) Mr. C. P. Lawson, (3) Khan Bahadur Sheikh Habibur-Rahman, (4) Seth Yusuf Abdoola Haroon, and (5) Mr. M. Ghiasuddin.

**ELECTION OF MEMBERS TO THE STANDING COMMITTEE ON EMIGRATION.**

**Mr. President** (The Honourable Sir Abdur Rahim): I have to inform Honourable Members that the election of members to the Standing Committee on Emigration will be held, if necessary, on Wednesday, the 23rd February, 1944. The election, which will be conducted in accordance with the principle of proportional representation by means of the single transferable vote, will be held in the Assistant Secretary's room in the Council House, New Delhi, between the hours of 10-30 a.m. and 1 p.m.

**THE RAILWAY BUDGET—GENERAL DISCUSSION.  
FIRST STAGE.**

**Mr. President** (The Honourable Sir Abdur Rahim): Before the House discusses the Railway Budget, under Rule 46 I fix the time limit for speeches as twenty minutes for each Honourable Member, excepting the Government Member, for whom 45 minutes or more will be allowed if necessary.

**Dr. P. N. Banerjee** (Calcutta Suburbs: Non-Muhammadan Urban): Sir, the Budget presented by the Honourable Member for War Transport is an extraordinary, unwelcome and unsatisfactory one. This Budget seeks to impose a heavy and unconscionable burden on the people of India, particularly the poorer and middle sections of the population. There is neither any necessity nor the slightest justification for imposing such a heavy burden. A careful examination of the figures contained in this budget will make my contention perfectly clear. In 1942-43 the surplus rose to a very high figure and this figure was preceded by large surpluses year after year since the commencement of the present war. In 1942-43 the amount was as large as 45 crores, and a similar surplus is likely to arise in the course of the present year, while the surplus for the ensuing year will perhaps be still larger.

Now, how have these surpluses been utilised? In the first place, they have been utilised for making very large contributions to the general revenues of the country, and, in the second place, for making additions to the depreciation fund and the railway reserve fund. In the coming year the contribution will amount to no less than 31 crores and 37 lakhs. Besides, the depreciation fund will rise to the record figure of nearly 88 crores during the current year and the railway reserve fund will reach the unprecedented sum of 31 crores and 69 lakhs during the ensuing year. These figures are worth examining because the conclusions which have been drawn by the Honourable the Transport Member will appear to be wholly wrong on such examination.

How these surpluses have arisen is the question to be considered next. It appears to me that they have arisen from two sources, namely first, intensified war activity and second, sacrifice and suffering on the part of the people. So far as the first is concerned, it is more or less a paper transaction and does not call for much comment. But so far as the second aspect of the question is concerned, namely, the sacrifice and suffering of the people, I think it is necessary to make some observations. It is well known that during the last four years the facilities for travel have been greatly curtailed. Overcrowding has taken place to such an extent that not only is there discomfort and inconvenience but there has been a large number of accidents resulting in loss



[Dr. P. N. Banerjee.]

of lives and limbs of the passengers. Besides, lack of transport has been one of the contributory causes of the disastrous famine in Bengal and of scarcity in other parts of India. In view of these things we should consider whether Government should attach any importance to this important aspect of the question or not.

Now, Sir, we find that Government, instead of seeking to provide greater facilities and greater convenience and comfort for the travelling public, want to increase the fares. As a matter of fact what is urgently called for is that fares should be substantially reduced. And why do we ask for a reduction in fares? The services rendered by the railways to the users have been greatly diminished and justice demands that the fares should be reduced. But instead of doing that Government have come forward with an astounding proposal to increase the fares by as much as 25 per cent.

Let us examine whether these surpluses have been the result of economical management of the railways. I refer to the report of the Railway Finance Committee. There we find that there have been many cases of extravagance and waste. In particular, I refer to one instance, namely, the loss of 10 crores which is mentioned in the Honourable Member's budget speech with regard to the cheap foodgrain shops. These shops were started with the object of helping the employees of the railways. We have no objection to that; but the policy was carried too far and even the highest paid officers were included in the list of persons who were to receive the benefit of these cheap food-grains. And the quantities given to these officers with their dependants were on a very lavish scale and entailed heavy expenditure.

**The Honourable Sir Edward Benthall** (Member for Railways and War Transport): No, Sir; they get precisely the same as is given to the humblest employee.

**Dr. P. N. Banerjee:** If I had time I would have read from the Report of the Standing Finance Committee, but I will only refer the Honourable Member to page 8 of the Report, where this is mentioned. Again, every user of the railways knows that inefficiency prevails throughout the Indian railways and that bribery and corruption are rampant. Therefore, these surpluses are not the result of economical management but are due to the sacrifices and sufferings of the people.

Now what are the reasons advanced by the Transport Member in favour of his extraordinary proposal? He says there are three good reasons for taking this step. The first, according to him, is that it will reduce travel. I do not think that this effect will be very great, and if it is great it will prove injurious to the people of the country. A great deal is being said about travelling for pleasure and as a matter of luxury. Is it possible to contend that the third class passengers travel for pleasure when they risk their lives by sitting on the foot-boards and by hanging on to the carriage rails? If there is any luxury travel it is for the highly-paid officers of Government who travel in saloons and air-conditioned coaches at Government expense. Therefore, this additional tax will be injurious to the third class passengers who travel only when they must and when it is compulsory for them to travel; they never travel for pleasure.

The second point raised by my Honourable friend is that it will have a deflationary effect. Now inflation, as we all know, has been the result of the bungling financial policy of the Government, and other remedies will have to be adopted to deflate the currency. But it is a cruel joke to say that the poor people—the third class passengers and Intermediate class passengers—have large sums in their pockets, and if these sums are taken away from them there will be a deflationary effect on the currency policy of the Government. Far from it.

The third point to which my Honourable friend refers is to create a fund of ten crores of rupees for the provision of facilities in future. This amounts to an invitation to the poor to suffer and, if necessary, die now, in order that

in the next life they may enjoy the amenities to be provided by the Honourable the Transport Member. No, this will not do. If he is serious and sincere in this matter I would ask him to withdraw this proposal, and would offer some suggestions with regard to the provision of funds for the purpose he has in view.

Sir, we all know that budgets have always been under-estimated—the income side of the budget has always been under-estimated. As he himself points out, during the last year and during the current year the income has been under-estimated. It is possible that such an under-estimate will occur in respect of the coming year too, and if, as a result of this, larger surplus is obtained, I would request him to earmark that additional surplus for the purpose of providing amenities in future for third class railway passengers. There is also another alternative which I would like to suggest, if I may. The Revenue Reserve fund will reach the record figure of thirty-one crores and sixty-nine lakhs during the ensuing year even on the existing basis of the fares. This is a figure which was never dreamt of by the legislators or by the Government when the Convention was arrived at in 1924, and out of this surplus a sum of ten crores may easily be spent for providing conveniences to the third class travellers.

Sir, the net effect of the iniquitous proposal which my Honourable friend has placed before us, if carried out in the teeth of opposition, will be great discontent in the country. I may point out in this connection that protests have been pouring in from all parts of the country—from Bombay, from Calcutta, from Madras and from other parts. In view of these protests I hope the Honourable the Transport Member will reconsider the position. But it may be said that the Government do not mind the discontent because of the large military forces they have at their command. I hope that attitude will not be taken up by Government.

Sir, the Government have at their command in this House the votes of their servants and their dependents and I know how those votes will be recorded. But we, the elected representatives of the people, have our duty to perform, and we shall be no party to such an iniquitous proposal. I am sure that no elected Member of this House, unless he is completely devoid of a sense of duty to his country, will fail to record his vote against the proposal.

**Sir Muhammad Yamin Khan** (Agra Division: Muhammadiyan Rural): Sir, I am glad that the Railway budget is again a surplus budget. But there are many things which the Honourable Member has said in introducing the budget, with which I cannot agree and, therefore, I have to make some observations.

In his speech the Honourable Member said: "During the year Government have had under discussion with the Standing Finance Committee the question of the abolition of the lower gazetted service. Government do not accept as valid the reasons advanced by the majority of the committee against the steps and propose to carry the measure through at the appropriate time."

The Honourable Member ought to have explained where he did not agree with the reasons advanced by the Standing Finance Committee. In disagreeing with the Committee, he gives no valid reasons himself. At their last meeting, when the Standing Finance Committee rejected the proposal, they gave clear reasons for doing so, namely, that the proposal was meant to give undue advantage to the people who will not only get a better salary to which they were never entitled and which their condition of service never laid down, but they will also become entitled to the overseas allowance. The proposal was put before the Standing Finance Committee in the beginning and it was said that it will cost something like two lakhs, but ultimately it was found that, including overseas allowance, it will come to more than six lakhs. And so the Standing Finance Committee rejected this proposal on financial grounds and because the proposal was in the interest of 64 persons, all of whom were Europeans. To spend such a huge amount at this time was considered to be all the more unacceptable because the Railway Board picked up only one class of people for betterment of prospects and ignored all other persons. The Standing Finance Committee could not take it up but we wanted to know

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fare? You are paying that orderly or low-paid employee an increase simply because they cannot meet their ordinary food requirements. But if, in addition to increased cost of food, he has to meet extra railway fare of 25 per cent. if he has to go on leave to see his family and so on, you merely give with one hand and take away with the other. Is he in a position to pay the increase? You have considered only one class of persons who travel. But the class of persons who must travel is being heavily burdened; and so I do not agree with the reasons which you have given, and this matter will be properly dealt with at the appropriate time.

The coal question is a broad question. When the Honourable Member found that coal was not coming in in sufficient quantities he ought to have persuaded the Government or the Viceroy to issue an ordinance in this respect—a very stringent ordinance to the effect that if any colliery was not working properly or to the full extent, it should be dealt with irrespective of the question whether they were making huge profits or no profits at all; the coal must be mined. You may have to pay higher prices but the quantity of coal must not be decreased simply because excess profit tax has not to be paid. How can there be an excess profits tax without profit.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

**Sir Muhammad Yamin Khan:** I am just closing. Therefore, I think this coal policy of the government has been lacking in determination and foresight and an Ordinance should have been issued in the beginning when the Government came to know that the collieries were not working to the satisfaction of the railways or for the good of the country.

**Sir Henry Richardson** (Nominated Non-Official): Sir, once again we are here to discuss a Railway Budget which shows a very large surplus. But as the Honourable Member for War Transport has reminded us the apparent prosperity which the Budget shows is largely illusory. Not only are railway earnings largely the result of taking from one pocket to put into another, but also the rehabilitation and reconstruction works which are steadily accumulating will, in due course, involve the Railways in very large expenditure. The House will be aware that we on this side have consistently expressed the view that the Railways should accumulate reserves during periods when trade is good so that finance will be available for less prosperous times such as may well occur after the cessation of hostilities. Whatever target for reserves may have been considered adequate in the past, it is obvious that we must now reorientate our views to meet the altered circumstances which the war is bringing. When we hear of so many crores of rupees going to general revenues and of further crores being accumulated in Depreciation and Railway Reserve Funds we are inclined to forget that, large as these sums may sound, they are no more than relative to the capital-at-charge. If instead of talking in crores we were to think in lakhs and apply to the problem the normal precepts of sound business, a far clearer picture is possible. Instead of a capital of 808 crores, let us for a moment think of it as 80 lakhs, and instead of a depreciation fund at the end of 1944-45 of 82.45 crores let us think of it as 8 lakhs. Similarly, instead of a Railway Reserve Fund of 41.69 crores let us think of it as 4½ lakhs. With these simplifications we can visualise a company having a capital of 80 lakhs, with a depreciation provision, after many years, amounting only to about 10 per cent. of its capital and with reserves of only about 5 per cent. of its capital. I ask my business friends, would they be proud as proprietors or satisfied as shareholders with any concern showing, after so long a period, such meagre funds? Would they not under present conditions desire to make provision for bad times ahead and to create additional reserves which can be found in the balance-sheets of companies established for far less a period than the Railway organisation in this country? Where have we got in the Railway Budget such provisions as Reserve for equalisation of dividends, Reserve against depreciation of stocks, Reserve for taxation, Reserve for development and where do

we find any sinking fund for the repayment of loans? Honourable Members who are either businessmen or shareholders are well aware that these headings are eagerly looked for in commercial balance-sheets and the ability and prestige of the management is often judged by the prudence and strength displayed by the finances thus carefully preserved and held ready under these various headings against the rainy day and future developments. Looking, therefore, at our depreciation and reserve funds from this angle, I find no justification for that satisfied and comfortable feeling which the word 'crore' implies.

Having said this, it will come as no surprise to this House when I say that we now, more than ever, give full support to the strengthening of Railway reserves which we feel are inadequate and we support fully the steps contemplated by the Honourable Member in this direction. In view of the constitutional changes which the end of the war will bring, it would be easy for the present Government to court popularity by planning for the present rather than for the future. Indeed, I heard one Honourable Member interrupt the War Transport Member with the statement that the benefits to be provided for lower class passengers would accrue only after the present generation was dead. This interjection illustrates my point. If some of us wish to provide for the future—even for those who will come after us—is there anything particularly wrong with such a policy? It might be popular with a certain section to benefit the present generation and to let the future look after itself. But surely we must do better than that.

The Honourable Member has proposed an increase in fares and the press has forecast this intention for some time. Opposition has been gathering and when precision was given to the proposals in this House such opposition was quite evident. It would be inconsistent for us to join in such opposition in view of the policy which we have so often pressed both in this House and on Standing Committees. Individually, we may dislike paying more for railway travel just as my friends on the other side may dislike it, but the three reasons which have been given by the War Transport Member for taking this course are, in our opinion, valid reasons. Provision for the future is obviously our duty. Anti-inflationary measures must obviously be attempted. Overcrowding should be remedied as far as possible, and if any of my friends argue that an increase in fares will not reduce overcrowding, I can only suggest that logically they support a larger increase than that proposed. The facts as disclosed are that in the past two years, third class passenger traffic earnings have gone up by some 10 crores and it is evident that whether the majority of these people had to travel or not, they had the wherewithal to enable them to do so.

But, as I have said, we are not supporting the proposal on that ground alone and I would turn for a moment to the proposals which the Honourable the War Transport Member has made for earmarking and utilisation of the proceeds of the increases which are expected to yield 10 crores. The grievances of the third class passenger have been pleaded in this House and in the Press for some years, and after the war is over there is no doubt that the public sense of responsibility over this question will brook no further delay in the remedying of the defects which are so well known. Honourable Members, however, know that the list is so long and the items are so vast that a huge sum of money, at present unknown, will be required. Furthermore, the country will expect as much as possible of this money to be spent in India so that in the manufacturing of railway requirements within the country itself private industry may be assisted in those difficult periods which, from experience, we know follow a great war like the present. It is no use saying that the money can be taken from the Railway Reserve Fund. The Honourable the Chief Commissioner in his speech in another place has stated that the amounts in this fund will be needed to ensure payment of interest charges. Those interest charges amount at present to nearly 29 crores per annum, so that the sum of nearly 32 crores which will be in the Reserve Fund at the end of 1944-45 will only be sufficient to pay one year's interest and this again bears out what I have already argued

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from a business point of view, namely, the inadequacy of the present reserves. Although the Honourable Member has stated that the expected yield of 10 crores from increased passenger fares will be earmarked for an "amenities fund" in the Railway Reserve I must say that we would prefer the purpose to be more clearly defined so that whatever future Governments may have the handling of railway finances, this provision is used strictly for the purposes of "betterment". We would like this Fund to be kept completely separate from the Railway Reserve. But, Sir, in dealing with the question of the effect on travel, which these increased fares may have, I am bound to express our opinion of the need for military authorities to take all practical and possible steps to reduce travel on the part of the military personnel. We are constantly hearing of cases of officers and men who are permitted to travel long distances on leave, and often, while they are on holiday, they are transferred to some other unit which happens to be nearby or in another direction from their base. But owing to some military necessity, or rather perhaps I should say, lack of organisation, these men have to go back from their holiday resort all the way to their unit and then again undertake a long journey to the place of transfer. We fully realise the military must have leave, but this sort of thing ought to be stopped. Then again the principles of what are known "leave zoning" and "leave staggering" might, I think, with advantage be adopted with more strictness than appears to be the case at the moment. I am aware that there are difficulties and that discretion must be left to the military authorities, but I hope the principle will be accepted so as to reduce the criticism which is heard amongst the general public, who are so greatly affected by the very large numbers of military travelling. I believe that military leave is given irrespective of the time taken in travel which would seem to be a direct encouragement to undertake a long journey and this is a point which the military authorities might take into consideration.

Then, Sir, we would like to know what success has been achieved in regard to ticketless travel and what further steps Government propose to take to reduce this form of overcrowding. There is no information in the Honourable Member's speech on this question.

While realising the great difficulties under which Railways are working today, I think that I should warn the Honourable Member against the tendency which I detect in certain quarters to blame war conditions for certain deficiencies which can be avoided. We realise that major repairs to carriages are frequently impossible. But there are certain minor repairs which can and should be carried out. If this is not done, deterioration may be rapid and war conditions cannot be blamed for everything. Recently we have seen advertisements in newspapers expressing the regret of certain railways that electric bulbs could no longer be provided in carriages and passengers must make their own arrangements. I do not know whether this is due to inability to obtain bulbs or whether excessive losses are being experienced owing to theft.

**Dr. P. N. Banerjee:** Passengers will have to carry bulbs with them!

**Sir Henry Richardson:** If the latter, could not some prevention be provided in the shape of metal frames for the bulbs? It is also possible that the public have shown some resentment at the A. R. P. arrangements in regard to lighting and the opinion is being expressed that these could now be relaxed to some extent. Then, again, Sir, war is no excuse for sending out carriages from terminal stations with filthy lavatories and insect infested bunks. I am aware that efforts are made at some places to remedy these defects, but the general feeling is that more could and ought to be done and I trust the Railway Administration will take note of this complaint. I must add one further remark regarding restaurant services which are considered on some trains as absolutely disgraceful. Despite the fact that a lot of money is being taken out of troops who have to travel and to pay high charges, no attempt appears to be made to deal with the increased traffic or to reduce menus with the idea

of giving a lesser number of courses but a better meal. We all know that food is not easy to obtain, but the excuse which was put forward in the past that caterers did not know how many might travel by the train is, I think, frivolous now when practically all trains are full. In short, Sir, although we agree to the increase of fares we submit that within the possibilities there should be an endeavour to improve the facilities. The taking over of so many railways from private enterprise, which has been welcomed in this House, should not be allowed to cloud the need for efficiency under bureaucratic control so that the interests of the public who are shareholders just the same should suffer no detriment.

In conclusion, Sir, despite these salutary criticisms we wish to join with the Honourable the War Transport Member in the tribute which he paid at the end of his speech to the Chief Commissioner and the railway staff. There is no doubt that, as in all other industries, many of which are working with a 50 per cent. reduction in their supervisory staffs, the war has enforced a continuing strain on all personnel. Industry in other countries, as well as in this, is showing tenacity and determination that there shall be no slackening of the war effort which is now beginning to bear signs of that success which we have all so long desired and I am sure that our railway staff will, on their side, continue to earn such tributes as the Honourable the War Transport Member paid to them, which we feel were well deserved, and in which we whole-heartedly join.

**Mr. Hooseinbhoj A. Lalljee** (Bombay Central Division: Muhammadan Rural): Sir, I would very much like in the first instance to thank the War Transport Member for the trouble he has been taking in the discharge of his onerous duties. We must acknowledge that he has done his best so far as corruption is concerned (*An Honourable Member:* "Has he?") Yes, he has tried his best so far as I know. He has also done his best so far as the economical way of using the railway transport is concerned and in many other respects.

Now, the important question that arises is whether we would agree with him in his financial review of the whole situation. The proposal to increase the fares by 25 per cent has been before the public for nearly over a month, and I am sure, he has received protests against it from every quarter. All the people concerned are from Calcutta, Bombay, Madras, Delhi, Lahore, Karachi, and other parts of India, as also from businessmen and, I am sure, he, as a great businessman, does realise that businessmen will not make such a strong protest unless it is really needed and mostly in a right cause.

Now, Sir, what do we find? We find that after the war the surplus has been one crore 39 lakhs, contribution to the General Fund 89 crores, and, further we are going to add in 1944-45, 52 crores and a contribution to the general revenues of 31 crores. Just now, Sir, my friend, the Leader of the European Group, has pointed out to us the figures with regard to the reserve fund and the depreciation fund and has pointed out to us that, so far as businessmen are concerned, they make provision also for sinking fund, equalisation of dividend and what not, but I submit, Sir, the private companies and businessmen have to depend on many things including the world conditions but, so far as the Government railway concern is concerned, it is a Government's public utility concern and it can very well, whenever any contingency arises, raise the prices and being a monopolist, it can really demand of the people to pay rates and fares which would make the budget always even. We had nearly ten years when the Railway Budget was at the cost of the public equalised but such a contingency cannot arise when there is a private concern. Many a time we have observed that when there is a great depression all round in the world trade, many of the companies which had even lot of reserves and were very well managed came to grief and trouble, which was no fault of their own. Then the private concerns have to depend on the capital to be got from the public and the shareholders. That is not the position so far as the Government Railway Department is concerned. Therefore, I do not agree with my friend, the Leader of

[Mr. Hooseinbhoy A. Lalljee.]

the European Group, that the Railway Administration could be strictly put down in the same manner as the private concerns, and very great reserves have to be built up at public cost.

Now, Sir, let us see the other argument that has been put forward. It has been said that if there are reserves, they will be spent in India and the private industry will get orders. It may be, but no body is going to guarantee that, we just have an instance before us—the huge orders that are being placed for importing locomotives and wagons this year and the next year and we do not know for how many years advance orders will be likewise placed and the reason for the same may be honestly that we have not got facilities for their manufacture in this country so, as, to get these urgently needed locomotives and wagons and we would be told that therefore the orders for the same are placed outside India exactly as it happened just after the last Great War. Sir, during the last two speeches that Sir Andrew Clow made in this House as Railway Member, we were given to understand that locomotives would be built in this country. In fact metre gauge locomotives were being manufactured in Ajmer and so far as broad gauge locomotives were concerned, there were plans made to manufacture at Dhakod and at other Workshops. But for the war, as it was said in the Standing Finance Committee reports, the production of these locomotives would have already taken place in India.

It may be said at the present moment that these locomotives are badly needed, that is right too but why could it not be arranged at once that the machinery for making these locomotives in this country be imported? Those who are in the business line know very well that the shipping space that is required for getting a locomotive in parts or in whole is very very large and we are so much short of shipping space with regard to foodstuffs which we so badly require and for which we are starving and when we are even begging for that shipping space, we are told that no space is available. Now, compare this our position with regard to foodstuff with the shipping space that will be made available for the locomotives ordered out. All this does naturally create a suspicion in our mind as to why the machinery to build the locomotives in India is not being imported. For the next three, four or even five years, to carry on the war specially with Japan the most essential thing needed is to get at once machine tools and machinery for building the Railway Locomotives. We find that even now countries like the United States of America and the United Kingdom have got surplus locomotives or they can make locomotives which they can send out ready built while we have nothing; not only that but we find that a large number of locomotives and wagons were sent out from this country in the beginning and during the war. If that has been the position and that has been the policy why during all this period, no attempt is being made to get machinery and tools to build locomotives in this country? If there is any solid reply to this then I would certainly agree that at least some portion of the great portion of the reserves that is being built up would be used in this country upon these industries, necessary for our Railways and for employing Indian labour for the manufacture of locomotives, rolling stock and wagons. Of course, some wagons are being manufactured in India.

Now, Sir, it has been said that this 25 per cent increase is with the intention of reducing the travelling. Already we have on record that no less than 37 per cent of the passenger trains have been cut down. And we have also seen, as was pointed out with regard to the passenger service, that if not 50 per cent at least 30 per cent of the accommodation meant for the ordinary passengers is used by the Military. Not only that, but we have seen and we have felt it and the Honourable Member cannot deny it that there is extraordinary congestion in the railway trains. Who would like to travel in those conditions? I quite agree with my friend, Sir Muhammad Yamin Khan, that usually, except for the purpose of attending some *Mela* or some *Urs*, the general public does

not travel by trains for the sake of pleasure. In fact, a large portion of India—I would say 80 per cent.—cannot afford that pleasure. If there is a little increase in the passenger traffic at present, it is entirely due to an important war fact. For instance, important cities like Bombay, Calcutta or Madras or Karachi where war activities are going on the position is: The population of Bombay used to be 14 or 15 lakhs; it is now put down at 23 to 24 lakhs. Now, what is this population composed of? Most of these people have come from the neighbouring districts and even some from distant ones for doing war work. They are employed in workshops, factories, textile mills, or docks or railways. What has been the effect of this increase in population? There is not sufficient house accommodation for the people in Bombay and there is also scarcity of food. If we do not allow them to go back to their native towns at some intervals as they do now, they will have to keep themselves back or to bring their families to Bombay and if so to further swell the congestion. If we do not allow them to do that, then their health will suffer and the standard of morality even will be anything but desirable. This is all but natural. The same is the position in Calcutta, and also, I believe at Karachi and in Madras. I have been recently to Jubulpore and other places where huge arsenals have been built up and I saw the same position also there. Then, again, if you make travelling very expensive, the result will be that you will have to pay more for labour and hence for the materials and it may be that you will not be able to have sufficient labour. The result will be that you will be creating in this country a burden which will be borne by the war industries and by those people who have to travel not because of their business but for their personal work. On the one hand we have been attempting—and my friend Mr. Jumnadas Mehta has pointed this out many a time—to reduce the prices of foodstuffs and everything because a large portion of our people cannot afford to buy foodstuff and necessities at the prevailing prices. We are trying in every way to reduce the price of foodstuff to agriculturist and also to control it. On the other hand, you are going to raise the fares for third class passengers, a large portion of whom are not able to buy the foodstuff at the present prices. In fact, unless and until you reduce the prices of foodstuff, you will not be able to get this extra fare. Furthermore, you are now asking your own workers to pay more for their travels to their native land because they have come to the ports and other centres for doing your important work. I cannot say how it helps my Honourable friend's endeavour to put this 25 per cent over the war activity as a whole. What will happen is this. The great business people will have to pay only 10 per cent and 90 per cent will have to be paid by our trustee, the Honourable the Finance Member. It will thus affect mostly the poor people and it will affect more on those very poor people who are now working at the war centres. Furthermore, you are now going to penalise a class of persons who for years together have been your best customers. If the Railway Administration's figures are studied properly, I am sure nobody will deny that it is the third class passengers who have contributed to the gain or surplus. The first and second class passengers enjoy at their expense. The restaurant cars and air-conditioned coaches are enjoyed at the expense of the third class passengers. If the Railways were a business concern, as my Honourable friend the Leader of the European Group pointed out, the first consideration of the Railway Administration would have been to spend as much as possible on the amenities of third class passengers, who are paying for all their traffic. But nothing of the sort has been done.

**The Honourable Sir Edward Benthall:** We are suggesting it now.

**Mr. Hooseinbhoy A. Lalljee:** We have been saying it for a long time, but year after year you have been collecting money from these third class passengers. This is not business-like; this is not fair and this is not equitable.

Then, I want to point out this that so far as the poor people are concerned what you are attempting to do will certainly create a lot of embitterment in their mind. Nobody wishes to travel in these days. In fact, even



[Mr. Hooseinbhoy A. Lalljee.]

those who are travelling in first and second class compartments also feel that if it is not necessary they will not travel because of the great military people who are moving about. I have already given one instance. I think I mentioned it to our Transport Member or to some other Honourable Member. Your military officers get into the compartment even when it is full and make the passengers stand in order to accommodate them. Those being the conditions of travel, can you ever expect that people will travel for the pleasure of it? Besides, the Honourable the Transport Member is taking another risk. In the first place, this increase in fares will affect the people who are doing war work. In the second place, they will feel that you are so cruel as not to allow them to go to their own kith and kin and also deprive them of sufficient food and sufficient clothing. This is not what we should do. You are talking about rehabilitation proposals which you intend to place before this House, but see what you are doing here, and now . . .

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

**Mr. Hooseinbhoy A. Lalljee:** In short, what I wish to say is this. If you increase the fares, you will be creating a bitterness in the minds of the people. No attempt whatsoever is being made for the betterment of the people who are in difficulties as regards food and other things. The whole object is to collect money for such purposes as people cannot understand.

**Mr. Akhil Chandra Datta** (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, I am afraid I cannot congratulate the Honourable Member for War Transport although he has a surplus Budget. Now, Sir, the central fact of this Budget is this increase of fares. I say this imposition is neither fair, neither just nor will achieve the purpose for which it was intended. I say it is not just because railway fares have been increased twice during the war. Railway earnings are rising, surpluses are mounting up, depreciation fund and reserve fund are swelling phenomenally. This is one side, but on the other side, the services are progressively deteriorating. Therefore, I say this increase of fares is not just. The more important question is, will it achieve the purpose which the Honourable Member has in view. Is it intended to solve the problem of overcrowding? To prevent overcrowding is it necessary to reduce passenger travel? Is there any scope for further reduction of passenger travel? That is the most important question. Passenger trains have been curtailed, the passengers are subject to all manner of restrictions and discomforts, and from our own personal experience we can say that nobody likes travelling unless it is absolutely unavoidable, not out of consideration for railway companies, but for their own sake, people are mortally afraid of railway travelling now-a-days. So far as civilian population is concerned, I maintain that there is no scope for further reduction. There are certain limits beyond which you cannot possibly reduce and that irreducible minimum has already been reached. As has been remarked by the Honourable the Leader of the European Group and other gentlemen, there is a lot of waste of transport services by the military people, not only by the military people but also by the Government Departments. May I say this, Sir that when a single Member of the Executive Council travels he occupies as much space as 20 ordinary passengers. There is a huge waste there. "Physician, heal thyself, you are preaching non-travel to other people, but you never follow your precept"—this can be applied to the Government Members. I ask, has there been any investigation into the question of fact whether overcrowding will be prevented by increase of fares? I do not know. Has there been a serious investigation into this question as to whether over travelling will be prevented by increase of fares. This was discussed in the Central Advisory Council. I do not find that there is any allegation that any investigation has been made. Therefore, what is the position? If there is no further scope of reducing passenger travel, it comes to this that this increase of fare is only in name an increase in fare,

but it is really in substitution a compulsory form of taxation on the travelling public. That is the real position. Call it fare, call it increase of fare, it is really taxation and that too compulsory burden.

**An Honourable Member:** Extortion?

**Mr. Akhil Chandra Datta:** Call it extortion, it does not make much difference. Taxing communications and transport services has always been condemned as a vicious principle in economics by all experts in economics. This was admitted even by the AcWorth Committee. Specially at a time when railways are the only means of communication in the country, this prohibition on railway travel ought to be condemned. There is no other means of travel. There is no bus service. Bus service has been stopped. We do not quarrel with that. The fact, however, is that at the present moment when railways are the only means of travel available to the public, communications ought not to be taxed. It would not achieve the object of preventing over-travelling. The matter was discussed in the Central Advisory Council. What was their verdict on the question? They voted against it. Coming now to the Honourable Member himself, I find he also agrees with the view of the Central Advisory Council. I may put it like this. I may say that his judgment and decree are at variance. He argues in one way and decides in another way. I do not know if that is the reason for this halting statement when he says, 'the effect that such increase may have on reducing passenger travel'. He does not make any positive statement. He only thinks, he feels inclined to think, that the possible effect may be to reduce passenger travel. In this connection the Honourable Member has himself referred to the experience of 1917 when after the last war, the fares were increased, what was the result? We knew that as a matter of fact, overcrowding was not prevented by increase of fares. It is a question of fact, and whoever goes through the literature on the subject of that time will feel convinced that overcrowding was not prevented. There is another unjust thing about this increase of fares, no discrimination has been made between upper class passengers and third class passengers, no distinction has been made between the rich and the poor. The upper class passengers will pay 25 per cent. increase and the poorest third class passengers will also pay 25 per cent. increase. I submit there ought to be discrimination. There is a very interesting point in the speech of the Honourable Member where he says "with money to spend and nothing else much to spend it on, travel the public will". The argument is people have got money which they have nothing else to spend on except on travel. All the time the Honourable Member is obsessed with the idea of railway travel and he thinks that people in the world have nothing else to do except to travel. Another aspect of this imposition is this. It is said that the yield of the increase will be earmarked for amenities to be given to third-class passengers. But they are not to be given now but in the years to come, according to the Honourable Member; nevertheless they will have to pay this 25 per cent. increased fare from this moment although the facilities will be given only several years after. I do not know whether that will be done or not, because we have got no faith in the promises of Government; the improvements may or may not be made. But supposing for the sake of argument that the promised amenities will be granted, why should you make them pay for these in advance? Admittedly the service is now very bad; it is described as 'uncomfortable' by the Honourable Member, himself. In view of that why should you compel people to pay in advance for bad services at the present moment and for promised better services some years after?

The increase is justified on the general level of prices. I wonder if the rise in prices is an argument for or against the increase of fares. The argument is simply this: the people are already suffering on account of rise in prices and why should not they suffer all the more and pay more to the railways? One thing which is perfectly clear from an analysis of the position given by the Honourable Member in his speech is that this increase of fares is a measure of



[Mr. Akhil Chandra Datta.]

finance for post-war development and post-war reconstruction. I do not know whether the tall talk about post-war development and reconstruction is reduced to this promise of amenities for third-class passengers, which amenities should have been given long before and should not have been reserved for post-war reconstruction. I am afraid this promise to earmark the facilities for third-class passengers is a mere bait for us to support this imposition; it is a camouflage and I do not know if it can be called shedding crocodile tears for the poor third-class passengers. Therefore, we cannot see our way to be a party to this increase of fares.

The second reason given is the deflationary effect. I cannot give any better answer than the one given by the Chief Commissioner of Railways, last year who said:

"As it is the policy of Government to do everything possible to check inflation it is not proposed to make any general increase in the coming year in rates and fares."

There are many other points which have been touched upon by the other speakers as regards the manufacture of locomotives and so on. But one thing I should like to mention and that is the most important subject of post-war rating policy. We have been crying hoarse over this question and the injustice of the rates policy in this country for over a quarter of a century. Our complaint has been and is that the rate policy is designed to promote foreign industry at the expense of indigenous industries. It is an old grievance about which nothing has been done all these years, and it is felt in all trade circles that one of the most important things after the war should be to revise the rates policy on the Indian Railways. I do not find any mention of that in the long list of improvements which it is suggested will be carried out after the war.

Sir, on personal grounds I should have been very glad to congratulate the Honourable Member but I am sorry that the whole picture of surpluses has been marred by this proposal for increase of fares.

One word more about this. If you are going to raise the fares, why such an enormous rise as 25 per cent? No reason has been given for that. Therefore, Sir, on all possible grounds we are opposed to this proposed increase.

**Mr. Jamnadas M. Mehta** (Bombay Central Division: Non-Muhammadan Rural): Sir, when some two years ago a very distinguished gentleman of the commercial community in Calcutta was drawn into the Executive Council we had hoped that he would bring to bear a fresh outlook into the bureaucratic cob-webs. But office corrodes, and just as my Honourable friend and classical scholar the Finance Member has been getting corroded year after year, with which we shall deal in a few days, he has given the infection to Sir Edward Benthall also. And this contagion has now reached the limit when it is becoming dangerous both for Government and for the people. Everybody will be impressed with the colossal figures of traffic which the Indian railways carry, as well as with the readiness with which they are meeting the other extraordinary demands on the transport services of the country. From that point of view it is my duty to congratulate every railwayman from Sir Leonard Wilson down to the humblest worker in the railway trade union. They have done their part magnificently. You find in the speeches of both the Railway Member and the Chief Commissioner one uniform generous tribute paid to the workers who have striven to keep the transport service of the country, as far as possible, up to its requirements of traffic. I do not want to occupy the time of the House with quotations but the workers are praised in more than four places by the Railway Member and by the Chief Commissioner in the other House. But it turns out that these praises are all hollow. In fact the whole speech of the Honourable the Railway Member,—I am not talking about him personally, it is in fact an impersonal reference to his speech,—is to my mind absolutely cynical in its outlook. It is predatory in its purpose, oppressive in its results and contemptuous of public opinion. It was Dryden who said that there is hardly any Government in the world in which there is not a sufficient quota of dunces and duds. I am not prepared to go so far

because I was once a man in office and I hope I preserved my robust intelligence. But I agree with Dryden's dictum that there is hardly any Government in which you do not find a sufficient number of idiots or dunces.

1 P.M.

I know my Honourable friend is the picture of gentlemanliness and common-sense, but so far as his speech is concerned it is absolutely cynical. He has simply repeated rhetorical platitudes which he knows to be hollow: "I call upon the Railwaymen to make more effort, to achieve glory. . . ."—to achieve glory presumably by dying without food. When I read your arguments about raising the fares, or your arguments to call upon the workers to achieve glory when you are starving them, they strike me as utterly cynical and even lacking in sincerity—of course this is all impersonal. While the figures of the earnings are most impressive, the Railway traffic instead of being a means of transport services has now degenerated into a transport traffic in blood—the blood of the traveller, the blood of the worker and the blood of everybody who helps them. 52 crores of rupees profit after paying 30 crores of interest and after taking about 8 crores of excessive allocation to the depreciation fund.

**Sir Cowasjee Jehangir** (Bombay City: Non-Muhammadan Urban): How do you make that out?

**Mr. Jamnadas M. Mehta:** It should never have been more than seven crores in spite of Sir Cowasjee Jehangir and Sir Henry Richardson. Sir Henry Richardson's speech was a soulless apologia for taxing people more and more. I was surprised. His whole speech is a warning to everybody that worse time is coming; that the traveller and the trader and the worker are to be further bled down to the thinnest part of their body where the blood does not exist, where there is all skin and bone. If that is the function of the European Members of this House, God help us! I think Hitler could not have asked for the blood of the Poles more recklessly than is foreshadowed in the speech of my Honourable friend, Sir Henry Richardson. There again my observations are impersonal, because they are gentlemen in their private life. But they do not imagine what happens to the worker whom they starve. If I ask them to take the benefit of the joys and the comforts which the railwaymen enjoy for their own children for a week and if I ask the Treasury Benches to put their wives and children in the same condition as the railway worker suffers under their regime they will realise how many children are going without the barest subsistence and even one drop of milk, how many women are going in rags and how many workers are today selling everything they have ever had and going more and more into debt while fifty crores of rupees is being earned as surplus. Jews are blamed in the Merchant of Venice for being blood-thirsty, but this Railway Board. (Interruptions.) I have great love for Jews. Jews have done more for humanity than people know. I am not referring to the Honourable the Finance Member. I say, Jews are supposed to be more usurious people. I ask Sir Edward Benthall to consider whether the transport service of this country has not degenerated into usurers of the worst kind. If we take into account even the history of the last five years, what do we discover? The Railway Board have profiteered 187 crores and 95 lakhs of surplus, 140 crores and 89 lakhs of interest charges, 10 crores per year of extra concealment of revenue and 8 crores of extra depreciation every year; and these figures when worked out, come very perilously near to 12 to 13 per cent. per year of net profit by a public utility company. All these huge profits are earned by the misery of the traveller. People call it overcrowding. That is a very mild word. It is extra-overcrowding; it is suffocating; it is worse than the mythical blackhole of Calcutta. Every train which goes from one station to another carries a load of helpless men, women and children who have not only no sitting room, but no standing room and even no crawling room. I have seen with my own eyes a mother putting her child into the compartment, she herself standing on the foot-board and the helpless husband wondering whether the train would leave and his child would be in and the mother would be on the foot-board and he would be on the platform. And the train moves. Once through the kind courtesy of a military officer I had the honour of admitting

[Mr. Jamnadas M. Mehta.]

19 third class passengers into 1st Class, otherwise we knew the frightful conditions to which they would be reduced. Is this called transport? Is this called humanity? Is there any glory in this and yet you would like that we should give you credit for this.

I am not going into more than two further points: The overcrowding, I think, is simply disgraceful; it is no credit to this Government. The Government seem to be the enemies of the people when they watch this overcrowding unconcerned. Why don't they stop the selling of tickets? They know the capacity of every train. They know exactly how many persons it can carry. It is far more merciful that people should not travel at all than they should travel in such conditions of degradation, discomfort; and there are deaths occurring so frequently. I have got a letter from a friend who is a Christian and my Honourable friend the Chief Commissioner of Railways often tells me that they have honest Christian consciences. I entirely concede that; but the letter is from a friend of mine who is also an honest Christian—and he tells me that "deaths are occurring between Lonavala and Poona on account of overcrowding of workers and he also tells me that the officers here are living without safeguards". I do not know what it means—"European persons here are living without any safeguards". What do you make of it? But that is not the point. He tells me that they are living in a manner which requires their interests to be safeguarded. But he also says that men are dying and they are war workers. Why cannot you restrict the number that can travel? Every train's capacity is known to you but you will rather kill men than go without the rupee that you can get out of them.

I do not want to go into any other question except of the raising of the rates. My dear friend, I can assure you that if any examiner read your speech giving your reason for increasing the rates

**Sir Abdul Halim Ghuznavi** (Dacca cum Mymensingh, Muhammadan Rural): Whose speech?

**Mr. Jamnadas M. Mehta:** Sir Edward Benthall's. If that was examined by a schoolmaster he would have put him in the Fourth Form. The arguments are childish. You say that you will give them comforts sometime after the war is over. For that purpose give me additional Rs. 10 crores per year. I think it is like the tale of Alice in Wonderland. That is your policy. When times are bad you say we cannot afford amenities. But when times are good, you say bad times may come; therefore do not do anything. That is Sir Henry Richardson's whole apologia. One is made to believe that the rates paid by the third class passengers do not include ordinary comforts today. I say the present railway rates entitle the traveller to all the facilities that you can give. Is it contended that these rates are exclusive of amenities except of travelling in an overcrowded compartment? So this plea that we will give them some comforts hereafter is to my mind so unconvincing that nobody will even entertain it for a moment.

But at the background of the whole thing is an unholy conspiracy between the Finance Member and my friend, Sir Edward Benthall. We all know the inquisitive instincts of the Finance Member. He will grab at anything. He does not care wherefrom. I remember that he was unwilling to give Rs. 4 crores of additional depreciation because it would have deprived him of Rs. 3 crores to his own general revenues; but being of a very inventive mind, he thought it was better to have something more than Rs. 3 crores, so he evolved this proposal—you give me Rs. 10 crores and I will give you Rs. 4 crores. He promises the country all kinds of amenities provided he can get the Rs. 10 crores. He on his part is prepared to give away Rs. 4 crores out of Railway earnings when the time for giving comforts comes, it will be discovered that it is better to allow the money to remain in the fund and to provide the amenities only from the interest thereon. In the meantime he gets Rs. 10 crores a year for his war finance; and an obliging Convention Committee voted the Rs. 4 crores.

**The Honourable Sir Edward Benthall:** Including the Honourable Member! **Mr. Jamnadas M. Mehta:** I never voted for Rs. 4 crores. I wired my disapproval. The plea that the third class passengers are entitled to amenities at the present rates was fully ignored. Nobody believes this cock and bull story of more amenities. You have never done it and you will never do it.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member has exhausted his time.

**Mr. Jamnadas M. Mehta:** Very well, Sir. It is said that this is the cheapest rate. I wish to close my observation by the statement, which I will prove, that the fares in this country are 400 per cent. higher than in England. The average income of the Englishman is Rs. 13 whereas ours is one rupee, and the fares are 3 to 1. Thus third class fares are 400 per cent. higher and the claim that we are getting the cheapest transport is the biggest hoax circulated for misleading the public. Sir, on these grounds I declare my profoundest dissatisfaction against the Railway Budget.

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, I can only characterise this budget as the tyranny of a monopolist. For, after all the Indian railways today hold virtually a monopoly in transport, particularly because all other kinds of transport have almost disappeared on account of the rationing of petrol and coal and on account also of the failure of the Government to develop alternate forms of transport or of fuel and of power. It is a tyranny of the first magnitude which is being perpetrated under the smoke-screen of creating a fund for raising the standard of travel for the lower class passenger in the post-war period.

In making my observations on this budget, I am making three points: the first point is that this budget is based on totally wrong principles of economics. My second point is that this budget is deceptive as regards certain expenditure referred to therein. And my third point is that this budget reveals also a programme of acquiring rolling stock which is definitely detrimental to the country in the long run.

Now, about the first point, my Honourable friend the Transport Member said that he had three good reasons for raising the fares by 25 per cent. I am sorry to tell him that those three good reasons are to my mind three bad reasons; first, he said that deflation which will be achieved is valuable; he made that point, forgetting that only last year, while he was making his speech in this House, the Commissioner of Railways made a speech in the Council of State; and as you, Mr. Deputy President, pointed out, what did Sir Leonard Wilson state? He stated clearly—these are his words—"as it is the policy of the Government to do everything possible to check inflation, it is not proposed to make any general increase in the coming year in rates and fares". He definitely gave an undertaking on the floor of the Council of State that it was not proposed to increase rates and fares in the coming year, as it would be inflation.

**Mr. Lalchand Navairai** (Sind: Non-Muhammadan Rural): How many promises do they keep?

**Mr. Jamnadas M. Mehta:** The Gandhi-Irwin Pact!

**Sir Abdul Halim Ghuznavi:** None. The Honourable the Transport Member now speaks in a different tune and he puts forward his plea for increasing passenger fares, the deflationary effect of which combined with other measures which the Finance Member may take will be a very valuable contribution to the solution of India's most pressing economic problem. Therefore my first point is that my Honourable friend is wrong and that Sir Leonard Wilson was right. The present proposal will bring inflation, not deflation.

Then the Honourable the Transport Member puts forward another point. By increasing fares, he wants to cut down the traffic in civilian passengers.

[Sir Abdul Halim Ghuznavi.]  
May I remind him that during the period of this war, an increase in railway fares has been made twice.

**An Honourable Member:** Thrice.

**Sir Abdul Halim Ghuznavi:** Then we find a notification depriving us of the free allowances. Even your walking stick has to be weighed; the bedding has to be weighed; and as regards third class passengers, even such articles as food as may be required on the journey have to be weighed.

**Mr. K. S. Gupta** (Ganjam cum Vizagapatam: Non-Muhammadian Rural): Tiffin carrier also!

**Sir Abdul Halim Ghuznavi:** That is too big a thing: even the food must be weighed. On the top of all this, he puts another 25 per cent. after taking away all the facilities of travel. As Honourable Members have said, it is impossible to travel; people travel only when they must; and as regards lower class passengers, may I inform my Honourable friend as to who are these passengers? Mostly the labouring classes for war effort.

**Mr. N. M. Joshi** (Nominated Non-Official): Race-goers!

**Sir Abdul Halim Ghuznavi:** It is the labouring classes who are required for the war effort, and you are increasing their fares. As regards the salaried class that gets employment in Government and business offices and whose income is fixed, you call upon them to bear a further burden than what they are already bearing. All these classes of people who are already the worst victims of inflation are proposed to be made further victims of what I would like to call the "pay more campaign" in the form of this proposal to increase railway fares by four annas in the rupee. I say there is no scope for reducing the civilian passengers' travel. The only scope is in the reduction of military passenger traffic, as my Honourable friend, the Leader of the European Group, has also said. They travel long distances, they travel day in, day out, we see all these military men go out on leave. When I was travelling to Bangalore from Madras I saw a train full of military who were stationed at Madras, and who were having leave, but they travel right through to Delhi and Simla instead of going to Bangalore or to Ootacamund. Those are the people whom you must restrict.

My second point is that you have concealed certain expenditures which I should like to bring to the notice of the House. On page 11 of the Explanatory Memorandum you will find—doubling of the Bengal and Assam Railway costs Rs. 6½ crores, quadrupling of the E. I Railway costs one crore. Both these expenditures are stated to be meant for military requirements; they are meant to help the operations of the South-East Asia Command. Now, Sir, during the last Session of the Assembly my Honourable friend, Mr. K. C. Neogy, put this question to the Honourable the Finance Member.

"Will the Honourable the Finance Member be pleased to state whether the cost of doubling the existing Bengal and Assam Railway Metre Gauge lines in certain Zones, for which tenders have been recently invited by the Engineer-in-Chief, War Works, Saidpur, is to be borne by the Government of India or by His Majesty's Government?"

The reply was:

"The matter is still under consideration."

As indicated in the answer to part (a) the incidence of the cost of these measures is under consideration. Such expenditure as is debitable to His Majesty's Government in accordance with the principles of the Financial Settlement will be recovered from that Government."

Why is this 6½ crores being debited now to the railways? Why is this one crore about which the Honourable the Finance Member had given an assurance to the House that it would be met by His Majesty's Government—why is it debited to the railways, or why should the taxpayer pay that amount which His Majesty's Government should pay? In the same note it is shown that additional works expenditure of 3½ crores is also undertaken by Government. These additional works, the Honourable the War Transport Member said in his speech, were not contemplated in the original budget last year. He said that it was meant for war requirements. Why conceal this expenditure? If it is meant for war requirements why should you debit it to the railways? Here I find over 11

crores of rupees available for the amenities of lower class passengers; the above-mentioned costs are all debitable to His Majesty's Government and not to the railways.

I next come to the progress of locomotive industry in this country. This House, for the last fifteen years—I am a Member for the last 19 years—has been urging on the Government to construct their own locomotives in India. Every time, every year, it has been turned down because it was told to us—I was also one of the Members who misunderstood the position then and supported the Government wrongly.

**Mr. N. M. Joshi:** Don't do it again.

**Sir Abdul Halim Ghuznavi:** Of course, not. The point that was advanced in this House was this, that the number of locomotives required in India would be insufficient to run a locomotive workshop in this country economically. That was the line that was all along taken up. Now, only 2 or 3 years ago they admitted that it was a mistake and that locomotives could be built in this country. What have you done till now to expedite construction of locomotives in this country? Shipping is not available. Shipping is available for 5000 wagons to come to India, shipping is available for locomotives themselves to come to India, shipping is not available for all other commodities to come to India. But shipping is not available for machineries to be brought to India to make locomotives.

**The Honourable Sir Edward Benthall:** Who said so?

**Sir Abdul Halim Ghuznavi:** Why did you not import the machinery and construct locomotives in this country?

**The Honourable Sir Edward Benthall:** May I ask the Honourable Member who said so?

**Sir Abdul Halim Ghuznavi:** Government did not say so, but by their dealings we find that it was so.

**The Honourable Sir Edward Benthall:** Government did not say so.

**Sir Abdul Halim Ghuznavi:** My Honourable friend says, he has not said so. I say the Government as a whole, not you individually. What have you done? (Interruption.) Why have you not brought out the machinery during this war? When you can bring locomotives into this country, when you can bring wagons, when your programme of imports—the Honourable Member himself said—has not been carried out—still you placed orders, large orders, huge orders which will be supplied at sky-high rates after the war is over. Is that fair to India? Why should you place orders now for things to come three years hence?

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

**Sir Abdul Halim Ghuznavi:** Why not in the meantime get the machinery for making locomotives in this country and try and build those locomotives in this country itself and not import them?

**Sri K. B. Jinaraja Hegde** (West Coast and Nilgiris: Non-Muhammadian Rural): If we examine the earlier reports of the speeches made on the railway budgets three things occur to us and they are, firstly, complaints regarding third class travel, secondly, the question of food supply on railway platforms and also in the trains, and thirdly, the manufacture of locomotives. We hear the same cry this year also.

**Mr. K. S. Gupta:** Till eternity!

**Sri K. B. Jinaraja Hegde:** We are told if we are to improve third class travel in this country we must vote for 10 crores. We have had sufficient promises in the past and we do not believe that the third class travelling is going to improve even for several years after the war comes to an end. It is the experience of everybody that unless it is absolutely necessary no person in this country ever travels. It is unnecessary to advertise and spend money and say, "Travel if you must. Otherwise, don't travel". It is in the experience of everybody that people cannot afford to travel for pleasure in this country, much more so during the period of war. Honourable Members have said sufficient about their experiences of third class travel. If we examine any train, we find that we cannot even

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stand near a third class compartment. The hot air that people breathe out comes out, whereas in the very next compartment, Government officers and rich men travel very comfortably in the second and first class compartments. Sometime ago it was said that it was not even possible to increase the number of third class compartments. I fail to understand the argument because we find these days on almost every train there is an increase in the number of wagons. Whenever there is a demand for an increase in the compartments for first and second class travel, the increase is easily made but when a demand is made for additional third class accommodation, it is never given. The result is that there has been all the more overcrowding in the third class compartments making it impossible to travel. In this connection, I wish to say one thing and that is the travelling in this country, especially on the railways, is usually a long journey. It is not a short journey because our country has cities and towns which are far removed from one another. How do you expect people to undergo travel for days together in crowded third class compartments, with absolutely no convenience for sleeping?

The second point is with regard to food supply. When people travel in these overcrowded compartments, you do not expect them to travel without food and I find that no care is taken at all with regard to the supply of proper food by the railways. We find a distinction in the railways between a white man's food and a brown man's food. Compare the dining cars attached for first and second class passengers in some of the trains with the dining car attached in the Grand Trunk Express from Delhi to Madras, which is the only train which has got an Indian dining car. You find the white man's dining car is fully lit, painted and furnished with fine seats. It is almost a palatial compartment. The Indian dining car, has no proper lights, no proper seats and the whole thing is dirty and as regards the food supply, the less said the better. I had a curious experience this time while coming here. I travelled via Mysore and I happened to travel by the M. and S. M. Railway on the metre gauge between Mysore and Poona. At Karad station the guard came to me and asked me if I wanted food at the next station. I said 'Yes'. When the train reached the next station, I neither saw the guard nor the hotel-keeper. I was made to purchase the ticket beforehand. Then I made inquiries. I was shown a room where there was no water. There was no food supply as well, and I was told that it was the dining room for Indian passengers for the supply of Hindu food. After 15 minutes, I tried to find out the man who was the food contractor. He brought a *thali* and put it before me and there was no water even to drink. I asked him 'Where is water'. He said he was bringing it and when he brought the water, the train had whistled. I had to leave the dining room and catch the train, otherwise I would have missed the train. I complained to the Station Master and I have not heard anything about it since then. This is not the first experience. I have complained earlier to the Agent of the G. I. P. Railway and my letter was not even acknowledged. It is the experience of everybody so far as the supply of Indian food and Indian catering is concerned. No attention is paid to it. They think 'These people are bound to travel and somehow they travel and carry food with them'.

With regard to food supply on railway platforms, see the way in which tea is served. It is well known that tea contains certain acids. The tea which is supplied in every platform is prepared in metal vessels and it is distributed in metal vessels. Some of my Honourable friends may remember that some time ago we had a case of tea poisoning on a certain marriage occasion and still we see that railways have taken no steps to improve the condition of food supply. In these days, I find soldiers, Government officers and civilians taking their tea on the platforms, because the tea is not supplied to the passengers in their compartments. A notice by the G. I. P. Railway says that passengers should not expect tea to be served in their compartments. This platform vendor's tea is taken by all people who travel and it is most injurious to their health. No

attention is paid by the Railway administration to the problem of providing healthy food and drink.

The third point is about the manufacture of locomotives. Enough has been said on this subject. Formerly it was said that it was not economical to manufacture locomotives in India. After some time, it was argued that we had enough locomotives. Now, probably because for the first time a non-official Member has become the Railway Member, he has admitted that third class travel is bad and it is also necessary that locomotives should be manufactured in India and that we must secure the necessary plants. I am glad he has admitted it, but what has he done? When we asked the Railway Department 'why don't you manufacture these locomotives and wagons in India', no reply comes. If there are enough facilities here, why do you import them from abroad? You cannot say that no funds were available. For the past one year, you had enough funds. You could have manufactured any number of third class compartments and even locomotives but you have done nothing. You want to make it part of your post-war reconstruction work. We have absolutely no faith in this post-war reconstruction work and we cannot be a party to increasing the fares further for the purpose of financing this post-war reconstruction work.

It is said that there has been an increase of railway traffic. I have examined the figures which appear in the speech of the Railway Member. I find they are misleading. I am quite sure it is within the experience of every Honourable Member that there has not been additional civilian travelling. Even excluding the military trains, we know that in ordinary trains there are a large number of military officers and soldiers travelling. They form a larger number than the civilians in any train. When this is taken into consideration, I am sure it will be found that the statement that there has been an increase of 7 crores in the number of passengers is entirely wrong. There might have been a slight increase because we know that after the war started and after the rationing of petrol came in and also because of the rationing of tyres, the motor transport suffered heavily. On account of this factor there might have been a slight increase. Under these circumstances, to say that the rates should be increased so that we may be able to build a good reserve for the future is certainly against the principle of transport. It won't be helping the poor man's transport.

Then, Sir, with regard to the increase of 25 per cent. which the Railway Member wants us to vote, I cannot agree with him. We are told and I believe it is true that the railways have been making a profit of 12 per cent. over the capital invested. I want a categorical statement from the Railway Member, whether it is so or not. If the railways are making a profit of 12 per cent. and more on the capital invested, it is criminal to ask for more profit from the passengers if they are to serve as transport services. Even from the business point of view, it is wrong to ask for 25 per cent. increase in railway passenger fares. Sir, the railways in this country are going to be, which they are not at present, the national assets and any future National Government will certainly realise their responsibility of maintaining the railways in proper order and it will be their business to see whether the railways should be improved and also whether the third class travelling should be improved or not. So far as we are concerned, we have absolutely no faith in the present Government and we do not believe for a moment that third class travelling is going to be improved or the several complaints which we have been making since several years and which are voiced almost every year in this House are going to be remedied at any time by the present Government. Therefore, we are not prepared to vote for this increase of fares.

Sir, the Honourable the Railway Member has mentioned three objects in his speech. One of them is the participation of railways in road services and the development of railways in accordance with the Government's general policy of road and rail transport. We are ignorant as to how the railways are going to participate in the future road services and what their policy is with regard to the development of road and rail transport. We do not know how they are going

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improve them; but we are conscious of one fact, namely, that a huge fund that was being built by taxation on petrol has not been used in the past or even now on the development of roads and we are having as bad roads, if not worse, as we were having several years ago. Therefore, we are not going to vote even on that ground for an increase of railway fares in order to facilitate these improvements.

**Mr. Frank R. Anthony** (Nominated Non-Official): Sir, the Honourable the Railways and War Transport Member has been particularly lavish of late in paying tributes to the railwaymen in this country and it is because of this that I feel I must deplore the sweeping allegations made by my Honourable friend, Dr. Banerjee, about the inefficiency of railway servants. If he had qualified or particularised his statement, there might have been some justification for it.

**Mr. Lalchand Navalrai**: Except the Anglo-Indians.

**Mr. Frank R. Anthony**: Except everyone. Any one who is aware of the increasingly difficult and unfavourable circumstances under which the railwaymen have had to do their work in this country must be aware of the fact also that only unqualified praise is their due. No service in this country under such hostile and unfavourable circumstances has made a more valuable contribution to India's war effort than India's railwaymen. But unfortunately, in spite of the tributes that the Honourable the War Transport Member has rightly paid to the railwaymen, it seems to have become the policy of the railways to stop short at tributes. They seem to have forgotten, or choose not to remember, the wonderful record of service that India's railwaymen have given to them, a record of pioneering, of achievement, of building and of maintaining the railways at a level of efficiency which compares favourably with the railways of any part of the world. I would ask the Railways and War Transport Member to translate his tributes into some practical expression of appreciation. Do not stop short at paying tributes which the men have earned. They deserve more than that. They cannot be satisfied with mere verbal bouquets. Today they are doing, as they have always done, a magnificent job of work. All that they ask from you in return is some amelioration, some partial measure of relief, of the increasingly impossible living conditions to which they are being exposed today. They have made possible the enormously increased profits which the railways have earned and are earning. It is the railway employees who have made these enormous earnings and they have the right to demand from you some measure of relief from the earnings which they and they alone have made it possible for you to have. They ask from you a little bread, but so far your policy has been a policy of offering them in return stones, stones of a bitter policy of denial to the railwaymen, on the one hand, and of building up enormous profits and reserves on the other. Although the War Transport Member may not be aware of it, those of us who are in touch with railwaymen and who know their immediate needs and desires know that the railwaymen are amongst the most hard-hit of all workers in this country today. And unfortunately they can see no tendency on the part of the Railway Administration to afford them the slightest relief. Grain shops, of which much capital has been made by the Railway Administration, might have brought some relief to those who are known as the menial staff and to those who are in the lower strata of life, but to persons who are drawing anything from Rs. 150 to Rs. 300 a month these grain shops are virtually futile and are bringing no appreciable relief. A man who is getting Rs. 150 a month has to pay for his more numerous needs in the open market at prices which are about 400 per cent. above their pre-war level. All manner of tortuous, unacceptable—I won't say dishonest—arguments are trotted out from time to time in order to deny to the railwaymen their proper share of relief. This bogey of inflation, which my friend, Mr. Jamnadas Mehta, so violently attacks and exposes and which is paraded as an argument against affording the railwaymen some measure of relief, convinces no one and deceives no one. If what the Honourable the Railways and War Transport Member tells us is told him by the Honourable the Finance Member

and is correct, namely, that the inflationary tendency in this country can only be kept down by keeping down wages, then there will be some consistency if this deflationary principle were applied to all wage earners in this country. Don't use it only to deny railwaymen. I shall speak at greater length on this subject in a out motion which I have put down. The workers who are doing not a whit more than the railwaymen towards war effort, the workers in Gun Carriage and Ordnance factories are getting all manner of allowances. This bogey of inflation which the Government are trotting out, in season and out of season, has not prevented a foreman in the Gun Carriage Factory who was getting Rs. 750 a month before the war, by various war time allowances from receiving today about Rs. 1,300 as his salary. Today with allowances which are euphemistically called, furniture and education allowances and so on, he almost gets double his previous salary. I say if you want to do any justice to railwaymen, if you are really concerned to look after your most valuable workers, then at least see that there is some consistency in the application of this alleged deflationary policy. Do not deny to railwaymen the same measure of relief which you are giving to the foremen and others in the Gun Carriage factory. If you give some relief to a railway worker who is getting Rs. 125, does it mean that it will amount to accentuation in the inflationary spiral? At the same time to give by way of allowances Rs. 550 to a foreman drawing Rs. 750 pre-war salary and thus bringing up his salary to Rs. 1,300 it does not amount to inflation! Let there be some consistency at least in the application of this policy of yours. By denying this relief to a few thousand railwaymen in this country, how do you propose to place any kind of effective check on the inflationary spiral? Today we know that there are thousands of American and British troops in this country in receipt of high war-time levels of income and they are buying almost all their things in the military canteens at pre-war prices with the result that they have in their hands an enormous margin of purchasing power over which the Honourable the Finance Member has absolutely no control and has so far not been able to do anything to mop up this tremendous margin of purchasing power. Still, when it comes to giving a little relief to railwaymen, you deny it to them. You deny giving to railwaymen a paltry dearness allowance on the ground that you want to check inflation in this country.

Sir, under State management of railways one would have thought that the lot of railwaymen would have improved. Unfortunately with the acquisition of company railways by Government, the lot of the railwaymen has progressively deteriorated. When you talk to railwaymen, a majority of them will tell you that the old company days were synonymous with a system of despotism, but it was a benevolent despotism. The General Managers and officials who worked in the company-owned railways knew their men, they got to know their men, they tried to understand their needs and cater for their needs. But since these company railways have been taken over by the State, there has been a progressive overlooking and relegation to the background of the real needs of the railwaymen. Today, believe me, Sir, there is no security of employment for railwaymen in some of the State-owned railways. The Honourable Member for War Transport may not agree with me. Whenever any case is sent up, I do not say it is deliberate, but it has become a matter of policy finally to endorse the action of officials in the lower strata. Today, Sir, in the name of discipline, under the aegis of discipline, I do not say in all the railways, but in railways like the G.I.P., particularly, all manner of official licence, all manner of official abuses are practised with impunity. And I venture to say that there is no service of Government where there is less security for employees as for men in the railway services. There is no service of Government where a servant of this Government is more completely at the mercy and whim of the autocratic official. The Honourable Member usually talks of discipline. We all realise the need for discipline in the present day crisis, but it is merely an excuse today, an excuse to cover up all manner of official licence and malpractice. If discipline is so important, then I would advise the Gov-



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ernment of India to militarise the whole of the railways. Let the military authorities take over all the railways, let them be completely militarised. They will then maintain discipline. I deal largely with both the military and the railway authorities, and can say without qualification that a soldier in the army has a much greater chance of justice and fair play and of getting a hearing than a railway employee. If you want discipline, then militarise the railways, hand over the railways to the military and I shall be the first to endorse that policy because I know that under the military regime a railway employee will have some chance of being listened to, he will have some chance of getting justice, of getting fair play.

**An Honourable Member:** Where will the Honourable War Transport Member go?

**Mr. Frank R. Anthony:** He will join the Army. The Honourable Member envisaged in his Budget Speech greater burdens to railwaymen. He said that they had already to work under very difficult circumstances, but they would have to face even more difficult circumstances and he would expect even greater effort from them. I do not know how he proposes to extract this extra work from railwaymen. I would ask him if he is really serious about getting every available ounce of effort from railwaymen, if he is really serious about it, to effect some change of heart in the railway administration. Do not blindly endorse everything that your officials tell you. Do not sow seeds of class warfare and class discrimination. You have already begun to sow seeds of class warfare and class discrimination. Everything that the worker or a subordinate employee does is wrong, equally everything that a higher official does is right and justified. If this policy, if this ominous tendency in railways of blindly supporting the official class against workers is persisted in, it will bring to fruition the most bitter class warfare in this country. Already your railway administration is beginning to be characterised by the more unfortunate characteristics of capitalist exploitation, of making enormous profits and of denying to your workers some share in the profits which they were instrumental in earning for you, and on the other hand of upholding, in season and out of season, rightly or wrongly, the official class against your workers, and against your subordinate employees. I would ask the Honourable Member for War Transport to try to effect some change of heart. I deal with this subject now as a man who is in daily touch with thousands of railway workers. I know these men, they are hard working, honest folk, they have their real grievances, go to them, try to find out directly from them what their grievances are. It should not be *infra dig* for the higher officials to move with the railway worker. Don't try to find out their grievances from the officials who have no contact with them. By this method alone you will be able to attract additional work from the railwaymen. I have no doubt about it. If you will try to go to the railway worker and meet him and give him a little consideration, give him some measure of relief to improve the living conditions which he is facing today, you will find that it will pay handsome dividends. He will respond to your call for extra effort. If you think that by intensifying your present system of terrorising railwaymen, attempting to extort work from them, you can carry on the administration, then all I can say is you would stultify your own purpose, you will retard the war effort. I would appeal to the Honourable Member to pay some attention to the views of leaders of railwaymen like my Honourable friend, Mr. Jamnadas Mehta and myself. Don't be led away in the belief that all that we say is seen with jaundiced eyes of the railway workers. What we tell you is the result of actual experience, after sifting their grievances. They come to us and present their grievances and after satisfying ourselves about the truth of those grievances, we place them before you for redress. As I say, Sir, if you want the railway worker to respond more heartily to the needs for greater effort, you cannot pursue a policy which at present has not produced very great results and which, if persisted in, will only tend to accentuate the already keen resentment among railway workers. Today with this policy of denying everything possible to the railway worker, you will not even

make the smallest concession to the railwaymen. When even comparatively small matters are placed before the Railway Board, they are as a matter of course rejected.

Let me give the House one instance, which unfortunately is an instance which refers particularly to my community. But it is symptomatic of the way in which the railway administration today is prepared to treat its best employees. When the railways were in a hole, they wanted volunteers for war units, known as military railway operating units. Quite rightly they said that the volunteers from my community would get certain facilities, to which we have been accustomed, namely, accommodation, rations and other things. They got these volunteers by the hundred. They filled that gap, they helped you out of a hole; and then after you had used them you suddenly found that those facilities which you offered them did not cover railway travelling. The result was grotesque and monstrous; the man who in a civilian capacity for years had enjoyed, say, second class travelling, because he volunteered on the terms which the railway offered him was degraded to third class travelling. If you refer a matter like this to the Railway Board they begin to indulge in hair-splitting and technicalities. Here is a man who volunteered and did a yeoman job for you and yet you indulge in a technicality in order to do him out of something that he deserves. It has been characterised by these men,—and they have come to me by the score,—as a gross breach of faith on the part of the railway administration; and if that is going to be the attitude towards men who volunteered for service, then today you have plumbed the lowest depths of injustice.

Sir, there is one important matter which I would ask the Railway Member to apply his mind to. It is the case of men,—and there are many of them,—who have volunteered for service in the railways. They have also volunteered for military service but the railways will not release them because they are required for railway work. We know that appointments, in a very large degree after the war to the railways, will be made from among those men who have a record of military service. These men who today are working on the railways and who are not allowed to volunteer for military service will not be able to show this record of service. I would ask the Railway Member to devise some provisions for them and to see that they are not penalised for no fault of theirs and because they have no record of military service.

Finally, I think it is a good thing that the State is going to acquire the South Indian and the Madras and Southern Mahratta Railways. One of the most urgent needs of today is a need which has long been overdue, and that is the need for introducing some co-ordination, some uniformity in the conditions of service on all the different State-managed railways in this country. No two railways have the same conditions of service; no two railways have the same rules governing emoluments, allowances and so forth. Today when most of the railways will be under State control I would ask the War Transport Member to introduce this long-due measure of reform. Introduce some uniformity in the conditions of service and allowances and emoluments in all the railways in India. It will lead to satisfaction and you will remove the appalling conditions that obtain in some of the railways like the South Indian and the G. I. P. Railways.

Lastly, Sir, I will conclude by repeating my appeal to the Honourable Member. Because you are today earning enormous profits on account of the effort which has been made for you by the railway men, you are in a position to afford them some measure of relief. Tributes, however lavish and grandiloquent, can bring no comfort to the economically hard-pressed railwayman. Give him something of a fair deal; you can give it to him if you choose to. If you do that you will find that it will not only pay you handsomely but the increased response that you have asked for from the railwaymen will be forthcoming in abundant measure.

**Mr. N. M. Joshi:** Sir, I propose to make a short speech just now by way of introduction to the speeches which I propose to make during the next few days. Although I intended to make many speeches I am afraid I may not have many

[Mr. N. M. Joshi.]

opportunities on account of the cut which the Governor General or the Government of India have made in the number of days on which we can discuss the railway budget. As I happen to be an old Member of this House I remember that when the question of separation of the railway budget from the general budget was discussed I felt then that it may be an advantage to the Legislative Assembly if the two budgets were separated, and if at the same time a much longer time was made available to the Legislature for the discussion of the two budgets. I thought at that time that the railways did not receive sufficient attention during the discussion of a budget which contained both the general budget as well as the railway budget. I also happened at that time to be a member of the committee which considered the question of the separation of the railway budget from the general budget, and from the point of view which I held at that time I insisted in the committee that the discussion of the railway budget should have no less than six days provided for it, and so far as my memory goes, that was put in the Convention itself. But today we are given only three days instead of six, including a day for the general discussion. I want to know from the Government of India whether their faith in the Parliamentary control of Government has become dimmed and is being reduced along with the number of days which the Government of India have given for discussion of the railway budget. Sir, I ask the protection of the Chair in this matter because in my judgment the Chair is the guardian of the privileges of the Legislature. The Government of India are taking away that precious privilege of the Legislature. I feel that it is still possible for them to allocate a larger number of days for the discussion of the railway budget. It is no argument to say that some Members of the Legislature choose to absent themselves from the discussions here and so the number of days should be reduced. That is no justification for this reduction. I, therefore, feel, Sir, that you as the Chair should protect the rights of the Legislature and insist that no less than six days shall be allocated for the discussion of the railway budget in this Legislature and that the Government of India are in honour bound to follow the Convention which they have agreed to.

Having said that much I would say that during these days when money is so plentiful and overflowing the framing of a budget is child's play. I do not wish to say that the Honourable Member does not spend a lot of his time in supervising the administration of the railways, but surely to make a budget and show a surplus at this time is not a very difficult thing. Fortunately these Members of the Executive Council help each other. The Honourable the Finance Member by following the policy of inflation is making it easy for the Railway Member to get cheap money so that he can show huge profits and also try to be generous and promise at some future date some facilities for passengers. These are days when the profits of the Railways are to be counted by crores and crores; in any case we are having a profit of more than fifty crores. Now, Sir, the question is how did the profits come, what has to be done with them. The profit has come, in my humble judgment, on account of: (i) the policy of inflation which the Honourable the Finance Member has consistently followed in order that this country should over-flow with money; and (ii) on account of, as my Honourable friend, Sir Abdul Halim Ghuznavi, has said, the Railways having established monopoly or the Government of India having established monopoly for the Railways. These being the causes of the profits, let us see.

**The Honourable Sir Jeremy Raisman** (Finance Member): Non-existent causes.

**Mr. N. M. Joshi:** . . . how these profits are being distributed. A large part of the profit goes to the tax-payer—the General Revenues. As the tax-payer in this country is responsible for the finances of the Indian Railways, I am not against the General Revenues getting something out of the profits of the Railways. If the tax-payer is to be responsible for the losses of the Railways, the tax-payer is also entitled to have a share in the profits made by the

Indian Railways. But, Sir, the tax-payer in India, as I know him, does not want to benefit beyond what is due to him. I feel, Sir, that the profits which the tax-payer is given against his wishes are more than he desires. The tax-payer takes some risks on account of the money which is invested in the Indian Railways. By all means, therefore, give him his due share, but the tax-payer is at present, in my judgment, given a much larger share than he either deserves or he needs. What the Government of India is doing is not only giving to the tax-payer what he deserves on account of the responsibility taken by him for the finances of the Indian Railways, but the Government of India wants the railway finances to contribute as a fresh taxation on the general population of this country. The rates and fares are made to contribute as a fresh taxation on the Indian people. I feel, Sir, that a tax on transportation is wrong in principle and inequitable in its application. A fair measure of taxation is one which falls on the people according to their ability to pay. A tax on transportation does not fall on the people according to their ability to pay; it falls in unequal measure. Therefore, Sir, it is a wrong tax.

Secondly, the Government of India is paying the tax-payer in a double way: It is paying a certain amount of money to the General Revenues in a direct way and also putting in the Reserve an equally large amount of money. I feel that the tax-payer does not need the benefit of both these methods. If you are having a Reserve Fund then you need not pay the tax-payer for the responsibility which the tax-payer takes for the finances of the Indian Railways. If there is enough Reserve Fund as a sort of a fund for equalization of profits then where is the need for paying the tax-payer by way of addition to the General Revenues again? I feel that you need not have a Reserve Fund for equalization of profits and also pay tax-payer for the responsibility which the tax-payer takes for the finances of the Indian Railways.

I am not against the Railways building up Reserves. My Honourable friend, Sir Henry Richardson, pointed out certain methods of using the Railway Reserve Fund. He mentioned equalization of profits. May I also suggest to the Honourable the Transport Member that there are other equally necessary and equally useful methods of using your Reserve. I feel that there is necessity for equalization of wages and there is necessity for improvement of the conditions of work of the Indian railwaymen. I remember the times when the railwaymen have suffered on account of the depressed financial conditions in this country and therefore a part of the Reserve must be given for equalizing and improving the conditions of life and work of Indian railwaymen. I feel that the Government of India have made no provision for this purpose. I am very grateful to my Honourable friend, Mr. Anthony, for having pointedly referred to various grievances of the Indian railwaymen. I shall not on this occasion go over that question in detail, but I shall content myself by pointing out that there are several ways in which the conditions of the Indian railwayman can be improved. The Indian railwayman has suffered on account of inflation, but the Honourable the Finance Member says that the dearness allowance must not be increased beyond a certain limit, because the payment of dearness allowance will give rise to inflation. Sir, it is a very wonderful argument. You cause inflation and then you are unwilling to pay those people who are the victims of inflation because payment to them will mean inflation again.

**The Honourable Sir Jeremy Raisman:** You blame the Government for inflation, but you are not willing to support any measures to counter-act it.

**Mr. N. M. Joshi:** The inflation is not due to payment of dearness allowance to workers. The inflation is due to your bad currency policy. Therefore, if you want to check inflation, change your currency policy.

**The Honourable Sir Jeremy Raisman:** Mystical terms will not get you any further.

**Mr. N. M. Joshi:** We shall discuss that subject when the next budget comes. There are many improvements needed in the life and conditions of

[Mr. N. M. Joshi.]

work of Indian railway workmen. The hours of work in India are terribly long for them. There are stations where the Station Master and the Assistant Station Master have to work twelve hours a day; they cannot leave the railway station for twelve hours. We want the Indian Railways to give reasonable conditions of work. If the Honourable Member had suggested that the Reserve Fund should be utilized to build up a Fund which will enable the Government of India to reduce the hours of work for the railwaymen, I could understand it. But he makes no such proposal.

Then, Sir, the Indian Railways have got a Provident Fund system. The benefit of that fund is given only to a small number of chosen people. We would like the Provident Fund to be given to all railwaymen. Unfortunately, the Honourable the Transport Member has not said a word about this method of using the Reserve Fund.

One word about what the Government of India is doing in respect of the import of locomotives and wagons. My Honourable friend, Sir Abdul Halim Ghuznavi, was quite right in saying that if you are able to get shipping space for importing 600 locomotives or more, for importing 5,000 wagons or more, and so on, surely you could have got shipping space to import machinery and you could have started building locomotives and wagons in India. The Government of India have to explain why they did not do so. I am not suggesting, Sir, that the locomotives which are needed today and the wagons which are needed today should not be imported. But during the last three or four years the Government of India could have imported machinery and workshops could have been working to build locomotives and wagons. Government has failed in this matter.

There is one matter on which I shall speak a few words i.e., regarding the conditions of travel for the third class passengers. Sir, the conditions are abominable and the people in this country have to travel under conditions under which no human being should be asked to travel. Even in war time the Government of India must give greater attention to the conditions under which people have to travel. We understand, Sir, that during a war you cannot have more coaches. You cannot have enough locomotives. You have also dismantled certain railways. But the Government of India must remember that they have created a monopoly on account of petrol shortage and on account of the various steps which they have taken. If they have created a monopoly it is their duty to see that people are enabled to travel under proper conditions.

Now, Sir, I shall refer to one very small matter before I sit down. I find that one of the reforms which I suggested in the administration of Indian railways, that the Railway Inspector should not be under the Railway Board, has been agreed to and the Railway Inspector is now under the Posts and Air Department. Sir, the change is good, but I do not understand the propriety of putting the Railway Inspector under the Posts and Air Department. In any case the Airways are also responsible for accidents taking place and a time may come when like the Railway Inspector we may have an Airways Inspector to see that people do not suffer from accidents. I thought, Sir, that the Government of India could have put the Inspector of Railways under the control of the Labour Department, which in my judgment is a Department for the welfare of the people, or under some other department.

**Mr. Deputy President (Mr. Akhil Chandra Datta):** Your time is up.

**Mr. N. M. Joshi:** I shall not take more than a minute. The Railway Inspector could even be under the Home Department, which we do not like, but which, at least in theory, is responsible for the safety of the lives of the citizens of this country. But I would not like the Inspector of Railways to be under a Department which is also a department likely to be responsible for causing accidents.

Sir, I have done.

**Sardar Mangal Singh (East Punjab: Sikh):** I wholeheartedly support the suggestion which has been made by my Honourable friend, Mr. Joshi, that more

days should be allotted for the discussion of the Railway Budget. A budget in which crores and crores of rupees are involved is only given three days for discussion. I fully agree with my Honourable friend, Mr. Joshi, that at least six days should be allotted for the discussion of this budget.

**Mr. N. M. Joshi:** At least follow the Convention; honour your Convention!

**Sardar Mangal Singh:** The speech which we heard the other day by the Honourable the War Transport Member was a very poor performance in this House. Never before has the budget speech of the Railway Member been criticised in this House as well as outside in the country as it has been done this time. It has created bitterness, disaffection and despair all over the country. When there were crores and crores of rupees of income in the Railway Department, we were expecting that the Government would come forward with some proposal of relief to the poor third class passengers in the shape of a reduction in fares. I entirely agree with my Honourable friend, Mr. Jamnadas Mehta, when he said that the child is inside, the mother on the footboard and the father is on the platform when the train whistles and moves. Under these conditions it is inhuman to charge more fare than what was being charged previously.

Sir, the arguments advanced by the Honourable the War Transport Member for the increase of fares are very amazing. He says inflation or deflation. If that is the argument, then we should be prepared to hear from the Honourable the Finance Member many more proposals for taxation. They might increase the postal rates, the telegram rates, the telephone rates, etc., in order to bring down inflation. Sir, this proposal for the increase in the railway fares has been opposed by every section of public opinion in this House as well as outside in the country. May I ask the Honourable the War Transport Member that he will get up this evening and in deference to public opinion he will declare in this House that he is not going to press that proposal and that he will withdraw it in view of the vehemence and strength of public opinion expressed in the press and platform and in this House also. I have absolutely no sympathy for the Honourable the Railway Member when there is not a single non-official Member who has said a good word for him or for his performance in this House. Formerly, I remember when there was any statement from the Honourable the Railway Member that there has been so much income the House used to cheer him, but this time his speech has created a gloom in all parts of this House.

Now, Sir, I do not wish to cover the points which have already been covered by the other speakers. I wish to bring to his particular attention the sufferings and the hardships experienced by the public in my part of the country. I speak with full responsibility when I say to the Honourable the Railway Member that he has not treated this part of the country fairly. Shall I say that he has been particularly vindictive because he had a controversy with the Punjab Ministers? Shall we presume it that he has treated this part of the country vindictively because he had a certain controversy with the Honourable Sardar Baldev Singh or the Honourable Sir Chhotu Ram? Now what has he done on the North Western Railway? Seventy-one railway trains have been cut down, ostensibly for the reason that there was a shortage of coal. I ask the Honourable the Railway Member what reason has he to cut down such a large number of trains? Again, Sir, in cutting down such a large number of trains the department has selected those trains which were most suitable and convenient for the public. I shall give you an instance. In my city of Ludhiana there were three trains coming from different directions at 10 o'clock; that was for the convenience of the litigant public; and what has the department done? They have cut down all these three trains and the litigant public has to come one day earlier in time for the courts. I ask the Honourable the Railway Member to go there and make inquiries and see for himself how the people are cursing his department. If he has to cut down certain trains, only those trains should be cut down which are least convenient for the public. Therefore, I say that the Railway Department has treated the public in this part of the country from which I come

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most vindictively; they have cut down 71 trains and they have selected those trains which were most convenient to the public, and further they have stopped loading—probably to punish the Punjab growers so that the prices of these things may come down. I charge the Railway Board . . . . .

**Mr. Lalchand Navalrai:** Do not give them grain.

**Sardar Mangal Singh:** I say, Sir, that he has treated us vindictively.

Then what about overcrowding in the Punjab? There is overcrowding all over the country; I have travelled all over the country; but I have never seen such overcrowding as you will see in the Punjab. I invite the Honourable the Railway Member to pay a visit to this part of the country and see how the trains are overcrowded. This is to use a mild expression; they are overcrushed, suffocated; why? Because in this part of the country about 10 lakhs of people have joined the army; and of them at least one lakh is on leave and moving about; and if you see the trains in which these military people are sitting, they will not allow any civilian to come in; they may be lying down while people get crushed or left over on the platforms. Several lakhs of people have joined the army and they come and go on leave and so there is overcrowding. The railway has cut down 71 trains and so this has made things absolutely unbearable and I would invite the Honourable the Railway Member seriously to take up this point and reconsider the whole position, and if possible restore those trains immediately in the Punjab. It is almost a war necessity, I should say.

I was rather surprised when the Honourable the War Transport Member interrupted my Honourable friend, Sir Abdul Halim Ghuznavi, when he said "You can find space for so many wagons but you cannot find space for the machinery for the manufacture of these wagons". The Honourable the War Transport Member got up and said "Who said that?" I say, you said that. The Government of India has been saying that you have sent orders abroad for the import of so many wagons: why could you not import machinery to manufacture these wagons? In this House and all over the country everybody has been vehemently demanding from the Government of India that locomotives and wagons should be manufactured in this country, but the Government of India of which the Honourable the War Transport Member is a member now, has been persistently and consistently evading this issue. Now, when he is short of wagons and short of locomotives, he has sent an S.O.S. to other countries to send wagons here. It is the Government of India that is to blame. They have reduced the number of trains in the Punjab on the ostensible reason that there is a coal shortage. Very few people in this country know the coal position better than the Honourable the Railway Member. He is personally acquainted with the coal conditions in this country; but I would again remind him that the colliery owners in this country have not done their duty, have not faithfully worked the coal mines and—I do not say deliberately but somehow or other for reasons best known to themselves—it may be profiteering or something else—the colliery owners who are mostly Europeans in this country have not worked the coal mines properly, and in this way they have sabotaged the transport system of this country. I hope the Honourable the Railway Member will look into this matter and set right the coal industry so that the transport may go on regularly and normally.

I make these observations in no spirit of controversy or criticism; I make these observations in order to bring to his personal notice and attention that these are the grievances and the hardships borne by the public in my part of the country; and if he personally examines these questions I hope he will take immediate steps to remove them, so that the unnecessary hardships to which the public in my part of the country are put may be removed. Sir, I have done.

**The Honourable Sir Edward Benthall:** Sir, I should like to commence my remarks by expressing my appreciation . . . . .

**Mr. Lalchand Navalrai:** On a point of order, Sir: Will it be that we will be allowed to speak hereafter or that we cannot speak after the Railway Member has spoken?

**Nawabzada Muhammad Liaquat Ali Khan** (Rohilkund and Kumaon Divisions: Muhammadan Rural): Of course, we will be entitled to speak.

**Mr. Deputy President** (Mr. Akhil Chandra Datta): That will depend upon the time.

**The Honourable Sir Edward Benthall:** If no other Honourable Member will be permitted to speak after me according to the Rules of the House, I shall be quite prepared to speak at a little later stage.

**Mr. Deputy President** (Mr. Akhil Chandra Datta): There is no trouble. The Honourable the Transport Member has said that if there are any other Honourable Members wanting to speak, he will speak later on. Mr. Neogy.

**Mr. K. C. Neogy** (Dacca Division: Non-Muhammadan Rural): Sir, this is the second annual budget which the Honourable Sir Edward Benthall has presented to this House describing himself as the War Transport Member—I am referring to the description which he has chosen to give to himself in the official copy of the speech that he delivered the other day. I thought that so far as the railway budget is concerned we have to deal with the

**4 P.M.** Honourable Member in charge of Railways, and when I looked up the list of subjects . . . . .

**The Honourable Sir Edward Benthall:** The War Transport Member is in charge of War Transport and Railways.

**Mr. K. C. Neogy:** When I looked up the list of subjects which are included in the War Transport Department I did not find any reference to the railways at all. The Railway Department, I take it, is a separate department, though it so happens that the Member in charge of Railways is also the Member in charge of War Transport. My Honourable friend may be quite enamoured of his war paint, and it is perhaps because he wants to treat the Indian railways as a machine of warfare rather than as a commercial proposition that he chooses to be taken as the War Transport Member and not the Member in charge of Railways. The warfare which he has to conduct is directed as much against the Axis Powers as against the travelling public. My Honourable friend, Mr. Joshi, wanted from the Honourable Member in charge a declaration of the faith of Government in parliamentary control over railway administration. I think I have taken him down correctly.

**Mr. N. M. Joshi:** They have broken the Convention.

**Mr. K. C. Neogy:** Mr. Joshi and myself well recollect the imagery in which Sir Charles Innes indulged while presenting the first separated railway budget in the Legislative Assembly in 1925. He said, "I should like to be treated as the chairman of a company presiding over the annual meeting of the shareholders", and he added that that was the respective positions to which he thought the Government and the Legislature should approximate. Now, Sir, 18 years after that, Sir Edward Benthall, interrupting my Honourable friend, Mr. Nauman, when he was speaking on the railway budget last year, asserted that—It is not the people who are the shareholders of the railways, but it is the Government that really own the railways. If my Honourable friend wants to have the reference, I would ask him to look up the Assembly Debates of the 23rd February, 1943, at page 522. That is what I have got to say to my Honourable friend, Mr. Joshi, in reply to his request for a declaration of policy in this matter.

**Mr. N. M. Joshi:** I wanted to refer him to the Convention.

**Mr. K. C. Neogy:** I know something about the Convention. We, some of us, had a hand in the actual shaping of that Convention, and although we were, some of us, sceptical about the soundness of the measure which was then being introduced, we gave our consent to it in the end. Our fear was that in the name of commercial efficiency of the railway system, the control which the Legislature exercised over the railway administration was in danger of being reduced by the acceptance of that Convention. The Convention was a result of certain recommendations made by an expert committee known as the Acworth Committee. The committee which came out shortly after the last Great War

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found certain very startling and fundamental defects in the railway administration and made certain recommendations of a very fundamental character. As a result of those recommendations, the Secretary of State has relaxed his authority over the Government of India in regard to railway administration. The Government of India, in their turn, have delegated a good deal of their authority and power in favour of the General Managers. Again, within the Government of India itself, the Finance Department has relaxed its control over the railway administration. In the picturesque language used by Sir William Acworth in referring to a similar system that he recommended for adoption in the case of the Austrian railways, under the scheme of separation of railway finance from the general finance, the duty of the Finance Department would consist of "barking" and not "biting", that is to say, henceforward the Finance Department would be content to be a sort of watchdog and not interfere in the administration of the railways in a meticulous fashion. Sir, the Railway Department has further achieved one other point. The audit that used to be exercised by and on behalf of the Auditor General, has been relaxed as a part of the separation of the railway finance from the general finance—another sequel to the treatment of the Railway Department as a commercial department. The audit staff in the past used to be responsible also for the accounting of the railway. The accounting has now been transferred to a staff of officers who are directly under the railway administration, and the Auditor General has to content himself with a percentage audit only, a very small percentage of the cases being actually brought under review by his representatives. All these measures which followed one after another as a sequel to the adoption of the separation Convention have made the Railway Department completely independent. And now my Honourable friend comes from a commercial community and he is put in charge of this department, for the reason that the railways have to be treated as a commercial proposition. He ignores all the assurances that were held out to us in regard to the control of the Legislature and in regard to the relations between the railways and the public. He ignores all that and asserts that it is the Government and not the people that really own the railways.

My Honourable friend's attitude in regard to constitutional reforms is not unknown to us. Years ago he gave his blessing to, or rather he associated himself with, a particular circular which goes by his name and which I find has been enshrined in the pages of a published book. I am not going to embarrass my Honourable friend by making any quotation from that.

**The Honourable Sir Edward Benthall:** My Honourable friend won't embarrass me at all. I only wanted to know what is that book.

**Mr. K. C. Neogy:** My Honourable friend's remarks in regard to democratic changes in the system of Government are rather interesting in this connection, because what he said there was:

"It must not, however, be supposed that when we agree that reforms are necessary, we advocate democratic reform. All that we mean is such change in the system of Government as will improve its efficiency."

I suppose my Honourable friend still holds that view, and that reflects his attitude towards this House while dealing with the railway budget. Now, the Acworth Committee held out the hope that, although the Legislature would under this system be expected to relax its control in regard to the details of administration, it would still be in a position to discuss and determine questions of policy. Moreover, they recommended the setting up of several advisory councils, with the Central Advisory Council at the top, for the purpose of bringing public opinion into closer touch with the Indian railway administration than hitherto had been the case.

Now, Sir, how is the Central Advisory Council being treated? I have in my hand the proceedings of the Central Advisory Council meeting of the 16th November, 1943, and I find that it has a very distinguished personnel, I mean the Honourable Sir David Devadoss, Mr. Stokes, Dr. Sir Ratanji Dalal, Khao

Bahadur Muhammad Shahban, Sir F. E. James and others, and yet what do we find? I am quoting from the proceedings of the Council. This is what it says:—

"The Council voted against any increase of passenger fares in principle, two members dissenting."

That is out of 20 or so present. And what respect has the Honourable Member shown to the opinion of that Council in regard to this matter, and what respect has he shown to this House or to another body elected by this House, namely, the Standing Finance Committee for Railways? I shall give one illustration in regard to the powers of the Standing Finance Committee, and that is in connection with the scheme for cheap grain shops. It is a scheme that was very generally and briefly referred to by the Honourable Member in his last year's speech, and I find that whereas they thought that it would cost three crores of rupees, the expenditure has reached ten crores during the current year; and not a word of it was said to the Standing Finance Committee. This proposal was never put before the Standing Finance Committee for sanction, and I find that at a meeting which was held only on the 16th December last, certain members noticed this subject for the first time. This is what the proceedings say:

In regard to cheap grain shops questions were raised as to why the concession of cheap grains was allowed to railway servants irrespective of pay and why the approval of the Standing Finance Committee for Railways to the grant of this concession and to the provision of funds for the purchase of grains for the running of these shops had not been obtained. It was also alleged that the rations allowed to railway servants were in excess of requirements, and part of them had found their way into the black market, and so on."

This is the complaint which the Standing Finance Committee for Railways had to make, and I should like to know from the Honourable Member whether this is the way he proposes to deal with the Standing Finance Committee and this House.

I should like to say something about locomotives because I find that the Acworth Committee had something to say on this subject as well:

"The Great War is an explanation, if not an excuse, for many practices which no one would defend under normal circumstances. . . . Till quite recently, India produced hardly any of the supplies that her railways require. Locomotives, carriages, wagons, or at least their component parts were all imported from Europe. Even now, India produces only a very small part of what she needs."

It seems as if these observations were made with reference to the present day conditions. If the Acworth Committee or any other Committee of a like nature were to be appointed today, they would perhaps have to make the very same observations. What have the Government been doing all these years? My Honourable friend was quite upset when it was pointed out that we are not going to import machinery for the manufacture of wagons and locomotives. (An Honourable Member: "Because it would prejudice the position of European manufacturers.") The manufacture of locomotives, I find, has been included among the list of subjects with which the new Member, Mr. Misra, is concerned, as a part of post-war reconstruction programme of the Railways. Speaking last year, I think my Honourable friend also pointed out that although it might be desirable to start the manufacture of locomotives, practical difficulties stand in the way of starting operations now. So, my Honourable friends who raised this point were not altogether wrong when they thought that Government had no serious intention of starting the work now.

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

I should like to say just a few words about the coal scandal. My Honourable friend in his budget speech has referred to the very serious position about the stocks of coal. He says that the stocks of coal on the railways have fallen to the lowest figure on record. What are the reasons? We had a discussion only a few days ago regarding the question of employment of women underground in this connection. I do think and I do assert that the railways have made their own contribution to the shortage of coal. I have no time to deal at length with this point, but I would read out just one sentence from a memorandum which is:



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being submitted or has been submitted to the Coal Commissioner, and where the position has been summarised. This is what it says:

"The introduction of the system of half Rake supply, Bulk supplies, abolition of Group Supply system and the gradual reduction of the total number of Provincial quota wagons definitely reacted adversely on the output of small collieries since the beginning of 1943."

I very much hope that my Honourable friend's past affiliations do not stand in the way of a fair consideration of the claims of the smaller collieries which produce second rate coal. But, Sir, it is alleged that they are not having a fair deal, and that they are being treated in a stepmotherly fashion; and although they are in a position to increase their output, I do believe they are not getting the facilities which they can very reasonably expect.

There is only one other matter to which I should like to refer in this connection and that is a scandal of the first magnitude. For the last one year or so, I have been pursuing a point in this House as regards the shortage of stocks in the collieries. At long last, on the 7th February, I was given this answer by the Honourable Dr. Ambedkar:

"Coal stocks were checked at the end of May, 1943, and a shortage of over 2 million tons was found during 1942. A number of collieries had given fictitious figures of raisings probably in order to obtain a better wagon allotment. Proceedings have been taken against a number of collieries for submitting incorrect returns."

I want to tell the House that this evil has been going on for a number of years. False returns by bogus collieries have obtained for them wagon facilities; have obtained for them orders from the Railway Department for coal; and it required a series of questions on my part to get the position cleared up. The evil is of a greater magnitude, as far as I understand, than appears from this short answer. It is an instance of the prevalence of corruption in the railways, and it is an instance which shows utter inefficiency on the part of the higher controlling authorities even in a matter of such vital importance as coal supply. This state of affairs has been allowed to go on from year to year. I want to tell my Honourable friend candidly that I have heard charges of a very serious character in connection with this matter, not today but for the last two or three years; and if some of those charges are really well founded, some very responsible officers deserve to be dealt with severely. I am glad to find that some of the people who submitted misleading returns are being proceeded against, but there are responsible officers of the Railway Department who should be called upon to explain how this shortage was not brought to light, and the bogus collieries went on getting the patronage of the Railway Department from year's end to year's end.

**The Honourable Sir Edward Benthall:** I think the stocks referred to were the property of the public.

**Mr. K. C. Neogy:** But the coal should have been available to the public today. There is no coal available corresponding to the figures by which the stocks were short. That is my point. You are faced with a great crisis.

**The Honourable Sir Edward Benthall:** I am sorry the public collieries seem to have faked their stocks.

**Mr. K. C. Neogy:** I take my stand on the statement made by the Honourable Dr. Ambedkar that the object of submitting fictitious returns was to get certain facilities from the Railway Department and they got those facilities all right. But for this mismanagement and corruption, there would have been this, if not a larger, stock in the collieries today. The Honourable Member had better tighten up his control rather than take umbrage at frank observations made by the Honourable Members of this House.

**Mr. President** (The Honourable Sir Abdur Rahim): Honourable Member's time is up.

**Mr. K. C. Neogy:** Just one word more. I take it my Honourable friend has read Sir Purshotamdas Thakurdas' observations on his budget, which appeared this morning. He says:

"The colossal surplus shown by the Railway budget is no consolation for the country but make them wonder where the country is being led to."

Let me remind the House that Sir Purshotamdas Thakurdas was a member of the Acworth Committee and had a great hand in shaping the Convention under which we have been working all these years.

**The Honourable Sir Edward Benthall:** Sir, I should like to commence my observations by expressing my appreciation of the personal attitude of Honourable Members towards me when I am supporting an unpopular measure and I can assure my Honourable friend, Mr. Neogy, that I do not take umbrage at any of the remarks which are made here. It is true that my Honourable friend, Mr. Jamnadas Mehta, remarked that after eighteen months in office I cannot help becoming a dunce or an idiot but with his usual courtesy he mitigated it by saying that at least I was a gentlemanly one. He went on to say that I had caught a contagious disease from my colleague and neighbour, the Finance Member, and I can only assume that he meant to convey that he thinks he has detected us both scratching about for rupees. But I can assure the House that I do appreciate that although there have been strong expressions of opinion against the line which I am advocating, the expressions of opinion have been, on the whole, voiced in such a moderate manner.

I will begin first by answering some of the points raised by Honourable Members and will close my remarks at the end by dealing with the principal subject of the debate, the question of fares. On the question of the policy of cheap food for railwaymen and what is being done for the railwaymen in general, I seem to detect, as often before, a difference of opinion between various Members of the House. Dr. Banerjea and, I understood also, Mr. Neogy, quoting the Standing Finance Committee, appeared to be censuring the Government for the loss of 10 crores of rupees on the railway shops. Dr. Banerjea pointed out that one of the objections of the Standing Finance Committee, or some Members of it, was that cheap food was being supplied not only to the poorer classes of railwaymen but also to the officers. In order that the magnitude of that concession may be properly understood, I should like to inform Dr. Banerjea that the total amount spent on the officers would not exceed 3 lakhs of rupees, at the outside, out of the 10 crores to which he refers. The Standing Finance Committee appeared to take the view that the rations given to the railwaymen were excessive and there was danger of the rations being sold in the black market. That is a point of view with which we do not agree. On the other hand, I found other speakers standing up and saying that, like my friend, Mr. Jamnadas Mehta, in spite of the fact that we have supplied one million maunds of foodgrains monthly to the workers at cheap prices, we are starving the workers. These sort of views are just not consistent and I maintain that, taken as a whole, we are doing a very great deal to mitigate the hardships of war for the railwaymen. The total amount by which the railwaymen are being benefited, given under various headings, amounts to:—under dearness allowance 7.1 crores, under cheap food shops 10 crores and under Defence of India units 1½ crores, or a total of very nearly 19 crores of additional benefits which the railwaymen are getting. And yet my Honourable friends sometimes seem to hesitate to support measures of strengthening the railway finances which will secure the position of the railwaymen in the future.

In connection with staff matters, Mr. Anthony suggested that we had made a breach of faith in the terms which are offered to Anglo-Indian railwaymen when they are enlisted. I must point out that Mr. Anthony apparently did not read the papers when they were circulated in the first place or, if he did, he failed to understand them and to bring to the notice of his people what these papers meant. In any case in the strictures which he applied to the Railway Department he was accusing the wrong Department. The regulations as regards the classes by which the Anglo-Indians are entitled to travel are military regulations. I mention this because the Honourable Member continues to make misleading statements of this sort in spite of the facts having been pointed out to him and I cannot refrain from saying that these misrepresentations are hardly calculated to pre-dispose Honourable Members of Government to respond to his personal appeals.

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Now, Sir, Sir Muhammad Yamin Khan touched on what all of us know to be a very controversial subject, the question of the abolition of the lower gazetted staff. In my Budget speech I made a statement which I thought had met the Committee. I stated there that we were not proceeding with the proposals. He asked me if I would give my reasons for disagreeing with the Committee. But, on the whole, it is better not to ventilate disagreements on communal matters when we are not proceeding with the proposals. We have agreed to abolish the lower gazetted service but the methods of abolition are matters for further consideration.

**Dr. P. N. Banerjee:** You are putting it aside for the moment.

**The Honourable Sir Edward Benthall:** Yes, we are putting it aside for the moment in response to the general view of the Standing Finance Committee.

**Mr. Lalchand Navarai:** For how long?

**The Honourable Sir Edward Benthall:** One Honourable Member asked what I meant by the appropriate time. I would define that, if the Honourable Member wishes, as the time which the Government considers to be appropriate for bringing it up. The Honourable Member asked that we should bring it up within one year after the war. It is a very difficult phrase, 'within one year after the war'. The war with whom? Is it to be brought up after the armistice or after the signature of the peace? Personally, I think it is better to leave these matters open and bring it up again when the times seem to be ripe, it may even be that the Standing Finance Committee will wish to bring it up again.

On the subject of post-war development, the House expressed a very great deal of interest last year and some time was spent upon it. This year it appears to me that the House is not quite so interested and it seems to me also that possibly this is because the question of paying for post-war development has now come up and paying for these plans is not quite so pleasant a subject as talking about them. All sides of the House, I think, agreed that money must be spent on these amenities.

**Dr. P. N. Banerjee:** Immediately.

**The Honourable Sir Edward Benthall:** I find that some Honourable Members wish that money should be spent immediately. But my Honourable friend, Dr. Banerjee, knows that it is extremely difficult to get materials at the present time. The Honourable the Deputy President asked that one of the subjects which we should discuss should be the rating policy, and he expressed surprise that I did not mention it in my speech. The Honourable the Deputy President is quite right, but I have mentioned this in public, at the meeting of the Indian Railway Conference Association when the rating policy for the post-war period was discussed by the President of the Association. It is a most important matter and it is one of those matters, including some of these or all of these which I touched upon in my budget speech which will in due course be discussed by the Post-war Transport Policy Committee which is being set up for the purpose of considering these matters. I take it also that in due course, the Central Advisory Council and the Standing Finance Committee will be seized of some, at any rate, of these various proposals.

My Honourable friend, Dr. Banerjee, made, right at the very beginning of the debate, what I think was a rather damaging, but I feel to be an incorrect statement that lack of transport had heightened the famine in Bengal.

**Dr. P. N. Banerjee:** I said it was a contributory cause.

**The Honourable Sir Edward Benthall:** That is how I understood it. I should like to point out that on the whole the food programmes of India have been fully implemented. There have, of course, been delays, but there has never been lack of food in Bengal owing to shortage of transport into Bengal. There have been local difficulties in distribution, which I understand have now been very largely got over with the help of the army, but there has never been a shortage owing to failure to transport foodgrains to Bengal.

**Dr. P. N. Banerjee:** May I ask if transport is available for distributing food within Bengal just at the moment to an adequate extent?

**The Honourable Sir Edward Benthall:** I believe that adequate transport arrangements are now in existence, adequate arrangements also to handle the goods, which were lacking before, are now in existence. On the whole, the grain programme, the sugar programme and other food distribution programmes have in the last year gone reasonably satisfactorily because the movement of grain's have enjoyed the highest priority.

Next, Sir, with regard to the comments of my Honourable friend, Sardar Mangal Singh opposite, he suggested that we had cut down the trains in the Punjab for some vindictive reason. I deeply regret that owing to shortage of coal, the N. W. R. had to cut down these trains. That was the sole reason, the shortage of coal. So far as any vindictive action behind it is concerned, I can assure my Honourable friend that that is absolutely opposite to the truth.

**Sardar Mangal Singh:** However that was the impression gained by the public.

**The Honourable Sir Edward Benthall:** I entirely share the views which were expressed the other day from the President's Chair, I admire the achievement of the Punjab, and I would do everything I can to help them through their difficulties. I will look into the cases of hardship due to the cancellation of particular trains and will endeavour to restore the services as soon as the coal position has been built up. In the meantime, I understand that the N. W. R. are putting back eight of the trains, and I think they will probably be operating from tomorrow morning so that I can assure my Honourable friends that it is only with deep regret that we had to make this cut and the trains will be restored as soon as possible.

My Honourable friend, Mr. Joshi, referred to the question of provident fund. This has been under discussion for a number of years. The provident fund has been extended to wider circles of railway men from time to time. The question has been raised again by the All-India Railwaymen's Federation at the last meeting, and while I do not want to appear to prevaricate by saying that the matter of extending it further is under active consideration, that is the case and all I can add to that statement is that we are looking into it extremely sympathetically.

Then, Sir, a good deal has been said about the question of the construction of locomotives. I welcome the opportunity of clarifying the position regarding the construction of locomotives and boilers in India, in spite of the fact that I made a categorical statement in this House and in another place last year as to what exactly we were doing. The House will remember, and in fact it has been quoted in debate, that in 1940 it was decided to go ahead with the manufacture of locomotives. That had to be cancelled on account of the necessity for making munitions. Last year, I announced that we have definitely decided to set up a locomotive construction shop and we are now proceeding with this as fast as we can. The preliminaries for the construction of locomotives in the workshop at Kanchrapara are, in fact, proceeding apace. The position is that when the matter was referred to them, the Consulting Engineers stressed the difficulties of organisation which would have to be faced if the manufacture of the full number of locomotives and the renewal boilers programmed after the war were attempted in this single workshop and they recommended that the works should be designed for a lesser number of locomotives but with a lay out suitable for extension, that the building of renewal boilers should be initially undertaken elsewhere, and that the Kanchrapara site should be reconsidered in view of the possibility of selecting another workshop which could be converted more advantageously. The Board, anxious to proceed without further delay, decided that two locomotive building workshops must be provided, but that they would proceed forthwith with the planning necessary to adapt the Kanchrapara works for approximately half the requirements. In making this decision, they had in mind the difficulties likely to be experienced in obtaining buildings, the machinery and plant both during and immediately after the war, and the consequent need for utilising such facilities as exist at Kanchrapara to the fullest possible extent if the introduction of locomotive building in

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India is not to be further postponed. The work is proceeding on those lines. It is hoped to finalise the blue-prints with the Consulting Engineers at a very early date and as soon as the plans are finalised orders will be placed for delivery of the necessary machinery and plant at the earliest possible date. The construction of the locomotives in these shops during the war is unfortunately still not a probability as it will almost certainly be impossible to spare these workshops from the very important munitions which they are still making and the locomotive repair work on the B. and A. Railway which, of course, has increased with the additional number of locomotives which are coming on to that line. But the Board are anxious to get the plant into the country at the earliest possible moment and if we can get it into operation before the end of the war we shall do so. Some Honourable Members have suggested that locomotives might be built in this country as a rush job to meet the present shortage of locomotives. But I am sure Honourable Members will appreciate that even if we had the plant on the site today it would still probably be 18 months or two years before we could get the first locomotive on to the line. The present emergency which is caused by the entry of Japan into the war can, therefore, only be met by the importation of locomotives in the meantime. Meanwhile we are giving consideration to the inauguration elsewhere, as a war measure, of a boiler construction works which, if the scheme can be got through and the necessary existing works released, will be operated by an Indian firm. Discussions are proceeding and inquiries have actually gone back for the additional plant which is to be procured from overseas. From what I have said, therefore, I am sure Honourable Members will see that whatever the difficulties in the past, the plans for the construction of locomotives in this country are now proceeding in right earnest and with all possible speed.

As regards the wagon construction programme I must merely remark that there exists a large wagon capacity in India, more than sufficient for our normal needs; but unfortunately owing to the difficulty of getting component parts, both constructed in India by Indian firms and from abroad that programme has fallen behind-hand. That is the reason why we have had to order from abroad an additional 5,000 broad-gauge wagons.

**Dr. P. M. Banerjee:** Cannot these parts be manufactured in India?

**The Honourable Sir Edward Benthall:** They are manufactured in India but unfortunately the people who manufacture them are not always up to date with their deliveries and the programme has fallen behind-hand owing to the general congestion of industry both in this country and abroad.

As regards the cost of railway extensions to which my Honourable friend, Sir Abdul Halim Ghuznavi, referred, generally speaking the cost of these extension of the lines are covered by the assisted siding terms which are ordinarily brought into use for providing railway facilities to industry. That means that the cost of the earthwork and other expenditure which cannot be of any use to the railways after the war is borne by the defence expenditure. And the rails and the steel work and anything else which is of a permanent value to the railway is borne by the railway. Such assets, of course, can be picked up and used elsewhere, so that for these items the railway gets value for money. The correctness of some of the terms is under discussion and the Standing Finance Committee are, I understand, seized of the point and they will be consulted before any final decision is reached. But, broadly speaking, you will see that so far as the railways are concerned they are getting full value for the money which they are laying out.

Now, I must pass on to the question of passenger fares. I must confess that when I first considered the proposals my reactions like many of those of my Honourable friends were unfavourable. It was a natural impulse not to incur the odium of imposing extra charges when the need was not at first sight obvious. But since then the more I study the implications the more certain I am that the action is right. What was to me at first quite frankly a doubtful duty has become a conviction; and I am not unsanguine, in spite of the recep-

tion which was given to me by the House, of persuading Honourable Members or some Honourable Members of the intrinsic wisdom and fairness of these measures. I am anxious, therefore, to give to Honourable Members some further points for their consideration and to deal with some of the false premises on which the opposition has been based.

Critics have maintained that nobody who is not insane travels in these days, unless he must. There must be a surprising amount of insanity about, to judge by the number of people I know of who take remarkably long journeys on pleasure bent.

**Mr. T. T. Krishnamachari** (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): To attend the sittings of the Legislative Assembly?

**The Honourable Sir Edward Benthall:** I said, on pleasure bent.

**An Honourable Member:** Lately a lot of touring has been done by the Executive Councillors.

**The Honourable Sir Edward Benthall:** I have already quoted figures in the House to show that if this rate of travelling continues, 156 million more journeys aggregating 6,300 million more miles are likely to be made in the current year than in the last year. This is equivalent to six hundred train loads of people a day even under present conditions. Clearly something drastic has to be done to check this increase. Can it be really conscientiously maintained that the whole of this travel is due to increased war activity? It is in fact not borne out by an inquiry extending over 15 lakhs of passengers which we recently carried out, nor by actual observation. As a matter of fact 10 per cent. of these 15 lakhs of people admitted that they were travelling purely for pleasure. Whether the adequacy of the reasons of the other passengers for travelling is sufficient or not is another matter. Why did these people not travel in 1941-42 when there was almost equally great war activity? In these two years 1941 and 1942 the total number of people travelling remained practically constant. The answer is that in the year 1943-44, the circulation of money increased, and with the increase people, having nothing else to spend it on, purchased something that was relatively cheap, namely, travel. Mr. Joshi himself has said that that is the reason why people are travelling—because money is flowing. Actually the rise in the number of passengers travelling is in keeping with the curve in the rise in prices and the resultant greater prosperity among those who have goods or services to sell. The curve goes up in much the same way. Is it too much to ask many of these passengers to travel less even on pilgrimages or home visits during war time? Cannot they postpone some of this travel until conditions become easier?

**Mr. Lalchand Navalrai:** Marriages also may be postponed.

**The Honourable Sir Edward Benthall:** But if they will not do so, is it unreasonable to try and check this tendency by making it more expensive to travel?

The argument that the increase in travel is entirely due to the military is not correct. There are actually no exact figures available of the respective civil and military passengers, but the respective earnings from these two classes, which we have, show that while earnings from military passengers have increased by about 60 per cent. as against 40 per cent. increase in the public passengers, the disparity is still so great in the numbers that a 10 per cent. reduction all round would still mean that the reduction in public travel would have 6½ times the effect of the reduction in military travel. That represents roughly the ratio between the two. With regard to military travel, we are again discussing with the military authorities the means of reducing travel so far as it is possible, but, of course, with increasing military activity in the country any reduction in the total of military travel naturally presents a difficult problem. The Honourable the Leader of the European Group mentioned this point and I can assure him and other Members of this House that we are doing all we possibly can to restrict such travel.

It is argued that although the price of travel has increased little, the standard of service has decreased. That is so. The accommodation has decreased although the 37 per cent. cut in the passenger trains since pre-war days, which

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has been quoted as the maximum decrease, is an over-statement of the percentage cut in service as more vehicles have been run on the remaining trains. The actual cut is probably nearer 20 per cent.

May I proceed beyond Five O'clock, Sir?

**Some Honourable Members:** Yes, yes.

**The Honourable Sir Edward Benthall:** Trains certainly are slower today and the amenities of lighting and so on are certainly less. It is the same tale of cut services, slower trains and less comfort in other countries which are at war as anybody returning from the United Kingdom or America will tell you. Slower timings are a normal concomitant of denser traffic, inferior coal, etc., and if the lamps and fittings which are broken or stolen—and there is, in fact, a systematic system of thieving going on in some of these—are not replaced, it is solely due to the inability to obtain fresh supplies. The shortage of these goods is exactly akin to the shortage of other consumption goods and the steps to rectify the matter have not yet borne fruit. On some Railways you may have seen brass fittings being replaced by wooden fittings and we are going ahead with indigenous manufacture of lamps. The same Member has complained about the uncleanness of lavatories. It is largely due to the water shortage difficulties due to overcrowding, but this subject has been taken up three times during the last six months with the Railways and the Railways have been instructed to make it their business to see to this improvement, and where they are not already engaged on it the Medical Departments have been instructed to look into the matter.

On the question of restaurants and feeding.

**An Honourable Member:** A very important subject.

**The Honourable Sir Edward Benthall:** Yes, a very important subject—I have suffered from it myself, but I have not complained about it to myself.

**Sir Cawasjee Jehangir:** What percentage of the travelling public is affected by these restaurants?

**The Honourable Sir Edward Benthall:** It is not only restaurants as one Honourable Member from the Congress Benches pointed out. He referred to tea stalls and other things as well.

I quite agree that the feeding arrangements on the Railways are not as good as we should like to see them and we will certainly carry out a drive, in both Indian and European feeding arrangements, to deliver a better service if we can.

**Dr. P. N. Banerjee:** And a larger number of services.

**The Honourable Sir Edward Benthall:** Although there are difficulties in these days which are entirely due to the war, nevertheless the trains do get you there and they get you back, and that is the principal service which they are supposed to perform and they are rendering this service to a surprisingly larger number of persons. If the quality of the service is lower, lower than in peace-time,—that is not unusual in other lines of manufacture or of service, and the people who complain most are often those who themselves deliver the most shoddy value for money. It ill becomes anyone who is charging two to three hundred per cent. more for his goods and services to complain of an increase of 25 per cent. which is pledged to be given back to the user later on.

**Dr. P. N. Banerjee:** Are there any such persons in this House?

**The Honourable Sir Edward Benthall:** I would not like to be personal, Sir. The main charge against the increase is that it is an unreasonable burden on the third-class passengers, particularly in the suburban areas where men must go to their daily work and where they cannot find accommodation in the city. That is a point which my Honourable friend, Mr. Hooseinbhoy Lalljee, has made. Here an explanation is due and I would like to ask my Honourable friends to give particular attention to what I am going to say on this point. In addition to the exemption of suburban season tickets, the instructions which were sent to the Railways—and, incidentally, they were sent prior to my

budget speech—have been so framed that there will be no increase in fares except where the increase will amount to one anna. The effect of this on short-distance travel is marked. 83 per cent. of third-class passengers, excluding military passengers, and passengers holding season tickets, travel in the zone from 1 to 50 miles. The average fare paid by these passengers, i.e., the average fare paid by 83 per cent. of the third-class passengers, is about five annas. That is arrived at by dividing the total earnings from the passengers within this zone by their number. Even those persons who travelled the full length of this zone in most cases paid less than a rupee. They have, therefore, so far paid nothing extra for rail fares since the war began. Even with the proposed increase in fares, passengers travelling up to about 10 miles will not have to pay anything extra and since the average lead in this zone is only 17 miles, the number travelling for distances up to 10 miles must be a considerable proportion of the total in the zone. Thus in addition to the exemption proposed for suburban season ticket holders, those who reside within about 10 miles of large towns and may be described as suburban dwellers will also be exempt even if they have no suburban season tickets.

**Mr. T. T. Krishnamachari:** On a point of information, may I point out that in the speech delivered by the Chief Commissioner of Railways in the other House, as it is printed, it reads that season tickets suburban fares will be excluded from the proposed increase, and subsequently a correction appears to have been made so as to exclude suburban fares from the exemption contemplated?

**The Honourable Sir Edward Benthall:** There was a mistake in nomenclature.

**Mr. T. T. Krishnamachari:** Was it not that there was a revision of the intentions of the Government?

**The Honourable Sir Edward Benthall:** No. This was a mistake in nomenclature.

**Sir Cawasjee Jehangir:** Will the Honourable Member repeat one statement? Am I right when I say that the Honourable Member said that 83 per cent. of the third class passengers pay only 5 annas for a ticket on the average?

**The Honourable Sir Edward Benthall:** That is correct. 83 per cent. of the passengers travel within a zone of 50 miles and the average fare is five annas and as there is no increase of less than one anna, everyone paying below four annas for a fare avoids any increase and that means that anybody travelling less than 10 miles will travel at exactly the same cost as before the war.

It is obvious from what I have been saying that the measure has been so framed as to minimise the effect on the short distance passenger of the poorer classes, who having to reside away from his work has to travel in everyday by train. If I may quote a local example: a third class passenger from New Delhi or Delhi to Delhi-Shahdara will pay no more than he does now. The framing of the increase in that way affords a very great measure of relief to the poorer classes of workers and to people who make short journeys.

As regards the ability of other classes to pay more, I am still unrepentant. The fact remains, as I have said before, that 156 million people a year or more are travelling and because the public travels more already so it is paying out more. What we want them to do is to travel less and if they do not travel, they do not pay. The charge is still only enhanced with the undertaking that they will get it back in better service later on when it is physically possible to do something to improve that service. The sacrifice that we are asking of them is that they should stay at home, but if they insist on travel then and then only we take what amounts to a temporary loan of their money. The hardship really isn't great. The war worker generally who must travel now over distances for which increased charges will be made, be he rich or poor, is making good money. I quoted the case of the farmer who was getting Rs. 40 for his wheat which he formerly sold for Rs. 10. Somebody said it was not

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the farmer but the intermediary, but presumably the intermediary pays the farmer a fair price. But under this budget wheat can be sent by rail at the same price as before the war and the farmer will be able to travel to his local market at the same cost as before, and if he wants to go further he can make a journey which cost him previously Rs. 10 for about Rs. 13 now. I referred to the wheat grower and much the same applies to the growers of every kind of agricultural produce, and when you turn to the industrial worker, I would ask Honourable Members to consider the case of the Ahmedabad millhand who to-day gets something like Rs. 111 (An Honourable Member: 117.) Including Rs. 77 as dearness allowance, etc., against his previous wage of Rs. 34/9.

**Mr. N. M. Joshi:** How many workers are there in Ahmedabad as compared to the total population of the country?

**The Honourable Sir Edward Benthall:** I am merely quoting one instance. If you look into the case of Bombay and Cawnpore, you will find much the same conditions prevailing. Ahmedabad may be exceptionally high. Nevertheless those conditions prevail and I maintain that it cannot be seriously argued that the mill worker enjoying this relatively large remuneration who wants to travel 50 miles cannot pay another three annas to do so.

**Syed Ghulam Bhik Nairang** (East Punjab: Muhammadan): May I ask the Honourable Member to explain one point? At present the railway fares are charged like this: the schedule fare plus a surcharge of one anna per rupee. Now the Honourable Member proposes to add 25 per cent. To what will the 25 per cent. be added? Will it be the schedule fare plus surcharge plus 25 per cent.?

**The Honourable Sir Edward Benthall:** On the existing fare except in the cases which I have just explained.

I should perhaps say that the man who will suffer is the man with the fixed income and that I am afraid is the case in all these measures of increased charges. To a very large extent the people who have no means of increasing their incomes are Government servants. If they are travelling on Government account they will not pay. If they are wishing to travel on their own business then the sacrifice we ask for is, in fact, to curtail their travel by 25 per cent. That is the measure of the sacrifice we are asking.

Objection has been taken in principle to the increase in railway charges when railways, due to their increased operating efficiency, are making substantial profits. The principle of charging what the traffic will bear is an old established one in the fixing of rates and fares, but it is not the principle which governs railway rates and fares today. If so, we could increase rates as well as fares. As to the future my views on the probable trend of receipts and expenditure were given in my budget speech and whether I turn out right or wrong in the near future I commend what I have said to the very careful study of the House, because sooner or later I will wager that I shall be right. Our gross traffic receipts before the war were in the neighbourhood of Rs. 100 crores and our expenses inclusive of depreciation and interest charges were of the same order. Our expenses in the budget year 1944-45 are estimated to be Rs. 135½ crores inclusive of normal depreciation and interest charges, and it is possible that these may be much under-estimated, since as I have explained to the House these expenses only include increases which we can definitely foresee now. Nobody will question that when the war traffic falls off again we shall see a very rapid fall in earnings, and the point which I wish to emphasise once again is that this fall within a very short time may bring our receipts down to below our expenses at the new high level. We have seen before how in a few years of bad trade our reserves can disappear in paying out interest charges—a point made by the Leader of the European Group—and I repeat that then the only course will be to increase rates and fares just when other price levels are falling and drastically to cut wages and the price of our pro-

chases, such as coal. Well, I say for Heaven's sake let us learn the lessons of the past and avoid such a catastrophe which will bring all our reconstruction schemes to naught and contribute to plunging the country into chaos just at the outset of its new Constitution.

**Nawabzada Muhammad Liaquat Ali Khan:** But where is the new Constitution?

**The Honourable Sir Edward Benthall:** In your pocket: it is for you to frame. It will be difficult at any time in any case to finance additional improved amenities for third class travel and so let us set aside funds now to make sure that these amenities, which everybody in this House agrees are necessary, should be actually provided.

The Deputy President remarked that the Central Advisory Council had opposed the increase in fares, and he said that, in saying that I agreed with them, my judgment and my decree appeared to differ. The Central Advisory Council were discussing the question of stopping over-crowding and they opposed the increase as being likely to be ineffective in stopping overcrowding and as I said in my budget speech, I agreed with them. I do not think an increase of fares alone—unless you increase them by say 100 per cent.—is likely to be very effective in stopping overcrowding, but it will certainly check the steady increase of 156 millions. To the best of my belief the numbers are still rising today, and we must do something to check it. If we look back to what happened in the last war, you will find that when 25 per cent. increase was put on fares then, the number of passengers immediately fell from about 43 crores to 38 crores in the next year, though with increased activity it rose again to 41 crores. That is the sort of effect I anticipate that it will have this time, a checking effect; but probably not a great deal more, especially in view of the exemptions that we have made on short distance traffic. But when the Central Advisory Council was considering this matter, it did not consider it from the other and broader aspect, and it did not even consider what was the effect in 1917: it did not consider the deflationary aspect and it did not consider the financial aspect; and I think when you consider it from all these aspects, then it is quite a different matter than considering it purely from the aspect whether it will effectively stop overcrowding . . . . .

**Mr. Lalchand Navalrai:** I think full consideration was given to all these: we expressed it all there.

**The Honourable Sir Edward Benthall:** No. I will not take the further time of the House on this point, but I would just like to say that so far as the Central Advisory Council's deliberations are concerned, we are taking into careful consideration and are acting on all the points which were raised during the course of those discussions so far as action is possible . . . . .

**Sir Muhammad Yamin Khan:** Did they agree to the increase in fares?

**The Honourable Sir Edward Benthall:** No; they disagreed with it, for the reason that it alone will not effectively stop overcrowding.

Reference has been made to the fact that the Chief Commissioner in his speech last year said that an increase of rates and fares would be inflationary. Actually he particularly had in mind goods rates. Conditions have changed. The facts which I have quoted earlier show that the increase in railway travel is the result of an inflationary tendency and I am very glad indeed to have the support of Mr. Joshi in this diagnosis. He has stressed this more eloquently and convincingly than I have been able to do. You will observe that the possible inflationary effect will be minimised by the incidence of this increase . . . . .

**Mr. Hooseinbhoy A. Laljee:** Then you do not want money for the amelioration of the third class passengers: does it come to that?

**The Honourable Sir Edward Benthall:** I am dealing with the three reasons. I gave and this is the second one. The possible inflationary effect will be minimised by the incidence of this increase and the deflationary effect of taking this money off the market now for spending later on must, I think, really be patent to every Honourable Member. It is surplus money which will be collected now



[Sir Edward Benthall.]

and put into circulation again when deflationary tendencies are resulting in a decline in activity and prosperity.

My Honourable friend the Leader of the European Group said that he was not satisfied with the ear-marking of this money in the fund and one or two Honourable members expressed some doubts as to whether the Government of the future would in fact spend money on this purpose. It amounted to the same thing, may be they all wish to see this fund more specifically earmarked. I think technically that involves a separate grant—I do not quite know what the mechanics of it are but if it is the wish of the House that it has to be earmarked into a separate fund, and the mechanics of it can be overcome, the Government will be perfectly willing to accept that. In fact, if the House should express any desire that the fund should be made available for any other purpose—and in that connection I may say that we originally had in mind the benefit to the employees—if the House has any views in that respect, we should naturally be perfectly willing to meet them.

My Honourable friend, Mr. Jannadas Mehta, said that promises for the future were not enough: it is always jam tomorrow and jam yesterday, but never jam today. He was quoting from what I understood him to say was Alice in Wonderland. It is extremely difficult to give the third class passengers their jam today. If we wanted to go ahead with all these amenities which we are determined to go ahead with, we could not get the material owing to other war priorities. If we can get the material we will go ahead with it, and in the meantime we will endeavour to alleviate the overcrowding by the provision of bus services in the most congested areas.

I have only two more points to make. A vigorous case has been made out that the contribution to general revenues should be reduced and the increased sum apportioned to railways should be put into the amenities fund. I need not labour the point which was made so often last year, that the surplus which was largely if not entirely derived from activities due to the war should rightly be apportioned largely to paying for war expenditure. I would here only make one further point in all solemnity, namely, that if this were done and if the Honourable the Finance Member did not get his allocation in full, he would be bound to replace the difference by increased taxes from other sources.

I have answered, I think, most of the points which have been raised in the debate on the increase in fares, and I shall doubtless have a further opportunity to speak on another occasion. But I would ask my Honourable friends to examine this question dispassionately in the light of the observations which I have made, particularly this afternoon, and the explanations I have given regarding the incidence of the increase. Although I do not imagine that this is ever going to be a popular measure, I still believe that many Honourable Members will yet be convinced, as I am, that it is a wise measure, and that it has been so framed as to be a fair one.

**Mr. N. M. Joshi:** I want to know whether the Government have agreed to our request to give a larger number of days for the demands for grants?

**The Honourable Sir Sultan Ahmed** (Leader of the House): The matter was just mentioned during the debate by Mr. Joshi. We will consider it and make our submission on Wednesday next.

**Nawabzada Muhammad Liaquat Ali Khan:** The Honourable Member stated in the course of his speech that Members opposed measures which would secure the position of railwaymen in the future? What measures was he referring to?

**The Honourable Sir Edward Benthall:** General measures such as the one now proposed, to build up the financial strength of the railways.

**Nawabzada Muhammad Liaquat Ali Khan:** Does the Honourable Member mean increase in railway fares? Is that the measure that he had in mind?

**The Honourable Sir Edward Benthall:** That will build up the general strength of the railways and enable them to put through these amenities which the Honourable Member's Party among others has asked for for so many years.

**Nawabzada Muhammad Liaquat Ali Khan:** Then the Honourable Member said definitely that the increased income from this source will be utilised only for providing amenities for third class passengers.

**The Honourable Sir Edward Benthall:** Yes. I have said lower class passengers. I have gone further, I have given an undertaking to the House that, if they wish this to be put into a separate fund for the purpose, Government would have no objection.

**Mr. Hooseinbhoj A. Lalljee:** If there is no more travelling . . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): I understand that tomorrow is a public holiday. I adjourn the Assembly till 11 A.M. on Wednesday next.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 23rd February, 1944.

# LEGISLATIVE ASSEMBLY.

Wednesday, 23rd February, 1944.

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

## MEMBER SWORN:

Saiyid Rashid-uz-Zaman, C.I.E., M.L.A. (Government of India: Nominated Official).

## STARRED QUESTIONS AND ANSWERS.

### (a) ORAL ANSWERS.

#### INCOME TAX CASES TAKEN IN APPEAL IN SIND.

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

(a) how many Lower and Upper Income Tax cases were taken in appeal with the Appellate Assistant Commissioner in Sind during the last two years, and with what result;

(b) the aggregate amount of the Lower and Upper cases, separately;

(c) how many cases were decided by the Commissioner of Income Tax with the consent of the assesses in revision, and with what result;

(d) how many cases went in appeal to the tribunal, and with what result;

(e) whether the tribunal is under the control of the Legislative Department; and

(f) whether their appointment, promotion, leave etc., are also under the control of the Legislative Department?

The Honourable Sir Jeremy Raisman: (a), (c) and (d). I lay on the table statement giving the required information. Separate figures for lower and upper limit cases cannot be compiled without an expenditure of time and labour that would not be justified in war time.

(b) Presumably the Honourable Member desires information as to the number of assesses in each category which was:

|                   | Upper limit. | Lower limit |
|-------------------|--------------|-------------|
| 1941-42 . . . . . | 14,572       | ..          |
| 1942-43 . . . . . | 11,663       | 2,173       |

Parts (e) and (f). Yes, Sir.

## Statement of appeals and revision applications for the province of Sind for 1941-42 and 1942-43.

| Year.   | Appeals under Section 30 to the Appellate Assistant Commissioner. |                    |                     |                            | Appeals under Section 33 to the Income-tax Appellate Tribunal. |                    |                     |                            | Others.    |                    |                     |                            |
|---------|-------------------------------------------------------------------|--------------------|---------------------|----------------------------|----------------------------------------------------------------|--------------------|---------------------|----------------------------|------------|--------------------|---------------------|----------------------------|
|         | No. filed.                                                        | No. dis. posed of. | No. suc. cess. ful. | Amount of tax decreas. ed. | No. filed.                                                     | No. dis. posed of. | No. suc. cess. ful. | Amount of tax decreas. ed. | No. filed. | No. dis. posed of. | No. suc. cess. ful. | Amount of tax decreas. ed. |
|         |                                                                   |                    |                     | Rs.                        |                                                                |                    |                     | Rs.                        |            |                    |                     | Rs.                        |
| 1941-42 | 1,801                                                             | 1,429              | 880                 | 2,45,881                   | 5                                                              | ..                 | ..                  | ..                         | 37         | 9                  | 5                   | 3,030                      |
| 1942-43 | 1,420                                                             | 2,009              | 965                 | 1,58,528                   | 3                                                              | 7                  | 1                   | ..                         | 25         | 51                 | 19                  | 54,593                     |

## Cases reviewed under Section 33 by the Commissioner.

| Year.   | Section 33 (Old). |                    |                     |                            | Section 33A (New). |                    |                     |                            |
|---------|-------------------|--------------------|---------------------|----------------------------|--------------------|--------------------|---------------------|----------------------------|
|         | No. filed.        | No. dis- posed of. | No. suc- cess- ful. | Amount of tax decreas- ed. | No. filed.         | No. dis- posed of. | No. suc- cess- ful. | Amount of tax decreas- ed. |
|         |                   |                    |                     | Rs.                        |                    |                    |                     | Rs.                        |
| 1941-42 | 12                | 54                 | 23                  | 22,410                     | 1                  | 1                  | 1                   | 8,164                      |
| 1942-43 |                   | 3                  | 2                   | 551                        | 32                 | 23                 | 5                   | 4,134                      |

**Mr. Lalchand Navalrai:** May I know what kind of control is the Legislative Department having over the tribunal and is there any difference between the control of the Finance Department and the Legislative Department?

**The Honourable Sir Jeremy Raisman:** I think that question should be addressed to my Honourable colleague since the Tribunal has gone entirely from my control. I have no knowledge whatsoever of the relations between the Tribunal and the Legislative Department.

**Mr. Lalchand Navalrai:** Does not the Honourable Member have a watch over it from the financial point of view?

**The Honourable Sir Jeremy Raisman:** No, Sir. Surely the object of the change is that I should have no watch over it.

**Mr. Lalchand Navalrai:** May I know who pays the members of the Tribunal?

**The Honourable Sir Jeremy Raisman:** The Government of India.

**Mr. Lalchand Navalrai:** The Legislative or the Finance Department?

**The Honourable Sir Jeremy Raisman:** Their salary is in the budget of the Legislative Department.

## DEMAND FOR FIRE ARMS BY THE MAHARASHTRA MILITARISATION BOARD, POONA.

†163. \***Mr. Govind V. Deshmukh:** Will the War Secretary please state:

(a) if he is aware of the "Maharashtriya Mandal", Poona, which imparts physical and military training to persons wishing to join its classes;

(b) if he is further aware that the Governors of the province i.e., Bombay, rulers of native States, army officers and leaders of public opinion have visited this institution and paid glowing tributes to it;

(c) if this "Maharashtriya Mandal" has established a "Maharashtra Militarisation Board, Poona," to train and encourage men to join the army, and has supplied some officers—V.C.Os. and Emergency King's Commissioned Officers—to the army;

(d) whether this Militarisation Board had been asking for more than two years past for fire arms to train men for target shooting; if so, whether these fire arms were supplied; if not, why not;

(e) whether a letter of the Maharashtra Militarisation Board, Poona, dated the 10th December, 1943, requesting amongst other things for equipment, has been received by the General Headquarters through the Assistant Director of Recruiting, Southern Area; if so, whether the request for equipment has been granted; if not, why not; and

(f) what objection Government have to supply this Militarisation Board with dummy rifles?

**Mr. C. M. Trivedi:** (a) Yes, Sir.

(b) I understand from one of the communications from the Mandal to General Headquarters that the institution has been visited by the Governor of Bombay and certain Army officers. I have no further information on this point.

(c) The answer to the first part is in the affirmative. As regards the second part, I understand that the Board has done useful work in producing candidates for the three Services.

(d) to (f). In a letter, dated the 10th December, 1943, the Board asked for certain equipment and the Assistant Director of Recruiting, Southern Area, has been instructed to arrange for the supply, on loan, if possible, of dummy rifles, maps, targets and a compass. I may add that these articles are in short supply and not easily obtainable.

## CADET SCHOOL FOR OFFICER CADET TRAINING UNIT OF WOMEN'S AUXILIARY CORPS (INDIA).

†164. \***Mr. Govind V. Deshmukh:** (a) Will the War Secretary please state if a Cadet School for Officer Cadet Training Unit of the Womens' Auxiliary

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

Corps (India) has been opened by Government? If so, what were the grounds for opening it now?

(b) How many girls have been sent for such training, and to which communities and provinces do they belong?

(c) What are the qualifications necessary for such girls as are selected for training, and how are selections made?

**Mr. O. M. Trivedi:** (a) Yes, Sir, an Officer Cadet Training Unit has been opened for the Women's Auxiliary Corps (India). Formerly candidates for commissions in this Corps did not receive any training as they had had training or experience in civil life and were reasonably suitable for their posts. Such candidates are, however, no longer available and those now coming forward for commissions require suitable training. Further, experience has shown that there is a real need for women officers to receive a reasonable military background to enable them to discharge their duties with intelligent interest.

(b) A statement has been laid on the table.

(c) The qualifications required are:

Pride in the Corps.

Sense of responsibility.

Leadership.

Ability to make decisions.

Good knowledge of English.

As regards the method of selection, Unit Commanders recommend serving auxiliaries considered suitable through the normal staff channels for interview by the Women's Auxiliary Corps (India) Selection Board, set up on lines similar to those for male candidates for commissions.

*The number of girls sent for training is 30 and they belong to various communities and provinces as shown in the following table.*

| Communities.                        | Bengal. | Madras. | C. P. | Bombay. | C. P. | Punjab. | Mysore. | Bihar. | Kashmir. | Total |
|-------------------------------------|---------|---------|-------|---------|-------|---------|---------|--------|----------|-------|
| European                            | ..      | 2       | 2     | 1       | 1     | 1       | 1       | 3      | 1        | 13    |
| Anglo-Indian and Domiciled European | 3       | 2       | 3     | 2       | ..    | 1       | ..      | ..     | ..       | 11    |
| Anglo-Malayan                       | ..      | ..      | 1     | ..      | ..    | ..      | ..      | ..     | ..       | 1     |
| Parsi                               | ..      | ..      | ..    | 1       | ..    | ..      | ..      | ..     | ..       | 1     |
| Hindu                               | ..      | ..      | 1     | ..      | ..    | ..      | ..      | ..     | ..       | 1     |
| Sikh                                | ..      | ..      | ..    | ..      | ..    | 2       | ..      | ..     | ..       | 2     |
| Madras-Brahmin                      | ..      | ..      | ..    | 1       | ..    | ..      | ..      | ..     | ..       | 1     |
| Burman                              | ..      | ..      | ..    | ..      | 1     | ..      | ..      | ..     | ..       | 1     |
| Total                               | 3       | 4       | 7     | 5       | 2     | 4       | 1       | 3      | 1        | 30    |

### DEMAND FOR BETTER TYPE OF RATINGS IN INDIAN NAVY.

+165. \***Mr. Govind V. Deshmukh:** Will the War Secretary please state:

(a) if there has been a demand by the Navy for better type of ratings;

(b) if the naval staff in charge of H.M.S. *Bahadur* and H.M.S. *Dilawar* at Karachi made any suggestions to get better type of rating; if so, the suggestions, and to what extent they have been carried out; and

(c) if Government are aware of the complaint that the activities of the navy and the three ships *Bahadur*, *Dilawar* and *Himalaya* at Karachi do not receive sufficient publicity; if so, what Government propose to do in this respect?

**Mr. O. M. Trivedi:** (a) Yes, Sir.

(b) Yes, certain proposals were made and have since been put into effect. These proposals, which involve a revision of the age limits and period of training, are devised to ensure an uniform and increased output of trained boys.

(c) No, Sir; Government are not aware of any such complaint. The activities of the three Naval Establishments in question and of the Service as a whole are publicized from time to time.

### MUSLIMS IN ALL-INDIA RADIO.

166. \***Nawab Siddique Ali Khan:** (a) Will the Honourable Member for Information and Broadcasting please state the number of Muslims and non-Muslims employed in the following posts in the All-India Radio:—

(i) in the regular peace time cadre; and

(ii) in the present war time cadre: Station Director, Assistant Station Director, Station Engineer, Research Engineer, Maintenance Engineer, Deputy Installation Engineer, Assistant Engineer, Technical Assistant, Director of Programmes, Programme Assistant and Administrative posts at Headquarters?

(b) Is it a fact that certain posts in the All-India Radio have been exempted from the Government order about the percentage of communal representation? If so, which of the posts mentioned in (a) above have been affected by this exemption?

(c) On what basis had this exemption been applied?

(d) Do Government propose to consider the desirability of applying the orders regarding communal representation to the posts exempted from their application in order to increase the number of Muslims in the superior posts? If not, why not?

**The Honourable Sir Sultan Ahmed:** (a) (i) and (ii). A statement giving the required information is laid on the table of the House.

(b) Yes; the posts of D. G., A. I. R., D. D. G., Chief Engineer, Assistant Chief Engineer, Public Relations Officer, Director of Programmes Planning (now re-designated Director of Programmes), Station Director, Assistant Station Director, Research Engineer, Director of Programmes (now re-designated Programme Executive) have been exempted from the orders regarding communal representation.

(c) Mainly because either the incumbents were required to possess special qualifications or the posts were isolated ones.

(d) No, for the reasons given in reply to part (c).

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

Statement showing the number of Muslims and non-Muslims employed in certain posts in the All-India Radio, in the regular peace time cadre; and in the present war time cadre.

|                                                    | Muslims Non-Muslims |    |                                                     | Muslims Non-Muslims |     |
|----------------------------------------------------|---------------------|----|-----------------------------------------------------|---------------------|-----|
|                                                    |                     |    |                                                     |                     |     |
| <i>In Regular peace time cadre—</i>                |                     |    | <i>In the present war time cadre—</i>               |                     |     |
| Station Directors                                  | 3                   | 5  | Station Directors                                   | 3                   | 7   |
| Assistant Station Directors                        | 1                   | 2  | Assistant Station Directors                         | 4                   | 6   |
| Station Engineers                                  | ..                  | 4  | Station Engineers                                   | 1                   | 9   |
| Research Engineer                                  | ..                  | 1  | Research Engineer                                   | ..                  | 1   |
| Maintenance Engineer                               | ..                  | 1  | Maintenance Engineer                                | ..                  | 1   |
| Deputy Installation Engineers, etc.                | ..                  | 7  | Deputy Installation Engineer, etc.                  | ..                  | 1   |
| Assistant Engineers                                | 2                   | 21 | Assistant Engineers                                 | 6                   | 41  |
| Technical Assistants                               | 7                   | 59 | Technical Assistants                                | 10                  | 107 |
| Director of Programmes (now Programme Executives). | 1                   | 6  | Directors of Programmes (now Programme Executives). | 6                   | 15  |
| Programme Assistants                               | 16                  | 29 | Programme Assistants                                | 26                  | 51  |
| Administrative posts at Headquarters.              | 1                   | 6  | Administrative posts at Headquarters.               | 3                   | 9   |

#### STEPS FOR RAISING NUMBER OF MUSLIMS IN THE TECHNICAL AND ENGINEERING SECTION OF ALL-INDIA RADIO.

167. \*Nawab Siddique Ali Khan: Will the Honourable Member for Information and Broadcasting please state the steps taken by Government, since the Honourable the Home Member gave replies to questions in the Central Assembly in March, 1942, and the steps proposed to be taken in the near future, to increase the number of Muslims in the Technical and Engineering Section of the All-India Radio?

The Honourable Sir Sultan Ahmed: The minimum qualification in the case of candidates from the Muslim community has been relaxed and all candidates who have a degree in Electrical Engineering or Science are called for interview, irrespective of whether or not they have a special knowledge or practical experience of wireless; the latter qualification is essential in the case of members of other communities. A request was recently made by the Director-General, All-India Radio, to the Universities and the names of a few Muslim candidates have been suggested to him. It is proposed to give these candidates practical training in All-India Radio.

Rao Bahadur N. Siva Raj: Will the Honourable Member please state whether the exemption does not apply to the members of the Scheduled Castes. It appears from the reply that the exemption does not apply to minorities other than Muslims?

The Honourable Sir Sultan Ahmed: I would like to have notice of that question.

#### MUSLIMS PROMOTED AS STATION ENGINEERS AND ASSISTANT ENGINEERS IN ALL-INDIA RADIO.

168. \*Nawab Siddique Ali Khan: (a) Will the Honourable Member for Information and Broadcasting please state the number of Muslims and non-Muslims promoted to the posts of Station Engineer and Assistant Engineer from the ranks of Assistant Engineer and Technical Assistant, respectively, since April, 1942?

(b) Is it a fact that while making promotions in the Technical Section of the All-India Radio, no attempt is made to maintain the communal balance, and the Muslims claims are ignored? If so, why?

The Honourable Sir Sultan Ahmed: (a) No promotions have been made during the period in question to the posts of Station Engineer and Assistant Engineer in a permanent capacity. One post of Station Engineer and nine posts of Assistant Engineers have been filled in an officiating capacity. These were filled by the promotion of non-Muslims.

(b) The rules of communal composition are not applicable in cases of promotion which are made on the basis of seniority and merit and the question of maintaining communal balance in such cases does not arise.

Dr. Sir Zia Uddin Ahmad: May I know whether the 25 per cent. rule settled by the Home Department in 1934 is applicable to the Information Department?

The Honourable Sir Sultan Ahmed: Yes, in some cases; but not in the case of posts which I have mentioned and where there is promotion.

Dr. Sir Zia Uddin Ahmad: May I know whether these posts are considered to be technical posts?

The Honourable Sir Sultan Ahmed: I will be answering another question of Nawab Siddique Ali Khan and in that reply I will explain the position.

Dr. Sir Zia Uddin Ahmad: You can get Muslims who hold B.Sc. degree in Engineering as well as B.Sc. degree in Science. You cannot call B.Sc. degree in Science as technical training.

The Honourable Sir Sultan Ahmed: I wish I could get the names of the candidates. I should be very pleased to consider them. The difficulty in the Department is that we do not get a sufficient number of Muslim candidates for the technical side.

Dr. Sir Zia Uddin Ahmad: I guarantee I shall be able to supply as many as the Honourable Member can manage to employ.

#### MUSLIMS AS TECHNICAL ASSISTANTS AND PROGRAMME ASSISTANTS IN ALL-INDIA RADIO.

169. \*Nawab Siddique Ali Khan: Will the Honourable Member for Information and Broadcasting, please state the number of Muslims and non-Muslims appointed in the last three selections, to the posts of Technical Assistant and Programme Assistant in the All-India Radio? Were Muslims holding the requisite qualifications not available for the post of Technical Assistant?

The Honourable Sir Sultan Ahmed: 11 Muslims and 22 non-Muslims were appointed to the posts of Programme Assistant out of the candidates approved at the last three selections. The number of Muslims and non-Muslims appointed as Technical Assistants is 10 and 86, respectively. The latter part of the question does not arise.

Dr. Sir Zia Uddin Ahmad: I shall put the same question again. Will the Honourable Member maintain the rule of 25 per cent. for Muslims.

The Honourable Sir Sultan Ahmed: I have said that 11 Muslims and 22 non-Muslims have been appointed.

Dr. Sir Zia Uddin Ahmad: This question of technical appointment should not be made an excuse for excluding the Muslims altogether, as has been done by the Labour Department which goes to the Home Member for protection.  
(No reply.)

170. \*[Disallowed.]

#### OFFICE HOURS IN IMPERIAL SECRETARIAT AND ATTACHED OFFICES.

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

(a) the hours of employment prescribed for the staff of the Imperial Secretariat, Attached and Subordinate Offices at New Delhi and Delhi (Gazetted staff and non-Gazetted staff to be stated, separately);



(b) if it is a fact that Gazetted staff is permitted to deviate from the prescribed hours; if so, the reasons therefor;

(c) if it is a fact that no deviation is permissible to non-Gazetted staff;

(d) if it is a fact that non-Gazetted staff is required to attend on the Gazetted staff whenever required by the Gazetted staff over and above the prescribed hours; if so, the reasons therefor; and

(e) whether the non-Gazetted staff are paid any extra pay for the hours they are utilised over and above the prescribed hours; if not, why not?

**The Honourable Sir Reginald Maxwell:** (a) The office hours prescribed for the Civil Departments of the Secretariat, both for Gazetted and non-Gazetted staff, are 10-30 A.M. to 6 P.M. on week-days other than Saturdays and 10-30 A.M. to 1-30 P.M. on Saturdays. The office hours in the War Department and General Headquarters are 9 A.M. to 5 P.M. on all week-days and on Sundays. The Departments have been given discretion to fix such office hours for their attached and subordinate offices as they consider suitable.

(b) and (c). The prescribed office hours are meant to be the minimum period of attendance in office by both Gazetted and non-Gazetted staff.

(d) Yes, if the state of work requires it.

(e) No. The Honourable Member is referred to the reply given on the 23rd March, 1942, to clause (j) of Sardar Sant Singh's question No. 66.

**ASSISTANT INSPECTORS AND ASSISTANT EXAMINERS OF INCOME TAX APPOINTED IN THE SIND AND BOMBAY DIVISION.**

†172. \***Mr. Lalchand Navalrai:** (a) Will the Honourable the Finance Member be pleased to state how many Assistant Inspectors and Assistant Examiners of Income Tax have been appointed within the last two years, in the Sind and Bombay Division; and what their qualifications were? How many of them have been recruited from the list of those candidates who obtained less number of marks in the All India Services Competitive Examinations such as I. C. S. and Indian Audit and Accounts Service and such others held by the Federal Public Service Commission?

(b) How many of the Assistant Inspectors and Assistant Examiners of Income Tax were recruited directly, and how many from administrative branches?

**The Honourable Sir Jeremy Raisman:** (a) and (b). I am making enquiries and a reply will be laid on the table of the House in due course.

**COMPLAINTS AGAINST THE BEHAVIOUR OF THE SUPERINTENDENT OF INDIAN LANGUAGES SECTION OF THE BUREAU OF PUBLIC INFORMATION.**

173. \***Bhai Parma Nand:** (a) Is the Honourable Member for Information and Broadcasting aware of the fact that the behaviour of the Superintendent of Indian Languages Section of the Bureau of Public Information with the Hindu staff under him is very rude and intolerable, and on account of this several Hindu members have resigned from their jobs?

(b) How many Hindu members of the Indian Languages Section have resigned since this Superintendent took charge?

(c) What steps, if any, have the authorities taken to protect the Hindu members of the Indian Languages Section from the behaviour of the Superintendent?

**The Honourable Sir Sultan Ahmed:** (a) No.

(b) and (c). Eight members of the superior staff of the Indian Languages Section, including two Muslims, have submitted resignations since the present

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

superintendent took charge of the Section. Of these, only two resignations were on the ground of alleged bad behaviour of the Superintendent. Both the cases were investigated by the Administrative Officer of the Bureau—an Indian Christian—and the allegations were found to be baseless.

**ILLNESS OF SHRIMATI PARVATI DEVI.**

†174. \***Mr. T. T. Krishnamachari:** Will the Honourable the Home Member be pleased to state:

(a) whether the attention of Government has been drawn to the fact that Shrimati Parvati Devi, a prominent lady of Delhi, who was arrested in August, 1942, and has since been confined as a security prisoner in Lahore, has been ailing for several months past from a fracture sustained by a fall in the jail; and

(b) whether Government propose to consider the desirability of releasing her, considering the fact that she has been in hospital for the past nine months?

**The Honourable Sir Reginald Maxwell:** (a) The Chief Commissioner has reviewed the case of this lady from time to time, taking into account the medical reports on her health, and has recently ordered her release.

(b) Does not arise.

**ILLNESS OF DR. SYED MAHMUD AND MR. VALLABHAI PATEL.**

†175. \***Mr. T. T. Krishnamachari:** Will the Honourable the Home Member please state:

(a) whether the attention of Government has been drawn to the fact that Dr. Syed Mahmud, a Member of the Congress Working Committee now in detention at an unknown place, has of late been suffering from a serious affection of the throat which is also causing continuous bleeding;

(b) whether the attention of Government has been drawn to the fact that Shri Vallabhai Patel, another member of the Congress Working Committee held in detention presumably at the same place, has been suffering for several months past from serious intestinal trouble;

(c) whether Government propose to consider the desirability of issuing a detailed statement about the health of these two gentlemen as well as about the health of the other members of the Working Committee now in detention;

(d) whether Government propose to consider the desirability of releasing the gentlemen who are seriously ill or in the alternative, of permitting them to have medical advice of their own choice; and

(e) whether Government propose to consider the possibility of allowing the members of the Congress Working Committee to have interviews with their friends and relations at stated intervals?

**The Honourable Sir Reginald Maxwell:** (a) Towards the end of December, 1943, Dr. Mahmud developed a superficial abscess on the neck; this was operated on under a local anaesthetic on January 6th, 1944, and he has since made a rapid recovery. His general condition is reported to be satisfactory and there is no question of his suffering from any serious throat affection or from continuous bleeding.

(b) Mr. Patel has for many years had what is known as a spastic colon. It is not a serious intestinal complaint. His condition has in no way deteriorated during his detention, as is shown from the fact that his weight has remained stationary, and recent reports on his health are satisfactory.

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

(c) I do not propose to add to what I have said above about the health of these two gentlemen. As for the remaining Members of the Working Committee now in detention, a careful watch over their health is maintained and Government are satisfied that their general condition is satisfactory.

(d) None of these gentlemen is seriously ill. They all receive every possible medical attention.

(e) No.

#### SHORTAGE OF SALT IN BENGAL.

176. \* { Pandit Lakshmi Kanta Maitra:  
Dr. Habibur Rahman:  
Mr. Muhammad Hussain Choudhury: } Will the Honourable the Finance Member be pleased to state:

(a) if he is aware;

(i) that there has been acute shortage of salt in Bengal since January last; and

(ii) that the price of ordinary salt has gone up enormously, and that in some districts of Bengal the price varies from Re. 1 to Rs. 2 per seer; and

(b) the steps, if any, he proposes to take to relieve this shortage?

**The Honourable Sir Jeremy Ralsman:** This question should have been addressed to the Honourable the Food Member.

#### ANTI-SUBMARINE SCHOOL.

†177. \***Mr. K. S. Gupta:** Will the War Secretary please state:

(a) the qualifications of the candidates for admission to the Anti-Submarine School;

(b) the emoluments of the qualified entrants;

(c) how many had training in the above school; and

(d) their period of training?

**Mr. C. M. Trivedi:** (a) All Executive Officers must undergo an Anti-Submarine Course at the School.

Ratings must be Able Seamen or Ordinary Seamen, quick witted, alert, not prone to sea-sickness and possessing normal hearing. They should be matriculates and recommended by their Commanding Officers.

(b) Officers who undergo short courses receive no additional emoluments. Officers who have done specialist courses receive additional allowances of from annas 12 per diem to Rs. 1-10 per diem when holding certain specified appointments.

Ratings receive additional allowances of from Rs. 4 to Rs. 10 per mensem.

(c) It is not in the public interest to give this information.

(d) The period of training varies from 4 to 23 weeks.

#### ANTI-SUBMARINE SCHOOL.

†178. \***Mr. K. S. Gupta:** Will the War Secretary please state:

(a) the number of officers and of men of the Royal Indian Navy already qualified at the Anti-Submarine School;

(b) whether it is purely intended for training Indians; if not, why not;

(c) how many officers of the Royal Indian Navy are Indians and non-Indians, separately;

(d) of the non-Indians, how many are British, South Africans, Australians, Canadians and Americans;

(e) the number of Royal Navy and allied personnel receiving instruction in the same institution;

(f) the total cost of maintaining the school; whether the whole amount is borne by the Indian exchequer; and

(g) whether there is a necessity to start Anti-Submarine Schools exclusively for Indians at several places on the long coast line of India?

**Mr. C. M. Trivedi:** (a) I regret I am unable to give this information in the interests of security.

(b) The Royal Indian Navy consists of Europeans as well as of Indians and training facilities are, therefore, open to all in the Service.

(c) I cannot give the actual figures, but 40 per cent. of the officers are Indians and 60 per cent. non-Indians.

(d) I regret, Sir, this information is not readily available. I am having it collected and will lay a statement on the table in due course, giving the figures on a percentage basis.

(e) Ten Royal Naval Ratings only.

(f) The total cost per annum is approximately Rs. 5 lakhs. The school is a Joint Measure and half the cost is borne by His Majesty's Government.

(g) No, Sir, not at present.

#### PROPOSED VISIT TO INDIA OF MR. WALTER WHITE, AN AMERICAN JOURNALIST.

†179. \***Mr. K. S. Gupta:** (a) Is the Honourable Member for Information and Broadcasting aware of the proposed visit to India of Mr. Walter White, the well-known American Journalist and author?

(b) Is he coming here on invitation by the Government of India? If so, what is the purpose? Is he another envoy from President Roosevelt to study the present political situation?

(c) Has Mr. Walter White applied for permission to see Mahatma Gandhi and other leaders of the Congress who are behind the prison bars? If so, what is the answer by the Government of India?

(d) Is there any communication to the Government of India from Lord Halifax, the British Ambassador in Washington, about the concern of the coloured American citizens over Gandhiji's detention? If there is any, do the Government of India propose to place a copy of the same on the table?

**The Honourable Sir Sultan Ahmed:** (a) No.

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

(d) The answer to the first part is in the negative. The second part does not arise.

#### TRANSFER OF THE HINDI SECTION OF THE BUREAU OF PUBLIC INFORMATION TO LAHORE.

†180. \***Mr. Kailash Bihari Lal:** Will the Honourable Member for Information and Broadcasting please say:

(a) if it is a fact that Hindi Newspapers have strongly protested and are still protesting against the transfer of the Hindi Section of the Bureau of Public Information from Delhi to Lahore;

(b) whether Government are aware that by this transfer, Hindi papers will have a great handicap in getting Government of India's material much of which will become stale by the time it will reach most of the Hindi newspapers after an additional delay of at least three or four days; and whether Government realise that this delay will also adversely affect their publicity in the Hindi Press; and

(c) the steps, if any, Government propose to redress this?

**The Honourable Sir Sultan Ahmed:** (a) Some comments of the Hindi newspapers on the subject have been brought to my notice.

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

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

(b) what progress has been made in the Burma campaign, since the establishment of the South-East Asia Command?

**Mr. O. M. Trivedi:** (a) I would refer the Honourable Member to my statement on the war situation laid on the table on the 14th February, 1944, in reply to Mr. Lalchand Navalrai's starred question No. 94. There is no intention of allotting a day for a debate on the war situation.

(b) This was described in my statement on the war situation referred to above. In that statement I said that the Japanese were making a counter effort in Arakan to try and relieve the pressure being put on them. It can now be stated that the enemy have failed in their object after heavy fighting in which they have sustained severe casualties. We have definitely got the upper hand, but fighting continues and it is not yet possible to assess the final extent of our success in this phase of the operations. In other parts of the Burma front, steady pressure is being maintained.

#### LAND ACQUIRED BY MILITARY IN ASSAM FOR AERODROMES, ETC.

**187. \*Mr. Ananga Mohan Dam:** (a) Will the Honourable the Defence Member please state how many acres of land have been acquired by the military in Assam for aerodromes etc?

(b) How many families have been required to vacate their ancestral homestead?

(c) How many villages in the Habiganj Sub-Division in the district of Sylhet are going to be acquired by the military?

(d) Have the people been compensated for lands, houses and other belongings?

(e) Have they been given lands for cultivation and construction of houses?

**Mr. O. M. Trivedi:** With your permission, Sir, I will answer questions Nos. 187 and 188 together.

The information required by the Honourable Member is not available. I am asking the Provincial Governments concerned to collect as much information as possible, and will lay it on the table in due course.

#### LAND ACQUIRED BY MILITARY IN BENGAL FOR AERODROMES, ETC.

**†188. \*Mr. Ananga Mohan Dam:** Will the Honourable the Defence Member please state:

(a) how many acres of land have been acquired by the Military in Bengal for Aerodromes, etc.;

(b) how many people have been required to vacate their ancestral homestead lands, and how many houses were demolished;

(c) if it is a fact that about 22 villages nearabout Kanchrapara, Bengal, have recently been acquired by the military; whether Government are aware that these villages were producers of vegetables and other agricultural products;

(d) what steps Government have taken to rehabilitate the villagers who were not even allowed to take away any produce of their lands, nor any part of their house, e.g., doors, corrugated sheets, etc.;

(e) whether Government have supplied these villagers, who are mostly poor agriculturists, with building materials; and

(f) whether Government are not aware that an acute state of famine is still prevailing in Bengal, and such indiscriminate acquiring of agricultural land will dislocate the whole economic fabric of the society, and create discontent?

#### EXPERTS IMPORTED BY THE CENTRAL GOVERNMENT.

**189. \*Mr. Ananga Mohan Dam:** (a) Will the Honourable the Home Member please state how many experts have been imported into India by the Central Government since 1939, and the total salary and other emoluments paid to these gentlemen to date?

(b) What work has been done, and the results achieved so far by these imported experts?

†For answer to this question, see answer to question No. 187.

(c) Are they contemplating to import more experts in future? If so, for what subjects?

**The Honourable Sir Reginald Maxwell:** (a), (b) and (c). No experts have been imported by Home Department since 1939. So far as other Departments are concerned, the Honourable Member should address a question to the Honourable Members in charge of the particular Departments, in respect of which he desires information.

**Maulvi Muhammad Abdul Ghani:** Is not the Honourable the Home Member the custodian of the All-India Services?

**The Honourable Sir Reginald Maxwell:** Of the All-India Services, yes; but they do not include experts.

#### ANGLO-INDIANS, ETC., IN W. A. C. (I.)

**190. \*Mr. Frank R. Anthony:** Will the War Secretary be pleased to state:

(a) the total number of personnel in the W. A. C. (I.);

(b) the number of Anglo-Indians, Domiciled Europeans and Europeans, separately, therein; and

(c) the number of Anglo-Indian officers, Domiciled European officers and European officers, separately, therein?

**Mr. O. M. Trivedi:** (a) Officers—629.

Auxiliaries—6,888.

(b) Auxiliaries:

Anglo-Indians—3,050.

Europeans and Domiciled Europeans—1,495.

(c) Offices:

Anglo-Indians—72.

Europeans and Domiciled Europeans—509.

**Mr. Frank R. Anthony:** Will the Honourable Member be pleased to tell us why Domiciled Europeans and Europeans are lumped together?

**Mr. O. M. Trivedi:** I have not got separate figures for Europeans and Domiciled Europeans.

**Mr. Frank R. Anthony:** Will the Honourable Member please try to secure separate figures for Domiciled Europeans and Europeans?

**Mr. O. M. Trivedi:** I will try to do that but I do not promise that I shall succeed.

**Mr. Frank R. Anthony:** Is the Honourable Member aware that this disproportion in the number of officers as between Anglo-Indians and Europeans is alleged to be due to communal discrimination?

**Mr. O. M. Trivedi:** I am not aware that it is due to communal discrimination, but I do not regard the position as wholly satisfactory and I am going into it.

**Mr. Frank R. Anthony:** Will the Honourable Member also please inquire into the alleged unsatisfactory conditions of the general service personnel which are retarding further recruitment?

**Mr. O. M. Trivedi:** If the Honourable Member will give me some indication of what conditions are, in his opinion, retarding recruitment, I shall certainly go into them.

#### ANGLO-INDIANS, ETC., IN THE AUXILIARY NURSING SERVICE.

**191. \*Mr. Frank R. Anthony:** Will the War Secretary be pleased to state:

(a) the total number of personnel in the Auxiliary Nursing Service; and

(b) the number of Anglo-Indians, Domiciled Europeans and Europeans, separately, therein?

**Mr. O. M. Trivedi:** (a) 1,350.

(b) Anglo-Indians—460.

Domiciled Europeans—90.

Europeans—174.

**Mr. Frank R. Anthony:** Will the Honourable Member please inquire into the widespread complaints which are received of discrimination in the messes where European and Indian members of the mess are required to sit at different

tables and are served with different kinds of food? Will he inquire into the allegations?

**Mr. C. M. Trivedi:** I had not heard of that complaint before, but I will certainly inquire into it.

#### ANGLO-INDIANS, ETC., IN THE INDIAN MILITARY NURSING SERVICE.

192. **\*Mr. Frank R. Anthony:** Will the War Secretary be pleased to state:

- (a) the total number of personnel in the Indian Military Nursing Service; and
- (b) the number of Anglo-Indians, Domiciled Europeans and Europeans separately, therein?

**Mr. C. M. Trivedi:** (a) 624.

(b) Anglo-Indians—263.

Domiciled Europeans—57.

Europeans—84.

**Mr. Frank R. Anthony:** Will the Honourable Member be pleased to inquire into the discriminatory treatment that exists in this Service also? These discriminations are causing considerable resentment amongst the girls who are doing their work in an admirable manner. They are made to pay the same charges per head and yet they are kept on different tables and are given different qualities of food.

**Mr. C. M. Trivedi:** I have not heard of the allegation before, but I will certainly inquire into it.

#### ANGLO-INDIANS, ETC., IN THE ROYAL ARMY MEDICAL CORPS.

193. **\*Mr. Frank R. Anthony:** Will the War Secretary be pleased to state:

- (a) the total number of Anglo-Indians in the Royal Army Medical Corps;
- (b) the number of Anglo-Indian Privates, Corporals and Sergeants, separately, therein;
- (c) the total number of Britishers in the Royal Army Medical Corps; and
- (d) the number of British Privates, Corporals and Sergeants, separately, therein;

**Mr. C. M. Trivedi:** (a) and (c). I regret, Sir, that for security reasons I am unable to give the figures.

(b) and (d). The percentage composition of other ranks in the Royal Army Medical Corps in India is:

Anglo-Indians:

Sergeants—0.9 per cent.

Corporals—1.4 per cent.

Privates—11.0 per cent.

British:

Sergeants—7.1 per cent.

Corporals—8.6 per cent.

Privates—67.0 per cent.

**Mr. Frank R. Anthony:** Will the Honourable Member please inquire also with regard to these services that communal discrimination is being practised?

**Mr. President** (The Honourable Sir Abdur Rahim): Is any such allegation mentioned in the question?

**Mr. Frank R. Anthony:** No, Sir.

**Mr. President** (The Honourable Sir Abdur Rahim): Then, I cannot allow that question.

#### TAKING OF CHARGE FROM THE MANAGING COMMITTEES OF THE JUMA MASJID, ETC.

194. **\*Maulvi Muhammad Abdul Ghani:** Will the Honourable the Home Member please state:

- (a) whether the Provincial Government of Delhi has authorised the Nazir-e-Awakfs, Sunni Majlis Awkaf of Delhi, to take charge from the Managing Committees of the Juma Masjid, the Fatehpuri Masjid and the Anjuman Moidul Islam; if so, under what section of the Delhi Muslim Wakfs Act, 1943; and
- (b) whether the attention of Government has been drawn to Section 25 and sub-section (2) of Section 25 of the said Act?

#### STARRED QUESTIONS AND ANSWERS

The Honourable Sir Reginald Maxwell: (a) Yes, under Section 71(3) of the Act.

(b) Yes.

**Maulvi Muhammad Abdul Ghani:** May I ask whether the authorisation by the Chief Commissioner to take charge of these Awkafs is not illegal, having regard to section 25 of the Delhi Muslim Wakfs Act, 1943?

**The Honourable Sir Reginald Maxwell:** If the Honourable Member is asking for my opinion as regards the legality or validity of the action taken, I am not prepared to give an opinion on such a point in answer to a supplementary question.

#### GENERAL ELECTIONS TO CANTONMENT BOARDS.

195. **\*Nawab Siddique Ali Khan** (on behalf of Qazi Muhammad Ahmad Kazmi): (a) Will the Honourable the Defence Member please state if it is a fact that the number of elected Members in various Cantonment Boards varies from two to eight in the several Boards?

(b) Is it a fact that the General Elections of the Cantonment Boards have taken place previously during the course of War?

(c) Is it a fact that the sums spent in the General Elections to the Cantonment Board are comparatively small?

(d) Is it a fact that the estimated amount to be spent in General Elections to the Cantonment Board in Allahabad is about Rs. 45 only?

(e) Is it a fact that bye-elections in the Cantonment Boards are taking place even during the course of the war?

(f) Is it a fact that many rate-payers' associations in Cantonment Boards have passed resolutions for the holding of General Elections in 1944?

(g) Have Government considered the advisability of not postponing General Elections to the Cantonment Boards in 1944?

**Mr. C. M. G. Ogilvie:** Information has been called for and a reply will be laid on the table of the House in due course.

#### CERTAIN MILITARY SERVANTS DISQUALIFIED FOR ELECTION TO ALLAHABAD CANTONMENT.

196. **\*Nawab Siddique Ali Khan** (on behalf of Qazi Muhammad Ahmad Kazmi): (a) Will the Honourable the Defence Member please state if it is a fact that in March, 1943, the Brigadier of Allahabad Area held that persons in Military service, getting about Rs. 150 per mensem on a daily basis, are not prohibited from contesting an election to the Cantonment Board?

(b) If the answer to (a) be in the affirmative, have Government considered the advisability of instructing the authorities concerned not to allow such military servants to contest elections?

**Mr. C. M. G. Ogilvie:** I am collecting the information and will lay it on the table in due course.

#### UNSTARRED QUESTIONS AND ANSWERS.

##### PAY, ETC., OF THE ADDITIONAL DEPUTY PRINCIPAL INFORMATION OFFICER.

57. **Mr. Muhammad Azhar Ali:** Will the Honourable Member for Information and Broadcasting please state the scale of pay and the nature of duties of the Additional Deputy Principal Information Officer?

**The Honourable Sir Sultan Ahmed:** The scale of pay of Mr. B. L. Sharma, Additional Deputy Principal Information Officer, is Rs. 1100—40—1300.

His duties are to look after India's war publicity abroad and general war publicity in India.

##### ACCREDITED CORRESPONDENTS WITH THE GOVERNMENT OF INDIA.

58. **Mr. Muhammad Azhar Ali:** Will the Honourable Member for Information and Broadcasting please state:

(a) names of the accredited Correspondents with the Government of India for publicity;

(b) the newspapers or news-agencies which they represent; and

(c) the date on which the first recognition was given to the present representatives?

**The Honourable Sir Sultan Ahmed:** A statement giving the required information is supplied herewith.

*Statement showing the names of accredited Press Correspondents at the Headquarters of the Government of India, the newspapers and/or news agencies represented by them and the dates of accreditation.*

| Names.                                                                                                                                                                                                                                                                | Date of Accreditation.                                                                                                 | Newspapers and or News-agencies represented.                                                                                                                                                                                                                                                                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Mr. S. N. Bhatnagar<br>*Mr. S. N. Chopra                                                                                                                                                                                                                              | 4-3-32                                                                                                                 | Watan, Delhi.<br>Swarajya, Delhi.<br>Nagpur Times, Nagpur.<br>National News Service, Delhi.<br>Patna Times, Patna.<br>Vir Bharat, Lahore.                                                                                                                                                                             |
| Mr. Dharam Yash Dev.<br>Mr. Durga Das<br>Mr. A. S. Ayangar                                                                                                                                                                                                            | 3-2-42<br>22-11-41<br>27-9-32                                                                                          | Statesman, New Delhi.<br>Tribune, Lahore; Daily Milap, Lahore<br>Indian Nation, Patna.<br>Ajmal Daily, Bombay; Inquilab, Lahore.                                                                                                                                                                                      |
| *Mr. Mohd. Jafri<br>Mr. A. C. Khosla                                                                                                                                                                                                                                  | 1-2-36                                                                                                                 | Daily Herald, Lahore; Congress, Delhi<br>National News Service, Delhi; Financial News, Bombay; Hindu Sansar, Karachi;<br>Commercial Daily Report, Bombay.<br>Hindustan Times, New Delhi; Federation of India, Madras; Indian Finance, Calcutta;<br>Bombay Sentinel, Bombay; Hyderabad Bulletin, Hyderabad.            |
| Mr. O. V. Krupanidhi                                                                                                                                                                                                                                                  | 23-10-36                                                                                                               | Civil and Military Gazette, Lahore.<br>Commerce, Bombay.<br>News Chronicle, London.<br>Orient Press of India, Delhi.<br>Ditto.                                                                                                                                                                                        |
| Mr. A. N. Kumar<br>Dr. Lanka Sundram                                                                                                                                                                                                                                  | 16-4-37<br>9-10-37                                                                                                     | Roy's Weekly, New Delhi.<br>Hindu, Madras; Manchester Guardian, Manchester.                                                                                                                                                                                                                                           |
| †Mr. Syed Mohammad<br>†Mr. Aslam Siddiqi<br>Mr. R. Mathavan Nair<br>Mr. B. Shiva Rao                                                                                                                                                                                  | 17-1-44<br>17-1-44<br>29-7-41<br>31-3-35                                                                               | Amrit Bazar Patrika, Calcutta.<br>National Call, Delhi.<br>Associated Press of India.<br>Associated Press of India.<br>Associated Press of India.<br>United Press of India.                                                                                                                                           |
| Mr. M. Roy<br>Mr. J. N. Sahni<br>*Mr. S. A. Sestri<br>*Mr. U. N. Sen<br>Mr. A. K. Qureshi<br>Mr. K. C. Sen Gupta<br>Mr. P. D. Sharma                                                                                                                                  | 15-4-36<br>6-11-40<br>19-4-43<br>16-3-39<br>15-5-33                                                                    | United Press of India; Daily Press, Lahore; Janmabhumi, Bombay; Hindustan Standard, Calcutta; United Press of America; British United Press, London; United Press Association, New York.                                                                                                                              |
| †Mr. C. L. Suri<br>Mr. Sri Krishana                                                                                                                                                                                                                                   | 16-9-43<br>20-12-34                                                                                                    | Anand Bazar Patrika, Calcutta.<br>Mail, Madras; Bombay Chronicle, Bombay.<br>Andhra Patrika, Madras; Dawn, Delhi.<br>Capital, Calcutta; Star of India, Calcutta.<br>Hindu, Karachi; Leader, Allahabad.                                                                                                                |
| Mr. Hiral Ahmed Zubairi<br>Mr. Mohd. Umar<br>Mr. Indra Prakash<br>†Mr. S. L. Kapur<br>†Dr. M. S. Natarajan                                                                                                                                                            | 22-10-40<br>29-9-42<br>10-3-43<br>22-4-42<br>4-7-41                                                                    | Anandri, Delhi.<br>Anjan, Delhi.<br>Hindu Outlook, New Delhi.<br>Jugantar, Calcutta.<br>Journal of the Dewan Chand Political Information Bureau.                                                                                                                                                                      |
| Mr. Shyam Gopal Roy<br>Mr. Harish Chandra<br>*Mr. K. V. Venkataram<br>Mr. Z. A. Suleri<br>Mr. Dharampal Gupta<br>Dr. P. S. Lokanathan<br>Mr. P. N. Bajpai<br>Mr. D. G. Kulkarni<br>†Mr. Somina Venkiah<br>Mr. J. K. Cowley<br>†Mr. K. Rama Murti<br>†Mr. J. N. Shukla | 6-2-43<br>10-3-43<br>11-5-43<br>20-5-43<br>16-6-43<br>26-6-43<br>29-7-43<br>16-11-43<br>18-11-43<br>2-12-43<br>13-1-44 | Vanguard, Delhi.<br>Vir Arjun, Delhi.<br>Indian Spectator, New Delhi.<br>Eastern Times, Lahore.<br>The 'Tej', Delhi.<br>Editor, Eastern Economist, New Delhi.<br>"Aj", Benares City.<br>Sakal, Poona.<br>The Daily Akali, Lahore.<br>The Statesman, New Delhi.<br>The Hitavada, Nagpur.<br>The Gujarati Mitra, Surat. |

\*Date of accreditation is not available due to destruction of old records.  
†Provisionally accredited

**PERSONS AUTHORISED TO MAKE RULES UNDER SUB-SECTION (2) OF SECTION 241 OF THE GOVERNMENT OF INDIA ACT, 1935.**

**59. Mr. Muhammad Ashar Ali:** Will the Honourable the Home Member please state the person or persons authorised by the Governor General in Council to make rules for the purposes referred to in sub-section (2) of Section 241 of the Government of India Act, 1935?

**The Honourable Sir Reginald Maxwell:** No persons are at present authorised by the Governor General in Council to make the rules referred to in the question.

#### RULES RE CONDITIONS OF SERVICE UNDER FEDERATION.

**60. Mr. Muhammad Ashar Ali:** Will the Honourable the Home Member please state if it is a fact that the Governor General (Central Government) has not yet made rules under clause (a) of sub-section (2) of Section 241 of the Government of India Act, 1935, for the conditions of services of persons serving His Majesty in a civil capacity (including Railways) in India in connection with the affairs of the Federation (Central Government)? If so, when were they made and published in the Gazette of India?

**The Honourable Sir Reginald Maxwell:** No. Several rules have been made by the Central Government under this Section consolidating, revising and amending the rules in force immediately before the 1st April 1937, which by virtue of Section 276 of the Act continued in force from that date. The rules regulating the conditions of service of railway servants will be found in the publication called the State Railway Establishment Code. The other rules have been published from time to time in the Gazette of India.

#### THEFTS REGISTERED BY THE POLICE STATION, SHAHDARA, DELHI.

**61. Mr. Muhammad Ashar Ali:** Will the Honourable the Home Member please state the number of thefts registered by the Police Station, Shahdara, Delhi Province, during 1943, and the number of them so far remained untraced together with the minimum and maximum period taken in tracing them?

**The Honourable Sir Reginald Maxwell:** There were 18 cases of theft registered at the Shahdara Police Station during the year 1943, of which 6 remained untraced. The time taken in investigation ranged from three to eight weeks.

#### PROCEDURE FOR ADMISSION AS ACCREDITED CORRESPONDENTS.

**62. Mr. Muhammad Ashar Ali:** Will the Honourable Member for Information and Broadcasting please state:

(a) the procedure prescribed for admission for publicity of the accredited Correspondents with the Government of India;

(b) the nature of privileges, rights or concessions granted to an accredited Correspondent; and

(c) whether there is any discrimination in treatment, privileges, rights or concessions amongst them; if so, what?

**The Honourable Sir Sultan Ahmed:** (a), (b) and (c). A statement giving the information required is laid on the table.

#### Statement.

(a) The procedure prescribed for the accreditation of Press Correspondents at the Headquarters of Government of India is:

1. Any correspondent seeking to be accredited must produce a letter from the Editor of his paper or News Agency, requesting that he may be accredited.
2. The correspondents must be genuine accredited agents, representing bona fide news agencies, newspapers or periodicals published at regular intervals of not more than one week.
3. There may be, from time to time, cases of genuine journalists who are either freelance or who represent periodicals published at intervals greater than one week; in such cases, without being accredited to the Government of India, they may be allowed to receive the material issued by the Bureau of Public Information (if they arrange to have it fetched themselves from the Bureau) and to make inquiries from the Bureau's Information Officers, but they will not normally be admitted to Press Conferences.



4. The foregoing applies only to the correspondents stationed permanently at the headquarters of the Government of India. In the case of occasional visiting correspondents, generally of overseas newspapers, the Principal Information Officer may informally allow them the privileges of the press room during limited period.

The above rules are under revision.

(b) The privileges, rights, etc., of an accredited correspondent are:—

1. He may obtain authoritative information regarding the activities of the Departments of the Government of India.

2. He is invited to all Government of India Press Conferences.

3. He receives Government of India communiques, Press notes and background material issued by the Bureau; these are delivered at his residence.

4. He is allowed the use of the Government of India Press Room and Library.

(c) No.

#### ESSENTIAL SUPPLIES SCHEME.

**63. Mr. Muhammad Azhar Ali:** Will the Honourable the Home Member please state the particulars of the Essential Supplies Scheme, i.e., the supply of commodities to Government servants, and whether the said scheme is working satisfactorily? If not, what are the reasons therefor?

**The Honourable Sir Reginald Maxwell:** Under the Essential Supplies Scheme arrangements have been made for the supply of wheat, rice, sugar, kerosene, steam coal, soft-coke, charcoal and firewood for all whole-time Central Government servants living in Delhi. Broadly speaking, the arrangements are that some dealers, out of those who are already doing business in Delhi, have been selected for the purpose of selling the commodities to Government servants on the presentation of coupons and at agreed prices. Wherever necessary, assistance to the extent possible is given in obtaining supplies. Although shortages, particularly of fuel and kerosene, have been experienced now and again, the scheme is on the whole working satisfactorily.

#### REPRESENTATIONS FOR REVISION OF DEARNESS ALLOWANCE RATES.

**64. Mr. N. M. Joshi:** Will the Honourable the Finance Member be pleased to state:

(a) whether it is a fact that the working class cost of living index figure as published in the Bombay Government Gazette was 105 for the month of August, 1939 and 117 for January, 1941;

(b) whether the said figure had steadily increased and it rose to 121 in April, 1941, 136 in January, 1942, 168 in August, 1942, 203 in January, 1943, 227 in May, 1943, 245 in September, 1943, and 248 in October, 1943;

(c) whether Government had received representations from their employees in the Postal and other Departments for a further revision of rates of the dearness allowance; and if so, whether Government are prepared to grant their request, and to what extent, and from which date;

(d) if the answer to (c) above be in the negative, the reasons and grounds on which Government refused to revise the rates and extend its benefit to the employees in receipt of pay in excess of the pay-limits fixed for granting the same; and

(e) whether Government are aware of the great dissatisfaction and discontent prevailing among, and the hardships caused to, their employees by reason of their refusal to revise their policy regarding the grant of dearness allowance?

**The Honourable Sir Jeremy Raisman:** (a) Yes.

(b) Yes, except that the figure for January 1942 was 137.

(c), (d) and (e). The question of revising the existing rates of dearness allowance is under consideration.

#### DEARNESS ALLOWANCES FOR INFERIOR SERVANTS.

**65. Mr. N. M. Joshi:** Will the Honourable the Finance Member be pleased to state:

(a) the principles, basis and methods which Government have adopted or propose to adopt in regard to the grant of dearness allowance to their inferior and subordinate employees working in different departments and different places;

#### UNSTARRED QUESTIONS AND ANSWERS.

(b) whether they grant the allowance on the same principles, basis and methods on which employees of the major industrial and commercial concerns in principal places in India grant such allowance to their employees; and

(c) if the reply to (b) be in the negative; the reasons and grounds for their not doing so?

**The Honourable Sir Jeremy Raisman:** (a) The attention of the Honourable Member is invited to the memoranda on dearness allowance in the proceedings of the Standing Finance Committee at their meetings of 19th September, 1942, 8th February and 31st July, 1943.

(b) and (c). Government are not aware that any uniform principles, bases or methods have been accepted for general adoption by all major industrial and commercial concerns. It may further be observed that the conditions of service of Government servants differ substantially in certain regards from those of individuals in private employ. Attention is also invited in this connection to the reply given on the 11th August, 1943, to part (b) of Mr. A. N. Chatterpaddy's starred question No. 312.

**DEARNESS ALLOWANCE SANCTIONED FOR EMPLOYEES OF THE CENTRAL GOVERNMENT**

**66. Mr. N. M. Joshi:** Will the Honourable the Finance Member be pleased to state:

(a) the date when the dearness allowance was first sanctioned to the employees of the Central Government working in different places in India, and the wage limits up to which it was sanctioned;

(b) the cost of living index figure, official or otherwise, prevailing in August, 1939, and thereafter in places such as Bombay, Madras, Nagpur, Cawnpore and Calcutta;

(c) the date from which actual effect was given to their orders sanctioning the said allowance; and

(d) the dates and other particulars on the points mentioned in (a), (b) and (c) above, regarding the revision of the said allowance sanctioned from time to time thereafter?

**The Honourable Sir Jeremy Raisman:** (a) Dearness allowance on an all India basis was first sanctioned for Central Government employees (other than Railway servants) in August 1942. (Details will be found in the proceedings of the meeting of the Standing Finance Committee of the 19th September, 1942). Previous to that date, they were granted grain compensation or compensatory cost of living allowances at the rates admissible to similar employees of the local Governments of the Provinces in which they were stationed.

(b) A statement is attached.

(c) The all-India scheme was given effect to in respect of pay for August 1942 drawable in September 1942.

(d) The Honourable Member's attention is invited to the proceedings of the meetings of the Standing Finance Committee of the 8th February and 31st July, 1943.

Statement showing cost of living index figures.

| Place.      | Base.                                       | August. |      |      |      |
|-------------|---------------------------------------------|---------|------|------|------|
|             |                                             | 1939    | 1942 | 1943 | 1943 |
|             | Average for the year ending June 1934 = 100 | 105     | 168  | 203  | 235  |
| 1. Bombay   | Average for year ending June 1936 = 100     | 98      | 137  | 161  | 179  |
| 2. Madras   | August 1939 = 100                           | 100     | 183  | 212  | 361  |
| 3. Nagpur   | August 1939 = 100                           | 100     | 206  | 227  | 335  |
| 4. Cawnpore | August 1939 = 100                           | 100     | 150  | 206  | 258  |
| 5. Calcutta | August 1939 = 100                           |         |      |      |      |

**NOTE.**—The figures given in the above table do not indicate that they form the scientific basis of our dearness allowance scheme. Instead, the scheme is linked to a general appreciation of the economic conditions obtaining in the country from time to time.

**Dr. P. N. Banerjee** (Calcutta Suburbs: Non-Muhammadian Urban): With your permission, Sir, may I make a statement?

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member cannot make any statement now.

### STATEMENT OF BUSINESS.

**The Honourable Sir Sultan Ahmed** (Leader of the House): Sir, I undertook on Monday to make a statement today with reference to the request for an increase in the number of days allotted for the voting of Railway demands. Several Honourable Members appear to have been under the erroneous impression that the allotment of this year was unprecedentedly low. In point of fact, the allotment this year was the same as that which has been made every year from 1940 onwards. We recognise, however, that the number of parties competing on this occasion for an allotment of time for their cut motions has changed the position slightly; and, in the circumstances, His Excellency the Governor General has been pleased to allot Saturday, the 26th February, in addition to Thursday, the 24th and Friday, the 25th February, for the discussion of Railway demands. The House will remember that Saturday has already been appointed as a day on which the House would sit for the transaction of official business.

### ELECTION OF MEMBERS TO THE STANDING COMMITTEE ON EMIGRATION.

**Mr. President** (The Honourable Sir Abdur Rahim): I have to inform the Assembly that up to 12 Noon on Wednesday, the 16th February, 1944, the time fixed for receiving nominations for the Standing Committee on Emigration, eleven nominations were received. Subsequently three candidates withdrew their candidature. As the number of remaining candidates is equal to the number of vacancies, I declare the following members to be duly elected: (1) Sir F. E. James, (2) Mr. N. M. Joshi, (3) Mr. Anunga Mohan Dam, (4) Mr. Amarendra Nath Chattopadhyaya, (5) Syed Ghulam Bhik Nairang, (6) Khan Bahadur Shaikh Fazli-Haq Piracha, (7) Sir Syed Raza Ali, and (8) Mr. M. Ghiasuddin.

### 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 21st February, 1944, agreed without any amendment to the following Bills, which were passed by the Legislative Assembly at its meetings held on the 10th and 16th February, 1944, namely:

1. A Bill further to amend the Coffee Market Expansion Act, 1942, and
2. A Bill to consolidate and amend the Law relating to central duties of excise and to Salt."

### THE INDIAN COCONUT CESS BILL.

#### PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

**Mr. J. D. Tyson** (Secretary, Department of Education, Health and Lands): Sir, I present the Report of the Select Committee on the Bill to provide for the creation of a fund for the improvement and development of the cultivation, marketing and utilization of coconuts in India.

### DECLARATIONS OF EXEMPTION UNDER THE REGISTRATION OF FOREIGNERS ACT.

**The Honourable Sir Reginald Maxwell** (Home Member): I lay on the table a copy each of the Declarations of Exemption:

- (i) No. 1/52/43-Poll. (E), dated the 20th November, 1943;
- (ii) No. 1/53/43-Poll. (E), dated the 7th December, 1943;
- (iii) No. 1/54/43-Poll. (E), dated the 7th December, 1943;
- (iv) No. 1/55/43-Poll. (E), dated the 7th December, 1943;
- (v) No. 1/57/43-Poll. (E), dated the 7th December, 1943;

DECLARATIONS OF EXEMPTION UNDER THE REGISTRATION OF FOREIGNERS ACT

- (vi) No. 1/58/43-Poll. (E), dated the 7th December 1943;
- (vii) No. 1/60/43-Poll. (E), dated the 28th December 1943;
- (viii) No. 1/61/43-Poll. (E), dated the 4th January 1944;
- (ix) No. 1/64/43-Poll. (E), dated the 18th January 1944;
- (x) No. 1/1/44-Poll. (E), dated the 25th January 1944; and
- (xi) No. 1/4/44-Poll. (E), dated the 28th January 1944.

No. 1/52/43-POLITICAL (E).  
GOVERNMENT OF INDIA  
HOME DEPARTMENT

Simla, the 20th November, 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. Thomas Pao, a Chinese national, accompanying the Chinese Goodwill Mission to India.

A. W. LOVATT,

Under Secretary to the Government of India.

No. 1/53/43-POLITICAL (E).  
GOVERNMENT OF INDIA  
HOME DEPARTMENT

Simla, the 7th December, 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,—

1. Mr. Newton Drew, Industrial Engineer with the U. S. Lend-Lease Mission.
2. Mr. Paul A. Casey.
3. Mr. Harry R. Hoffman

Clerks of the U. S. Mission in India.

for so long as they remain in their present posts.

A. W. LOVATT,

Under Secretary to the Government of India.

No. 1/54/43-POLITICAL (E).  
GOVERNMENT OF INDIA  
HOME DEPARTMENT

Simla, the 7th December, 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, Nathaniel H. Callard, Deputy Representative of the Overseas Operations Branch of the United States Office of War Information, for so long as he remains in that post.

A. W. LOVATT,

Under Secretary to the Government of India.

No. 1/55/43-POLITICAL (E).  
GOVERNMENT OF INDIA  
HOME DEPARTMENT

Simla, the 7th December, 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 C. K. Cumming, Special Correspondent of the Christian Science Monitor, for so long as she remains in that post.

A. W. LOVATT,

Under Secretary to the Government of India.

LEGISLATIVE ASSEMBLY  
No. 1/57/43-POLITICAL (E).  
GOVERNMENT OF INDIA  
HOME DEPARTMENT

[23RD FEB. 1944]

Simla, the 7th December, 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,—

1. Mr. C. H. Muradian, and 2. Mr. George Corley, Assistants in the U. S. Office of War Information, for so long as they remain in their present posts.

A. W. LOVATT,

Under Secretary to the Government of India.

No. 1/58/43-POLITICAL (E).  
GOVERNMENT OF INDIA  
HOME DEPARTMENT

Simla, the 7th December, 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,—

1. Mr. Seymour Janow, U. S. Office of Economic Warfare, and  
2. Mr. Hal Henry Strouse, Machine-tool specialist attached to the U. S. Office of Lend-Lease Administration, for so long as they remain in their present posts.

A. W. LOVATT,

Under Secretary to the Government of India.

No. 1/60/43-POLITICAL (E).  
GOVERNMENT OF INDIA  
HOME DEPARTMENT

Simla, the 23rd December, 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,—

1. Mrs. Esther B. Wolfe, a clerk in the U. S. Mission;  
2. Miss Lucille Gibbons, Confidential Secretary in the U. S. Office of War Information, for so long as they remain in their present posts.

A. W. LOVATT,

Under Secretary to the Government of India.

No. 1/61/43-POLITICAL (E).  
GOVERNMENT OF INDIA  
HOME DEPARTMENT

Simla, the 23rd December, 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. Wallace Harper, a member of the China Lend-Lease Administration, for so long as he holds that post.

A. W. LOVATT,

Under Secretary to the Government of India.

## DECLARATIONS OF EXEMPTION UNDER THE REGISTRATION OF FOREIGNERS ACT

439

No. 1/64/43-POLITICAL (E).  
GOVERNMENT OF INDIA  
HOME DEPARTMENT

Simla, the 4th January, 1944.

## 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, William M. Roth, a member of the U. S. Office of War Information, for so long as he remains in that post.

A. W. LOVATT,

Under Secretary to the Government of India.

No. 1/1/44-POLITICAL (E).  
GOVERNMENT OF INDIA  
HOME DEPARTMENT

Simla, the 18th January, 1944.

## 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,—1. Miss Mary F. Healy; 2. Miss Alexandra Cebel and 3. Miss Virginia Willis, members of the staff of the Foreign Economic Administration of the United States of America in India for so long as they remain in their present posts.

A. W. LOVATT,

Under Secretary to the Government of India.

No. 1/4/44-POLITICAL (E).  
GOVERNMENT OF INDIA  
HOME DEPARTMENT

Simla, the 25th January, 1944.

## 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, David M. Botsford Jr., Assistant Representative of the U. S. Office of War Information, for so long as he remains in that post.

A. W. LOVATT,

Under Secretary to the Government of India.

No. 1/5/44-POLITICAL (E).  
GOVERNMENT OF INDIA  
HOME DEPARTMENT

Simla, the 28th January, 1944.

## 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, Robert C. Cockburn, Port Representative on the staff of the Special Representative of the United States War Shipping Administration in India, for so long as he remains in that post.

A. W. LOVATT,

Under Secretary to the Government of India.

## AMENDMENTS TO AJMER-MERWARA MOTOR VEHICLES RULES.

Sir Gurnath Bewoor (Secretary, Posts and Air Department): I lay on the table a copy of the notification issued by the Chief Commissioner, Ajmer-Merwara, No. F/22-18 (CC), dated the 18th, January, 1944, relating to rules framed under the Motor Vehicles Act, 1939.

## ORDERS BY THE CHIEF COMMISSIONER, AJMER-MERWARA.

## NOTIFICATION.

Ajmer, the 18th January, 1944.

No. F./22-18 (C/C).—The Chief Commissioner is pleased to make the following amendments in the Ajmer-Merwara Motor Vehicles Rules, 1940, published with his notification No. 1141/34-W./38-III, dated the 12th June, 1940, the amendments having been previously published in this Administration's Notification No. F./14-1, dated the 8th August 1943:—

## "CHAPTER I.—Preliminary.

Rule 1.2.—After clause (g) the following shall be inserted, namely, "(g) 'Producer' means the whole of the generator, pipes, coolers, filters and accessories necessary for the generation of gas and its supply to the engine".

In regard to vehicles already in operation on the road, and which have been fitted with a producer approved by a competent authority prior to the date of issue of these Rules, the provisions in these Rules, save as regards any subsequent modification under rule 7.3 (3) shall not apply, so long as the producer, its method of attachment and its maintenance conform with the rules in force at the time when it was fitted.

After Chapter VI the following Chapter shall be inserted namely:—

## "CHAPTER VII.—Producer gas for motor vehicles.

7.1. (1) On or after the 15th October 1942, no producer shall be fitted to a motor vehicle unless the producer—

(a) has been made by a manufacturer approved in this behalf by the Registering Authority;

(b) is of a type of model approved by, and in accordance with specifications approved by, that authority for use on the type of vehicle concerned;

(c) has affixed to the generator in such a manner as to be clearly visible, a metal plate having legibly displayed upon it the name of the manufacturer, the description, name, mark or number assigned to it by the Registering Authority under sub-rule (1) of rule 7.3 and the manufacturer's serial number.

(2) Any producer approved by a competent authority elsewhere in British India as specified in Schedule I and any modification thereof approved by the original authority shall be deemed to be approved for the purposes of sub-rule (1) of this rule.

7.2 (1) Any person seeking the approval of the Registering Authority under rule 7.1 shall make application in writing to the said authority accompanied by duplicate copies of the specifications, of clear drawings or prints of the producer and of the instructions for working it, and shall state the type or model of motor vehicle, and the horsepower of engine for which the producer is intended.

(2) The instructions for the working and maintenance of the producer shall be subject to the approval of the Registering Authority who shall cause to be endorsed thereon a statement of the materials and parts declared by the applicant not to be calculated to withstand two years' fair wear and tear. A copy of the above instructions, so approved and endorsed, and bearing upon it the particulars specified in clause (c) of rule 7.1 (1) shall be attached to or tendered with every producer offered for sale. The instructions referred to in sub-paragraphs (1) and (2) of rule 7.2 shall include the manufacturers' recommendations as to lubrication generally, and in particular upper cylinder lubrication.

(3) If so required by the said authority, a person who has made an application under sub-rule (1) of this rule shall:—

(a) submit the producer to such test and in such laboratory or workshop and by such person as the authority may specify; and

(b) furnish at his own expense a vehicle fitted with the producer for test on a reasonably level road (including road journey solely on producer gas of not less than 50 miles continuous).

7.3. (1) When the Registering Authority approves of any type or model of producer he shall inform the applicant in writing accordingly, and shall intimate the description, name, mark or number under which it may be offered for sale.

(2) No person shall sell or offer for sale any producer which does not conform in every material respect to the specification approved by the Registering Authority in relation to the name, mark or number displayed on the generator in accordance with clause (c) of rule 7.1 (1).

(3) A manufacturer who proposes to modify or alter in any way the design or specification of an approved type or model of producer shall, before offering the modified type or model for sale make application to the Registering Authority with particulars of the modification or changes proposed, and shall obtain the approval of the Registering Authority thereto.

(4) Upon receipt of an application under sub-rule (3) the Registering Authority may, if he thinks fit, require the modified type or model to be subjected to the tests specified in sub-rule (3) of rule 7.2.

7.4. Before according approval to any type or design of producer, the Registering Authority shall satisfy himself that the design and construction proposed are in accordance with the provisions of these rules and the general specification at Schedule II.

7.5. (1) Every producer shall be installed and maintained in accordance with the specifications and with all reasonable care necessary to prevent danger from fire, gas-poisoning and burns, and, in particular, all pipes, joints, valves, and all covers to hoppers, generators, coolers, filters and any other accessories shall be free from gas or air leaks.

## AJMER-MERWARA MOTOR VEHICLES RULES

(2) If an escape funnel be fitted to any generator, for use during the blowing of air through the generator, the mouth of the funnel shall be above the roof level of the vehicle measured externally. A suitable valve or flame trap shall be fitted to the air inlet of all types of generator to prevent danger from blowback.

7.6. (1) No part of any producer shall be placed so as to reduce the field of vision of the driver by means of the mirror prescribed, in rule 5.7 or otherwise, or so as to impede the driver in the control of his vehicle.

(2) In a public service vehicle—

(a) no part of the producer shall be placed within the passengers' compartment; and  
(b) the generator shall be placed in rear of the passengers' compartment either completely outside it, or recessed into the rear panel, and shall be insulated and have the clearance prescribed in rule 7.7;

(c) in the case of any generator fitted in the rear of a vehicle and to one side of the vehicle, suitable means shall be taken to compensate for the additional weight by inserting one or more leaves in the rear springs of the vehicle at that side.

Provided that notwithstanding the provisions of rule 6.19 the generator and a reserve of fuel not exceeding one hundred and fifty pounds in weight may be carried on a trailer attached to a public service vehicle.

(3) No public service vehicle towing a producer shall have any opening or door in the rear end of the vehicle.

(4) In a transport vehicle other than a public service vehicle the generator shall not be placed forward of the rear of the driver's cab, and shall be insulated and have the clearance prescribed in rule 7.7.

Provided that in the case of any special purpose vehicle, the Registering Authority, may, subject to the provision of adequate means of egress for the driver (such as a hinged canvas tilt, or overhead flap opening) specify that the generator may be placed level with the driver's seat.

7.7. (1) On any motor vehicle if any part of the generator is so placed as to be within a distance of six inches in a horizontal plane from any part of the vehicle, the vehicle shall be insulated from the generator by a sheet of asbestos one-eighth of an inch thick, or by such other insulating material, and of such thickness as the Registering Authority may by general or special order in writing specify in this behalf, not less in height than the height of the generator including the hopper and of such a width as—

(a) where the generator is recessed, completely to line the recess,  
(b) where the generator is not recessed, to project for a distance of not less than six inches on either side of the generator.

(2) No part of a generator shall have a clearance between it and the insulating material prescribed in sub-rule (1) of less than two inches.

7.8. No generator, and no pipe between the generator and the gas filters shall be so placed that any part of the generator or such pipe is within a distance of less than—

(a) two feet from any part of the petrol tank,  
(b) four feet from the filling point or orifice of the petrol tank.

7.9. On any transport vehicle the filters and gas coolers shall be so placed as to be readily accessible for cleaning at any time.

7.10. Every part of the producer shall be firmly and securely fixed in place, and all pipes, valves, joints and hoppers lids or covers shall at all times be maintained in a gas-tight condition.

7.11. No driver or other person in charge of a motor vehicle to which a producer is fitted shall:—

(a) at any time when there is fire in the generator, cause or allow the vehicle to stop or remain stationary at a distance of less than 20 yards from any petrol pump or place where petrol is supplied in tins;

(b) at any time when there is fire in the generator, pour petrol or cause or allow petrol to be poured into the petrol tank;

(c) carry, or cause or allow to be carried in the vehicle (save in the regular petrol tank thereof), any petrol or other inflammable or explosive substance;

(d) clean or take out the generator at any appointed bus stand or stopping place or within a distance of less than 20 yards from any other motor vehicle, or cause or allow the same to be done by any person;

(e) where a park, bus stand, or halting place or a part of a park, bus stand, or halting place is set apart for vehicles fitted with producers, allow the vehicle to stop or remain stationary in any other park, bus stand, or halting place or other part thereof, as the case may be;

(f) place the vehicle or cause or allow it to be placed in any garage or shed unless the garage or shed is provided with a permanent opening or openings for sufficient ventilation other than doors or windows that may be closed.

7.12. (1) The projection of any part of a producer beyond the rear of the vehicle shall be deemed not to be part of the vehicle for the purposes of rules 5.19 and 5.21.

(2) No producer shall be fitted to any motor vehicle in such a way that the vehicle thereby contravenes the provisions of rule 5.18 or rule 5.20.

## SCHEDULE I.

[See rule 7.1 (2).]

[List of competent authorities in British India whose approval is accept for the purpose of rule 7.1 (2).]

Ajmer-Merwara District—The Registering Authority, Ajmer-Merwara.

## SCHEDULE II.

[See rule 7.43.]

*Producer gas plants for mechanically propelled vehicles. General Specification.*

1. *Design.*—The general design shall be reasonably simple, and suitable to the type of vehicle for which it is intended. It shall be such that it can be fitted to the vehicle in such a way that the driver's vision and control of his vehicle are not impeded; that the convenience and safety of the passengers is not endangered; and that the coolers, filters, pipes, and any other parts requiring frequent cleaning and attention can be installed in readily accessible places.

2. *Performance.*—The producer shall be capable of providing gas sufficient to propel the vehicle under gas alone along a level road with its full lawful loading at a sustained speed of not less than—

- (i) in the case of goods vehicle being a heavy transport vehicle—20 miles per hour.
- (ii) in any other case—30 miles per hour.

3. *Fuel capacity.*—The effective fuel capacity of the Generator and Hopper shall be sufficient to provide fuel to propel the vehicle under producer gas for a distance of not less than 50 miles along a level road, without recharging.

4. *Filtering System Capacity.*—This shall be such as to ensure that in normal circumstances the system shall not require cleaning at intervals of less than 50 miles.

5. *Construction.*—The plant shall be constructed, put together, and installed, in a sound and workmanlike manner. The materials and method of construction specified by the manufacturer applicant shall, save as otherwise declared by him, be calculated to withstand fair wear and tear for a period of not less than two years under the normal conditions of working and maintenance of the type of vehicle for which the plant is intended. The plant shall not form an inflexible or rigid unit, but shall be connected with flexible couplings at approximate points to relieve any stresses within itself or due to travel on the road. No rubber hose shall ordinarily be used as a flexible connection between the generator and the cooler.

6. *Generators.*—Generators are divided into three main types, viz., Updraft, Downdraft, and Cross-draft. The materials for the construction of Generators including Hoppers, and outer shells, if any, shall be of Mild Steel Sheet and shall not be less than No. 16 B. W. G. (0.065 in. thick) with the exception that in the case of any Updraft Generators in which no refractory lining is used, the fire-box shall be constructed of Mild Steel Sheet not less than No. 11 B. W. G. (0.120 in. thick) for a distance of 12 in. above the grate or to the top of the gas offtake, whichever is the less. In the case of Cross-draft Generators where no refractory lining is used, the distance from the mouth of the tuyere to any part of the shell shall not be less than 5 in. All generator cover and generator flange joints shall be made of heat resisting material. If an escape funnel be fitted to an Generator, for use during the blowing of air through such Generator, the mouth of the funnel shall be above the roof level of the vehicle measured externally. A suitable valve or suitable flame trap shall be fitted to the air inlet of all types of Generator to prevent danger from blowback.

7. *Coolers.* The material from which coolers are made shall be mild steel copper or brass sheet not less than No. 18 B. W. G. (0.049 in. thick). All coolers must be made so that they can be readily cleaned.

8. *Filtering.*—The gas filtering system shall be in not less than three stages, of which the last stage shall be felt or other approved fabric, provided that the Provincial Government may by notification approve any filtering system. The test mentioned at rule 7.2 (3) (a) may include a gas filtering test with the object of determining the purity of the gas in this respect. The materials from which filter casings and all gas going up to the mixing chamber of carburettor are made shall not be less than No. 16 B. W. G. (0.049 in. thick).

9. *Flanges and Flange Joints.*—Flanges fitted to piping shall be made of material not less than No. 11 B. W. G. (0.120 in. thick). Each flange shall be secured by not less than 4 bolts.

10. *Use of Water.*—Where water is used, either for injection or for cooling purposes, it shall be provided from a source other than the engine cooling system, and shall not be in circuit therewith.

By Order.

M. S. CHAKRABARTY.

Financial Assistant to the Chief Commissioner, Ajmer-Merwara.

## ELECTION OF MEMBERS TO THE STANDING COMMITTEE ON PILGRIMAGE TO THE HEJAZ.

The Honourable Dr. N. B. Khare (Member for Indians Overseas): Sir, I move:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, five Muslim Members to sit on the Standing Committee on Pilgrimage to the Hejaz, the term of office of the present Members of which expires on the 31st March, 1944.

## ELECTION OF MEMBERS TO STANDING COMMITTEE ON PILGRIMAGE TO HEJAZ. 443

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

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, five Muslim Members to sit on the Standing Committee on Pilgrimage to the Hejaz, the term of office of the present Members of which expires on the 31st March, 1944.

The motion was adopted.

Mr. President (The Honourable Sir Abdur Bahim): I have to inform Honourable Members that for the purpose of election of members for the Standing Committee on Pilgrimage to the Hejaz the Notice Office will be open to receive nominations up to 12 o'clock on Friday, the 25th February, 1944, and that the election, if necessary, will be held on Wednesday, the 1st March, 1944. The election, which will be conducted in accordance with the principle of proportional representation by means of the single transferable vote, will be held in the Assistant Secretary's room in the Council House, New Delhi, between the hours of 10-30 A.M. and 1 P.M.

## THE COAL MINES SAFETY (STOWING) AMENDMENT BILL.

The Honourable Dr. B. R. Ambedkar (Labour Member): Sir, I move:

"That the Bill further to amend the Coal Mines Safety (Stowing) Act, 1939, be taken into consideration."

Sir, this Bill seeks to make certain amendments to the Coal Mines Safety (Stowing) Act of 1939. As Honourable Members of the House will remember the Coal Mines Act was passed in 1939. It created a body called the Stowing Board. The function of the Board was principally to administer the fund which is raised by the levy on coal and coke and to spend it on the stowing of coal mines in order to prevent fires in the mines. In the course of the administration of this Act, it has been found that there are certain defects which need to be remedied. This Bill proposes to deal only with three of such questions because it has been found that they are the most urgent and need immediate attention. Of these three questions, the first question is the one which relates to the amendment of section 8. The House will remember that section 8 deals with the functions of the Board and prescribes the object on which the money arising out of this fund could be spent. Section 8 permits the Board to spend money to meet the expenses of the administration. Secondly, it allows the Board to grant stowing materials and other assistance to owners or agents and managers of coal mines for stowing operation. Section 3 permits the Board to execute other operations in furtherance of the objects of the Act, and fourthly, it permits the Board to spend money on research work connected with stowing. It has been found that section 8 does not make any provision for permitting the Board to spend money on stowing operations undertaken by itself. This, it is found, is a great lacuna. It is necessary in the opinion of the experts that such a power should be given to the Board and consequently the first amendment which clause 2 of the Bill proposes to make is to alter the wording of sub-clause (iii) of clause (1) of section 8, by permitting the Board to undertake stowing directly by itself and to spend money on that purpose out of the fund which it controls. The second amendment to the Bill relates to section 10. Section 9, sub-clause (3) of the Coal Mines Safety (Stowing) Act permits the Chief Inspector of Mines to issue an order on the owner or the agent of a coal mine, and to require him to take such protective measures as may be necessary in the interest of the safety of coal. Section 10 of the Act makes such an order an appealable order, but it has been found that while the order issued by the Coal Mining expert or the Inspector is an appealable order, there is no provision made in the Act to permit the owner to go to the appellate body and obtain stay or execution of the order issued against him by the Inspector of Coal Mines. It has been suggested that this is an unfortunate provision, that there should be a right of appeal. This lacuna is sought to be removed by the addition of a proviso to section 10 of the present Act and this is done by clause 3 of the present Bill. The third amendment which is sought to be made in the Act relates to the question whether the Board should or should not have authority to undertake stowing by itself. Stowing is an important function. Its purpose is to save coal which otherwise is likely to burn away. It has been



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found that there are some mines which are abandoned, over which there is nobody to exercise any control, and most persons, it has been found, very easily abandon mines whenever they find that the coal underneath has taken fire. There are cases where the ownership of a mine is in dispute or where the owner is not in a position to undertake stowing operations himself. Consequently in such cases there is nobody on whom the liability for stowing could be imposed nor is there anybody on whom an order could be served. To avoid such a situation, it is felt that power must be given to the Board in order that the Board might itself undertake the work of stowing. Incidentally, if the Board is to perform such a task it must also be given the power to enter upon the land which is the property of the mine owner. This is sought to be done by a new clause which is 10-A, and it gives power to the Board to undertake the stowing and also to have the power to enter upon the premises.

The Bill is a very simple measure and I do not think it needs any more explanation than I have given. It is a non-controversial measure and I hope the House will accept it.

Sir, I move.

**Mr. President** (The Honourable Sir Abdur Rahim): Motion moved: "That the Bill further to amend the Coal Mines Safety (Stowing) Act, 1939, be taken into consideration."

**Mr. O. C. Miller** (Bengal: European): Sir, I have two points only to make in connection with this Bill which is supported by the European Group. The first point is that we should like an assurance from the Honourable Member that the powers which are allotted to the Coal Mines Stowing Board under this Bill will only be utilised in case of an emergency. That is obviously the principle, from the Statement of Objects and Reasons, in which the emergencies, under which these powers might be exercised, are detailed. But in the body of the Bill it is merely stated, "if in the opinion of the Board it is necessary or desirable that these protective measures should be adopted". We fully realise that all the emergencies could not be detailed in the Bill itself, but I hope that the Honourable Member will give an assurance that these powers will only be used under abnormal circumstances and not in normal circumstances.

My second point is a much more general one. The Honourable Member kindly deferred consideration of this Bill from a much earlier date in the present Session and we are grateful to him for his courtesy in so doing. At the same time we are sensible that this has to a certain extent delayed the proceedings of this House, which we are at all times anxious to avoid. There is now a convention of introducing minor Bills of this nature on the first day of the Assembly and putting them down for discussion and passing on the fourth day, which really does not give sufficient time to properly consider a Bill or to get into touch with those interests which are affected by it; and I put it forward merely as a suggestion to be considered by the Honourable Member and other Members of the Government Bench that it might be possible in the case of simple measures of this nature to arrange for their publication in the *Gazette* prior to a Session in order that we might have time to consider them, in which case there would not be the same objection when they are being taken up at that very early date in a Session.

Sir, we support the Bill.

**Dr. Sir Zia Uddin Ahmad** (United Provinces Southern Divisions: Muhammadan Rural): Sir, when this Bill came for discussion for the first time it was urged from this side of the House that Government should see that there may be no difference of opinion or any kind of quarrel, if I may use a stronger word, between this Board and the mine-owners, or unnecessary interference in the work done under the supervision of the mine-owners. The argument that has been given by the Honourable Member is a sound one, namely, that the Board ought to undertake the stowing operations in the case of mines which have been given up, because there is nobody to look after them. But in the case of mines which are now working satisfactorily there should be some kind of safeguard and some undertaking given by Government that this power will

be exercised with discrimination, so that difference of opinion may not arise between this Board and the mine-owners. This is very important at the present time when we find such shortage of coal and every effort must be made to increase the output of coal to meet the civil and other requirements of the country. This is a point on which the Honourable Member should clearly give an undertaking that such cases would not arise and interference will only be exercised when it is necessary. Safety of course comes first and if there be a mine-owner who may not listen to the requirements emphasised by the Board they should have the power to carry out their suggestions; but there is a danger of interference in matters which are not really very essential. That is the only apprehension which I have now and this apprehension I mentioned at the time when this Bill was first piloted in this House.

**Mr. Huseinbhai A. Laljee** (Bombay - Central Division: Muhammadan Rural): Sir, I rise to support the Bill. We do feel that the improvements that are suggested are very important and were required long ago. The only point that I should like to make is with regard to the operations that will be taken up by the Board; and ultimately we should like to know who is going to pay for them. Will the mine which has been abandoned by the owner, be a public property or will the mine owner have to pay for the same? Otherwise, we fully support the Bill.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That the Bill further to amend the Coal Mines Safety (Stowing) Act, 1939, be taken into consideration."

The motion was adopted.

Clauses 2 to 4 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**: Sir, I move:

"That the Bill be passed."

I should like to take this opportunity to explain the point of view of Government with regard to certain points that have been raised by my Honourable friends. With regard to the point made by my Honourable friend, Mr. Miller, that Government have been getting into the habit of putting forth these Bills without sufficient notice what I should like to say is this. It is of course not possible for me, speaking individually, to bind Government as to the precise sort of action that Government ought to take with regard to these Bills. But with regard to the present measure I should like to say that I do not think that Government can be accused of being in a position of rushing the Bill through. I would remind the Honourable Member that this Bill has been under consideration for not less than six months. Secondly, and this is an important point, I would like the Honourable Member to bear in mind—the Bill, as put forth, has been suggested, in fact practically drafted, by the Stowing Board itself, and Stowing Board, as the Honourable Member will remember, is the most representative body that can be found to be connected with the coal mining industry. And, therefore, I certainly do not think that I should be criticised, so far as this particular measure is concerned, for having rushed through the Bill.

With regard to his other point, namely, that this measure will be used and put into action only whenever there is an emergency arising and not otherwise, I am quite prepared to give him that assurance. In fact, it is our intention to confine the powers which we are now giving to the Board to emergencies only.

With regard to the point made by my Honourable friend, Dr. Zia Uddin, who is not here at present, I did not quite appreciate what he was suggesting. So far as I have been aware, I have never known that there has been any point of difference or dispute between the Coal Mining Stowing Board and the coal owners, and I do not think that the provisions which we are now introducing are going to create any difference of opinion between the coal owners and the Stowing Board. They have been, so far as I know, more or less a happy family, and I have not come across a case where the Board has decided upon

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a policy which has been opposed by any particular member of the Coal Mines Association.

My Honourable friend, Mr. Hooseinbhoy Lalljee, raised a point which, I think, does require consideration, namely, as to the rights of the Government over the mines over which Government has spent money in stowing. I am sure that it is a valuable suggestion and an important point, and at some later stage I shall be able to say what Government's attitude on that point will be.

Sir, I have nothing more to say.

**Mr. President** (The Honourable Sir Abdur Rahim): Motion moved: "That the Bill be passed."

**Sir Henry Richardson** (Nominated Non-Official): Sir, I should just like to clear a little misapprehension which I am afraid has been created in Dr. Ambedkar's mind over what my Honourable friend, Mr. Miller, said in regard to the rushing of the Bill. He did not say, as a matter of fact, that we were in any way accusing the Honourable Member of doing any such thing. Rather he thanked the Honourable Member for his courtesy in having agreed to delay the consideration of the motion, and there is no question in our mind that the Honourable Member has, in fact, rushed with it at all.

He mentioned that the Bill has been under consideration for six months and also that the Stowing Board was the most representative body, including coal mine owners, existing in India. Well, that may be so, but when you have the Bill itself coming before this House, there are other interests and there are other things which people have to consider besides those within just the framework of that representative body, and the general principle that my Honourable friend, Mr. Miller, has enunciated is one I do recommend Government seriously to consider not only, Sir, for business interests or interests of the employers or labour concerned but from the point of view of Government business and the facilitating of that business. There would not be, in my opinion, any necessity for the delay that there now is if Government would endeavour to publish their Bills so that the public and everybody concerned may have full notice of what actually is proposed to be contained in the Bill itself. We know very well that Government often put forward certain proposals. There is the framework of the scheme, but although we are allowed to give our opinions on that framework, the Bill itself is not often given us in its final form before we come here, and it is that final form that we have finally to consider and give our judgment on. Now, that final form has to be prepared sometime or other by Government, and I know that in war time there are very great difficulties in the Legislative Department in preparing these Bills because they have so many other things to do, but I do say, and this was Mr. Miller's point, that in case of those Bills where Government has prepared them before the Session, will they consider the suggestion that we have made of publishing them before the Session so that we may have the opportunity of considering them and thus facilitate Government's business? Sir, this House should give a lead to business interests in providing such facilities. I am sorry it does not always do so. The business of this House is not conducted in war time as it should be, and we want to do all that we possibly can to avoid that criticism which, I am afraid, has been justly made in the past.

**The Honourable Sir Sultan Ahmed** (Leader of the House): Sir, a very valuable suggestion has been made by my Honourable friend, Sir Henry Richardson, and Government will certainly consider that. Government have always tried their level best to give publicity to their Bills generally and in future also we will bear his suggestion in mind.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That the Bill be passed."

The motion was adopted.

## THE INDIAN COMPANIES (AMENDMENT) BILL.

**The Honourable Sir M. Azimul Haque** (Commerce Member): Sir, I move:

"That the Bill further to amend the Indian Companies Act, 1913, be taken into consideration."

And in doing so, I can assure the House, with regard to the remarks which have been made by Sir Henry Richardson and Mr. Miller, that so far as legislation of this character is concerned, we shall, as the Honourable the Leader of the House has said, do our best in future to avoid shortness of time as far as possible.

Sir, in December 1942 the Central Board of the Reserve Bank of India addressed the Government of India on the subject of the regulation of banking with particular reference to the trends observable since the outbreak of the war and their possible repercussions during the post-war period. That was in December 1942. The Board were informed in July 1941 of Government's decision not to undertake comprehensive banking legislation under abnormal conditions created by the war in view of the possibility of such legislation being controversial. While the Board realised the difficulty of any such controversial legislation, they very strongly pressed that certain changes should be made in the Companies Act to put a stop to certain undesirable features developing in the capital structure of the country.

A careful watch was kept by the Reserve Bank over the current banking developments since the war. From November 1939 till November 1942, it was found that 38 new banking companies came into existence and on a most careful study of their working methods the Reserve Bank came to the unhesitating conclusion that the majority of the new banks had commenced business with inadequate capital and that there were various other highly undesirable features likely to deceive the public. The Central Board of the Reserve Bank, therefore, urged very strongly that any legislative action to put a stop to these unhealthy features and practice should not be considered as controversial in any way. As was reported by the Reserve Bank, distribution of shares among various categories was so arranged in a number of cases as to ensure a controlling voice in the management to an individual or to a small group, capital was raised through preferential shares without voting rights, and nominal value of the deferred shares easily distributed among promoters and their adherents was kept very low, the holding of one such share was given the same voting right as a person holding ordinary shares many times the value of the deferred, only a small amount of the nominally large value of ordinary shares was called up. Various devices were also adopted to get round the principle underlying section 277H which prohibits banking companies managed by managing agents other than another banking company. Promoters entered into agreement with banks to be appointed as managers or managing directors for a long term varying from 15 to 20 years, the latter period being most usual. Almost in every case a fairly high salary was ensured with a percentage of profits in certain cases after the bank is able to declare a specific rate of dividend generally fixed at a very low figure. In cases where prospects of profits were high, salary was kept low to make remuneration look modest but ensured by an adequate share of profit.

The Central Board viewed with concern these features of the new banks as militating against the development of banking on healthy lines. With ever increasing quantity of money in the market seeking avenues of profitable employment and with some of the usual industrial and commercial channels closed as a result of war conditions, there was a large increase in the deposits with the banks with the result that there was a growing temptation to regard the flotation of new banking companies as one of the solutions of the problem of investing surplus funds profitably. The Board felt that more than ordinary caution was called for in the organization and management of new banks in view of the difficulties and the disturbances which the post-war period is certain to bring and in their view it was of the utmost importance that the capital structure

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and the system of management of banks should be such as to minimize temptation towards over-ambitious and get-rich-quick policy and to encourage instead cautious and steady development on well tried lines.

The Central Board therefore proposed to amend the law to ensure that the subscribed capital was not less than half the authorized capital and that the paid-up capital was not less than the subscribed capital, to provide for only ordinary shares, or, if preferential shares are introduced, with equal voting rights, and that the new provisions should be applicable to companies organized since the outbreak of the war.

The full text of the letter of the Reserve Bank and its proposals were circulated on the 15th March, 1943, to all scheduled banks in India, all Chambers of Commerce and all traders' Associations and to all Provincial Governments for an expression of their views within two months. The replies received were sent to the Reserve Bank of India and the Reserve Bank very carefully considered these replies. The opinions received constituted a fairly comprehensive symposium of commercial and other opinion on the proposals. The proposals generally received support from the various commercial and banking organizations and showed that the public was keenly alive to the need for regulation and, although in individual cases criticism or divergent views were expressed, the reaction to the proposals on the whole was favourable.

On a careful consideration of these opinions, the Reserve Bank suggested the draft amendments to the Indian Companies Act and these proposals as finally drafted by the Legislative Department are now before the House for consideration.

Sir, since the notice of some amendments was received, especially for either reference to the Select Committee or for deferring the Bill by dilatory measures, I have very carefully looked into the details as to the nature of these unhealthy features which we are proposing to legislate for, and I am convinced that legislation on the lines recommended by the Reserve Bank and now before the House is most urgently called for. During the course of this examination several instances came to my notice. In one case a managing agent was appointed for 20 years by a newly started bank on a monthly remuneration of Rs. 4,000 free from income-tax, and a new private company was registered consisting of the promoters to act as managing agents to avoid the terms of the law. In another case a managing agent was appointed for 20 years and the appointment was not to be revoked or cancelled on any ground whatsoever unless the managing director was convicted of any offence involving moral turpitude or adjudicated as insolvent or was guilty of wilful neglect or misconduct prejudicial to the company in the opinion of three-fourths of the directors and 60 per cent. of the shareholders. In another case the managing director was given the initial salary of Rs. 1,500 per month, going up to Rs. 2,000 in certain circumstances, with an annual increment and with further power to the directors to increase apparently without any limit the salary from time to time by way of honorarium, salary, commission, participation in profits or by one or all of these methods. The directors were not also to appoint any other managing director except with his consent. In another case one managing director and one manager were appointed for 20 years each with a high salary. One bank issued prospectus condemning the managing agency system as open to abuse, as is the present law, and telling the public that the law forbids the employment of managing agents but had very soon after appointed a managing director for 20 years. In another case a person was appointed managing director for 20 years with a provision for a similar managing directorship for his successors and assignees with salary, though looking modest, of only Rs. 500 but with a profit of not less than 5 per cent. In another case a person was appointed chairman and *ex-officio* director of a bank with sole agency for organizing bank branches, administering the bank itself for 20 years, all at the cost of the bank, with provision for continuing the agency for another 20 years at his option and authorized to open all branches

and to be remunerated in priority to all other claims at  $1\frac{1}{2}$  per cent. per annum on moneys lent for less than 30 days and  $1\frac{1}{2}$  per cent. per annum for moneys lent for a longer period with renewal commission on all loans and with provision of 25 per cent. of net profits.

Sir Henry Richardson (Nominated Non-Official): Were any of these European Banks?

The Honourable Sir M. Azizul Huque: One of them is.

With such instances before us I consider that we should lose no time and any dilatory measure will not be in the best interests of the banking organization of the country. It is proposed that the new legislation should affect every banking organization which functions in British India. We do not wish to confine the restrictions sought to be imposed by the Bill only to banking companies registered in British India, and we consider that companies incorporated in Indian States or foreign companies carrying on banking business in British India should not be excluded from the scope of the new provisions. That would be contrary to the intentions of the Reserve Bank and would merely drive banking organizations from British India to outside it, and it would not be in the best interests of the country. Therefore, there is no reason to exclude any banking company from the scope of the new provisions. They are meant to guard against certain undesirable features in banking companies or banking business in British India and they are equally objectionable whether the companies happened to be registered in British India or outside. If there are banks which are free from these undesirable features, they have nothing to object to. I may only explain that under the law as it stands, a "company" means a company registered under the Act in British India and unless we make a specific provision as we have done, a banking company as defined in section 277F would only cover a company registered in British India. We want that these provisions should not be avoided by the device of getting companies registered outside British India and carrying on business in British India through branches in British India. These are all the provisions of the law which we have proposed before the House and I have no doubt that the House will welcome the present Bill.

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

"That the Bill further to amend the Indian Companies Act, 1913, be taken into consideration."

Sir Cowasjee Jehangir (Bombay City: Non-Muhammadan Urban): Mr.

12 Noon. President, the introductory remarks of the Honourable Member will show the House the importance of this Bill. A good deal has already been said today on the methods that Government adopt in introducing most important legislation before this House. This very Bill was introduced during this Session and Government did make an attempt to move it within a very few days after introduction.

Mr. President (The Honourable Sir Abdur Rahim): I think I ought to mention that there are some amendments for circulation of the Bill. One amendment is in the name of Mr. Akhil Chandra Datta who is not here to move it. The other also is in his name for reference of the Bill to Select Committee—he is not here to move it. There is also an amendment in the names of Pandit Lakshmi Kanta Maitra, Mr. K. C. Neogy and Babu Kailash Bihari Lall. That is also for circulating the Bill for eliciting public opinion. None of them are here, and Pandit Maitra and Mr. Neogy have also given notice of an amendment for referring the Bill to Select Committee—they are not here to move them either.

Sir Cowasjee Jehangir: Mr. President, may I be allowed to move that this Bill be referred to Select Committee?

Mr. President (The Honourable Sir Abdur Rahim): It is well-established practice that only those who have given notice of amendments to the Bill can move them; none else can.

Sir Cowasjee Jehangir: I was just saying that the methods adopted by Government in introducing important legislation had not been found to be satisfactory and they have been commented on today on another Bill. This Bill

[Sir Cowasjee Jehangir.]

was introduced during this Session, and an attempt was made by Government to have consideration of the Bill within two or three days of its introduction. But fortunately there were Honourable Members in this House who took objection, with the result that Government undertook to delay consideration until today. It has been suggested by my Honourable friend, Sir Henry Richardson, that such Bills should be published for consideration before introduction. I should think that in a measure of this kind this was most important. We have been told by the Honourable Member that the Central Board of the Reserve Bank suggested these amendments. To anybody who takes an interest in banking in India these facts are well known. But may I ask whether the Honourable Member's Department consulted the Reserve Bank Board on this very Bill as it was introduced? I would like a categorical answer to that.

**The Honourable Sir M. Azizul Huque:** Sir, the draft is exactly the same except what may be required in the way of a comma or a semi-colon or a 'but' or 'or' changed here and there.

**Sir Cowasjee Jehangir:** I am fairly certain that very few members of the Board of the Reserve Bank would accept one amendment suggested in the Bill, to which amendments will be moved by my Honourable friends in the House. I cannot conceive for one moment that anybody having any knowledge of banking in this country or in England could have suggested an amendment that has been included in this Bill, an amendment that would lead to open jobbery which would lead to the management of banks being completely frustrated. I cannot understand how such an amendment could have crept into the Bill if it had been vetted by anybody who knew anything about banking; and I am told that this Bill was drafted by acknowledged experts on banking.

**Mr. Hooseinbhoy A. Lalljee** (Bombay Central Division: Muhammadan Rural): Who are acknowledged experts on banking?

**Sir Cowasjee Jehangir:** The Reserve Bank or the Board—I will include the whole. If such an amendment can creep into the Bill, it is very extraordinary that we should be told that it was drafted as introduced, by the directors on the central Board of the Reserve Bank of India. I am not allowed to that amendment in detail because we shall have an opportunity of discussing it within a very few minutes. Therefore, I do suggest that it would have been wise to allow this Bill to go to Select Committee. It may be a fact—I know it is a fact that the general outlines of the Bill were sent to all scheduled banks for their opinion. That is a very different thing to sending the Bill itself. The Bill itself had been sent, the amendment I have referred to would not have been included in this Bill.

**The Honourable Sir Jeremy Raisman** (Finance Member): Will the Honourable Member please state what the amendment is?

**Sir Cowasjee Jehangir:** The amendment is that a manager should be appointed by the shareholders of a bank. Has the Honourable the Finance Member ever heard of such a thing? His agreement to be renewed by the shareholders! May I ask what would be the position of the Reserve Bank if the shareholders had to renew the agreement of the Governor? What would be the position? Chaos, complete chaos, as my Honourable friend, Sir P. James, says. I will ask my Honourable friend, the Finance Member himself, who knows a great deal about these things, what would be the result of bringing up a proposal before shareholders that so and so's agreement should be renewed? The result will be jobbery of the worst kind. You will be canvassing amongst the shareholders for the appointment of certain individuals; and mind you, these managers are highly paid officers in these banks and rightly so—men who get Rs. 5000, Rs. 6000, Rs. 7000 or Rs. 8000 a month; and their appointments are to be canvassed amongst thousands of shareholders—that is what this Bill provides. Now, how could such a provision have crept into this Bill, if it was carefully drafted, or if it was drafted by anybody who knew anything about banking? And then it was suddenly introduced and an attempt was made to discuss it within four or five days

and not one bank in Bombay knew about this particular amendment. I was in Bombay when this Bill was introduced. During the few days I was there I never heard of so ridiculous an amendment in a Bill of this character; otherwise I would have been made aware of it if it had been circulated to the banks. This is only one instance of the caution that is necessary in circulating Bills as they are to be introduced in this House amongst those who are interested in such legislation. I would suggest that in future at least Bills of this character should be introduced in one Session and should be considered in the next Session, and full opportunity should be given to those interested to consider the provisions—even the most minute provisions—of such a Bill.

Sir, perhaps there are other Bills brought before this Honourable House, in which Members here may not be able to detect such amendments, it is quite possible; they may be small amendments and may pass through. But Bills have been passed which have had to be amended very soon afterwards because mistakes have been made, and these mistakes are generally made because sufficient time is not allowed for the consideration of the Bills by the general public. After all, we are not experts in this House on every question that comes up, nor are our Government experts on every question that they bring forward for legislation.

I think sufficient has been said on this occasion and I feel sure that Government will take serious notice of what has been said by my Honourable friend, Sir Henry Richardson, and the few words that I have addressed to this House and that in the future Government will give us, I mean when I say us the public, ample time to consider such measures in the interests of themselves as well as of the public.

**Mr. Hooseinbhoy A. Lalljee:** Sir, I rise to support the Bill as moved by the Honourable Member in charge. There is no doubt that the safeguards that are proposed are necessary and should be incorporated in the Act as soon as possible. I really congratulate the Government on introducing this Bill as soon as they have been able to do so, and it is quite right that the Reserve Bank should have initiated this move. I agree with the remarks that have fallen from the Leader of the European Group as well as from my Honourable friend, Sir Cowasjee Jehangir, that such Bills and other Bills ought to be published for the information of the public, the more so for the reason that we can get expert and experienced opinion from outside this House. With regard to one matter, that is, with regard to the renewal of the agreement of the manager, my Honourable friend, Sir Cowasjee, has pointed out that it should, as far as possible, be made by a small number of people, as small a number as possible, so that it may not be a subject-matter, over which a large portion of shareholders may go round canvassing or forming a coterie. That is all very good in some cases and that is really essential, and very essential at times. But at the same time I differ from my Honourable friend when he says that the Board of a bank or all the directors thereof are experts and the only independent persons concerned.

**Sir Cowasjee Jehangir:** I did not say that.

**Mr. Hooseinbhoy A. Lalljee:** Even as regards the election of the Board of the Reserve Bank we have seen that it is being canvassed and often it is not by the independent vote of the shareholders of the Reserve Bank, but a certain number of influential persons join together, go round the country at large and collect proxies or send out a number of agents, well paid, to canvass and get these votes, and they form themselves into a Board of Directors of the Reserve Bank. This is no secret. Twice it has happened that only 3 or 4 gentlemen working together have got themselves elected in this manner. Therefore, if such things do prevail, I do contend that it is but fair and equitable that when the agreement has to be renewed—not in the first instance when appointment is made but when the agreement is to be renewed—the renewal must be at least placed for approval or intimation before the shareholders because both the Board of Directors' election and the important appointment that they are going to make should come to the notice of the shareholders.

[Mr. Hooseinbhoy A. Lalljee.]

Those who want to canvass votes for those boards can surely also canvass for the manager. It is a very important post. So far as the Reserve Bank is concerned, I am glad to say that there is a great deal of Government influence there and that is salutary so far as public moneys are there, but with regard to other banks, that is not the position. In fact, with regard to a very important insurance company the same thing happened about four years ago. A certain number of people, very well known to the public as great politicians and as belonging to a party which was supposed to be very influential in the Local Government—that party canvassed for the election of directors to a great insurance company, and they almost succeeded. Sir Cowasjee Jehangir will bear me out that when the election for the Oriental Life Insurance Company's Board of directors was to take place 3 years or 4 years ago—not the last election, but three or four years before—the Congress Party bid for capturing that board.

**Sir Cowasjee Jehangir:** You mean the policyholders' directors?

**Mr. Hooseinbhoy A. Lalljee:** The Congress Party bid for capturing the board as shareholders or policyholders, and otherwise.

**Sir Cowasjee Jehangir:** Not shareholders' directors.

**Mr. Hooseinbhoy A. Lalljee:** They bid to capture the Board and that is quite possible in the case of many of the banks also. Therefore, what I say is this. In the very first instance it is quite right that the board of directors should appoint a person in whom they have confidence. But after five years of working there is no reason whatsoever to be shy that his election will not be approved by the shareholders when they get good working results and reserve fund and good profits if possible. It is not a very monstrous act when we know that board of directors themselves get elected by canvassing a large number of votes from the shareholders. Very few of the shareholders take very keen interest. Therefore, I do not think that a great wrong has been done by Government in putting forward this clause, that it should be subject—I make it quite clear—on renewal after the term of five years—subject to intimation or the approval of the shareholders in general meeting. With these words I support the second reading of the Bill.

**Mr. Muhammad Nauman** (Punjab and Chota Nagpur *cam* Orissa: Muhammadan): I must confess to a feeling of surprise and regret that the Honourable Member-in-charge of the Bill should have thought it necessary to hurry things like this and carry on with such an important legislation in a haste. I do think that the amendments proposed in the Company's Act have implications of a very important nature and there should have been a select committee appointed to examine these implications which are of a far reaching character than they appear to be on the surface and this House should not have been asked to carry the Bill in the manner in which it is sought to be done by the Honourable Member for Commerce. I do not know if the Members of the Executive Council think that they have the monopoly of all the intelligence and knowledge to understand finance and everything else in this world. Do they also think that whatever Bill they draft on the plea of the same being in the interest of the country is something ideal? The Honourable Member, when speaking, has referred to the recommendations of the Central Board of the Reserve Bank and said that it is on those lines that the Bill has been drafted. Sir Cowasjee Jehangir has already made his comments on that; the lines might have been the same but actually the draft work has not been done by them and as such there may be very great difference.

Now, Sir, what I want to impress upon this House is that the Honourable Member representing this Government should realise that the banking institution in this country is of very recent growth and efforts should not be made to nip it in the bud and particularly efforts should not be made to safeguard only the interests of the foreign banks existing here for the exploitation of this country in the manner in which those foreign banks have been doing so for many decades. It is only for the last two or three years, according to the Honourable Member for Commerce himself, that 38 banks have sprung up and he thinks

there are certain undesirable features in the Articles of Association of those companies or banking corporations on account of which these amendments are necessary. He thinks that if these amendments are not made, it will be against the public interest. I agree with him that this is possible but has he examined the conditions in other parts of the world, in Canada and Australia, in their earlier stages of the growth of banking corporations. I know certain banks in Australia whose Articles of Association contain terms and conditions identical to those as they are here. There also a certain managing agent was to hold office for 20 years on the Board. I am not prepared to say that it is at all in the public interest but it is essential that you should give voting strength to individual sharers on the strength of the amount of share-money invested before you safeguard the interests of the people who will be a party to trading and investment in the banks. That is the point which I want to bring home to this House and to the Member-in-charge. I am not going to say that in the long run the amendments may not be useful but at the same time, as I said, the implications of the amendments are of a far-reaching nature and it would have been far better if he had allowed some Members of this House to sit with him and go into those amendments carefully in the light of the opinions received from the different Chambers of Commerce and from different business organisations and see what best could be done. As pointed out by Sir Cowasjee Jehangir, the appointment of a manager could not be made a matter of auction where he will be asked to seek the favour of individual shareholders to get the appointment. Has the Honourable Member realised what would be the after effect of such an appointment? The particular set of individuals or shareholders who will back him for that position are bound to get some sort of favour and the result would be more scandals than what the Government representative thinks would take place if such appointments were made for a certain period by a few directors. That is my submission. This is not the time when the Bill should be expedited in the manner in which it is sought to be done. No great harm will be done to the war effort if we wait. I think the Honourable Member for Commerce will be well advised if he agrees to refer this Bill to a Select Committee which might report in the course of this Session. It would be in a position to examine the implications of the Bill and give the Honourable Member the best counsel possible. As it is, I would not be a party to the passing of this Bill in haste and with these few words, I oppose the consideration of this Bill.

**Mr. Jamnadas M. Mehta** (Bombay Central Division: Non-Muhammadan Rural): I rise to support the second-reading of this Bill. I think the principle of this Bill is quite sound and the evils which the Honourable the Commerce Member has pointed out do substantially exist. I only wish with Sir Cowasjee Jehangir that it had been possible to examine the Bill in a Select Committee for the reasons which he has given in his speech, although I must say that in the insurance companies under the new Act the managing director is to be appointed by the general body of shareholders. A distinction may be made between the Manager and the Managing Director but under the Insurance Act I think the definition of a Manager and Managing Director are substantially the same. Whoever has got the exclusive management of the concern, subject to the control of the Board, may be called either the Managing Director or the Manager. That is my memory of the Insurance Act that was passed when Sir N. N. Sircar was the Law Member. Therefore elections of managing directors have taken place at a special meeting or in a general meeting. On the other hand, I quite agree with Sir Cowasjee Jehangir that so far as a bank is concerned, I would not subject such an appointment to the canvassing of members; an insurance company will not suffer much by canvassing on the part of shareholders but in a bank, if the election of its manager is a matter of controversy and is subject to canvassing by thousands of shareholders, it might reduce the credit of the bank and it might bring it into jeopardy. For that reason, I hope the Government will accept the amendment of which my friends of the European Group have given notice. I would even prefer that even at this late stage, it should be referred to the Select Committee but that time is gone.



Now, there is one defect which was pointed out by Mr. Jamnadas Mehta and which we ought to consider. He said that if we give votes in proportion to the capital invested, then practically all the votes will be captured by one or two persons. Though publicity will be given by this method, it will not be effective as the decision will be arrived at by the voting of a few individuals. Mr. Jamnadas Mehta, I think, also made the suggestion that the power of voting should not be in proportion to the value subscribed but should be restricted by the maximum number of votes which are allowed to an individual. This point was discussed in great details in 1934 when we discussed the Reserve Bank Bill. We pointed out at that time that there is every danger that the Reserve Bank will be captured by a few individuals and practically the whole country including the Government of India will be under the thumb of a few capitalists in this country. The suggestion that Mr. Jamnadas Mehta has put forward today was the suggestion that we repeatedly pressed in the case of the Reserve Bank and I think it ought to be adopted in the case of all the banks in this country. The Government of India unfortunately did not take a bold step by restricting the voting strength and fixing the maximum number of votes in each case irrespective of the capital subscribed. What we suggested was that the voting strength in each case should be five irrespective of the capital invested, but the Government accepted the compromise at that time. They said that no person shall be able to purchase more than 5 shares. This satisfied us at that time. But we did point out even at that time that though in the beginning it may work all right, it will lead to complications and difficulties afterwards. In that case Government was wise. They very much regulated the value of the shares and did not allow them to rise beyond a certain limit, as we anticipated at that time, by restricting the dividend in the case of the Reserve Bank. This danger which we pointed out in 1934 was very much avoided on account of the strong action taken by the then Finance Member in regulating the Reserve Bank. But the

[Dr. Sir Zia Uddin Ahmad.]

Finance Member will not be everywhere. He cannot regulate the affairs of other banks so much. He cannot really ask that these shares should not be allowed to be accumulated in the hands of a few persons. I think there is a lacuna and really if the matter had been referred to the Select Committee, it would have pointed out the necessity for introduction of a particular clause in this Bill, namely, that no person should, whatever be the number of shares held by him, have more than five or ten votes. We limited the votes to five in the case of the Reserve Bank. I would similarly restrict it in the case of these smaller banks. The capital in their case is small, and I do not mind accepting the figure '20'. But the central point is, there must be restriction of voting. There must be restriction, that every one should exercise votes in proportion to the capital invested by him in the form of shares, provided that the number of votes will not exceed 10, 15 or 20 as the case may be. This particular provision ought to have been added in this Bill. I am sure that the Honourable the Commerce Member, after working these provisions for some time, will come forward with amendments later on. This restriction about shares is an important amendment which ought to be incorporated in this particular Bill.

The next point is really a point which has been contrived by the ingenuity of these people who manage the affairs of companies and they are really cheating the simple-minded people who do not understand the difference between deferred shares, ordinary shares, preference shares and so on. They manipulate the whole thing in a very special manner without the public knowing anything about it. What is the difference in the matter of dividend on the capitals in those various shares and very few people who really invest money know this difference. I am very much opposed to this particular contrivance and this really stands in the way of inspiring confidence in the public. All these companies which are being started in big places like Bombay have contrivances like these and the promoters manage to reserve everything in a particular family. The poor man who subscribes is really a kind of bird in the cage, and not knowing anything, really depends entirely upon the mercy of the promoters. I repeated on the floor of the House many times that we should guard against the tyranny of these persons, whose tyranny is second only to the tyranny of the income-tax officers. I mentioned about this incident last time, but I should like to repeat it again. At one time a person cut a lime into two pieces and asked a friend to take out the juice. The other one was a simple-minded person like myself or my Honourable friend, Mr. Joshi. He took out as much juice out of the lemon as he possibly could and gave the verdict that no more juice could be got out of it. Then came along my friend, Sir Homi Mody.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not repeat that again.

Dr. Sir Zia Uddin Ahmad: Then, I do not pursue that further.

Sir F. E. James (Madras Europeans): Who took the last drop?

Dr. Sir Zia Uddin Ahmad: The last drop went to the Income-tax officer. I suggest that the Honourable the Commerce Member should take up the question of simplifying further the Act and do away with the different kinds of shares. The next point which I would like to emphasise is the provision about the minimum capital which ought to be subscribed. That is a very salutary provision. Very often people come to us imploring us to buy shares in some new company, that is floated. A man comes along and says "You pay only Rs. 10 per share for the present, and probably you will not be required to pay the balance of Rs. 90 per share later on". So, in order really to sympathise with that friend and to oblige him, I once purchased some shares and paid Rs. 100. After three or four years, I found that by subscribing only Rs. 100 and purchasing shares of nominal value of Rs. 10 each I had to pay the remaining Rs. 900 when that particular company went into liquidation. I myself experienced this. I had to pay not only the balance but also a kind of accumulated interest which practically came to double the amount which I subscribed. This method of

cheating the simple-minded shareholders by company promoters should be put an end to and these simple people should be guarded against such cheating. If you want really to check inflation, you are not offering the people any good securities to invest in, they do not like the Government securities which are yielding only a very low rate of interest. Nobody is inclined to take Government securities. They invest only in private companies.

Sir F. E. James: Try the war loan.

Dr. Sir Zia Uddin Ahmad: I implore the Honourable the Finance Member to increase the rate of interest, if he really wants to draw larger capital. So, I was submitting that the interest of the shareholders ought to be safeguarded. I think the Honourable the Commerce Member ought to legislate against the contrivance of the promoters of these companies to cheat the public and if he does it, he will do a great service not only to the shareholders but to companies also which do not at present command any confidence of the public. If this can be done, then I am sure all companies will thrive and people will come forward to put their money in these companies in preference to securities which they want to avoid. Sir, I support this motion, but I am sorry that it does not go far enough as I should like it to go.

The Honourable Sir M. Azizul Huque: Sir, very few words are needed from me to give reply to the points, some of them have been cut by others. But I can assure the House this much that though it may be difficult for us to bring forward a comprehensive banking legislation, we mean to keep a careful watch over the capital structure of this country and if at any moment we feel that it is necessary to change the law in order that the capital structure of the country may develop on sound lines, we shall not hesitate to bring amending legislation before the House. It is very important. I have never yet been able to find out as to whether there can be a perfect law even though my Honourable friend, Sir Cowasjee Jehangir must have it at any cost. That is not humanly possible, in human institutions with human limitations and so long as there is going to be a conflict between one interest and the other. In any case, I am prepared, though I do not yield in my principle, to consider very carefully some of the points. I do not see any reason why even managers should not be elected by the shareholders. Speaking for myself; it is inconsistent with the whole political attitude which we are taking in this country if we feel that the majority of the shareholders are incompetent to manage their own affairs. I realise, however, that there are many difficulties in our way: there are other views which we have to consider. I am, therefore, quite prepared to accept the amendment which has been suggested on behalf of the European Group that for the purpose of renewal the operating clause should be applicable, as the 'directors may think fit' instead of leaving it to the shareholders. Sir, I certainly say this much that we do mean to keep careful watch as to the manner in which this power is exercised, and if at any stage we find that this power is not properly exercised we will have to reconsider the whole situation. But that question does not arise now because I feel that for the time being we ought to accept the amendment which has been suggested, namely, that directors should have the power of renewal of the managers.

An Honourable Member: That is weak surrender.

The Honourable Sir M. Azizul Huque: Weakness is sometimes a source of strength and I do not think that in a democratic institution any one can be too strong. As regards the other question I can give this assurance,—and I am saying so with the concurrence of the Finance Member who is here,—that, with regard to the granting of permission to give effect to the provisions of this Bill to companies which will want to raise their paid-up capital, there will be no difficulty whatsoever. It is not necessary that that should be part of the law, because it is merely an executive act and that will be done.

I have nothing more to say except that I certainly do not claim any monopoly, neither can I argue with any one who says that the directors of the Reserve Bank did not give their view, when I tell them plainly that it is exactly

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the same thing that we are introducing except change of a point here and there. It is very difficult to answer a point like that and I do not propose to answer it. That is all I have to say in commending the motion.

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

"That the Bill further to amend the Indian Companies Act, 1913, be taken into consideration."

The motion was adopted.

**Sir F. E. James:** Sir, I move:

"That in clause 2 of the Bill in the proviso to the proposed section 277HH, for all the words occurring after the words 'so often as' the words 'the directors think fit' be substituted."

The purpose of the amendment is to provide that when the contract of a person who is employed by a bank is to be renewed or extended for a further period not exceeding five years at a time, that shall be done not by the company by resolution passed in a general meeting but by the directors of the company. Previous speakers have explained the objection to the procedure which is laid down in the Bill as it stands. While the directors, who after all are responsible to the shareholders and elected by them, make the original appointment of the person who is to manage the bank on a fixed remuneration, according to the Bill the renewal of that officer's contract must come before the shareholders. My own view is that this provision would operate against the very purpose which the Bill has in mind, and that is, to cut out of the banking policy of the country the abuses to which it has fallen prey in certain directions in recent years. I am convinced that the proposal in the Bill would lead, as my Honourable friend, Sir Cowasjee Jehangir, rightly said, to a great deal of undesirable manoeuvring, lobbying and probable corruption. Pressure will be brought to bear upon the manager of the bank by powerful shareholders in an extremely undesirable direction; and, as my Honourable friend, Mr. Jamnadas Mehta, said, it would be hardly human nature for a shareholder to forget, at the time of voting on the question of renewal, that the manager in question had refused to grant him some very convenient accommodation in the matter of an overdraft. I, therefore, feel that the proposal that I have made safeguards the bank in a better manner than that in the Bill and I hope Government will accept it. Sir, I move.

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

"That in clause 2 of the Bill in the proviso to the proposed section 277HH, for all the words occurring after the words 'so often as' the words 'the directors think fit' be substituted."

**The Honourable Sir M. Azizul Huque:** Sir, I am prepared to accept this amendment.

**Mr. Hooseinbhoy A. Lalljee:** Sir, I am sorry that I am not convinced by the arguments put forward in support of this amendment. It has been said that disgruntled shareholders will not vote for the manager, that there will be canvassing going on, that all sorts of influences will be applied and the manager will have to please each and every shareholder. Sir, it is well known that in most of the banks large sums of money are lent to the directors and the concerns with which they are directly or indirectly concerned. It is also well known that some of the directors together hold such a large majority of shares or gather proxies that they cannot only dictate to the manager but the whole board of directors. Can my Honourable friends, Sir Cowasjee Jehangir, Mr. Jamnadas Mehta and even Sir Frederick James deny this? And will the manager, if powers were left to these directors, dare to displease those parties? If the argument is that he cannot dare to oppose a single shareholder or a few shareholders having 5 or 10 or 20 shares, will he dare to oppose a director who holds thousands of shares and who draws from the bank not lakhs but sometimes up to a crore and so, for himself and for his concerns? I concede that in a board of directors there have often been men like Sir Cowasjee Jehangir and others who do not draw money and are not affected in any way. But to refuse the ordinary shareholders a voice in the appointment of the manager who has

worked for five years in that concern because they are poor or small people and may not be even able to exert great influence is not fair to the body of shareholders and to the public who are often induced to take shares in the concern. In fact in India we find that the great shareholders, industrialists and commercial people do not want the ordinary people to have a voice or to come in. I am prepared to prove that some of the important banks are a monopoly of one or other group of businessmen. That is the case in Bombay and other places; if you scrutinise the board of directors of some of the banks you will find one or other members of firms or family in these banks; and if you see the capital that they draw from these banks you will find that it is a colossal figure. These are some of the conditions often no doubt. The position so far as the Reserve Bank is concerned is quite different. The Reserve Bank is a public

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bank embracing Government and public interests and so far as this Bank is concerned, powers are vested in Government who check the question of appointments and many other things. But that is not the position so far as ordinary shareholders of private banks are concerned and I do not see why so much nervousness is being shown in regard to bank directors who get themselves elected not for a year or two, not for ten or fifteen years but for all their life, whether living or in ill health.

**Sir Cowasjee Jehangir:** Or dead.

**Mr. Hooseinbhoy A. Lalljee:** Yes, or dead, because they arrange and manage to bring in their sons. It is so. I must thank Sir Cowasjee Jehangir because really he has helped me to bring this out. I do not want to be personal, but, in fact, sons and even grand-sons come in because they happen to hold shares or influence. I do not deny that really when they hold so many more shares, they have got a right. But my point is that when they can get elected and when the managers have got to do so much with the directors, who really have got a hold on their shareholders, can't they get even their contracts renewed or extended for a further period of five, ten or fifteen years by a simple resolution passed by the shareholders approving the renewal? The whole object of the great capitalists is that great men should have all powerful voice and small men should not have any. They wish to manage everything. Of course, those who invest very large sums have some right because they put in a large capital, in current account, in fixed deposit and so on. I can show that banks having, say, three to four crores of subscribed and reserve capital go to the limit of getting 20 to 40 crores of working capital from public. A good sum of that money often also goes to some of the directors or their concerns—not all the directors, I want to make that quite clear—who have a voice in making appointment of their manager or renewing it. Sir, I do not know why the Honourable Member for Commerce has so readily agreed to this proposal when the Reserve Bank and the expert directors of the Reserve Bank think otherwise.

Sir, with the absence of Congress and other Members of the Opposition the opposition cannot be strong and I cannot hope to have majority, but I feel I should oppose the amendment for what it is worth.

**Mr. N. M. Joshi** (Nominated Non-Official): We will vote with you.

**Mr. Hooseinbhoy A. Lalljee:** Thank you. With these words, I do hope—although today I feel it is hoping against hope—that Government will not give in and agree easily. Sir, I oppose the amendment.

**Mr. Jamnadas M. Mehta:** Sir, I think my Honourable friend, Mr. Hooseinbhoy A. Lalljee, is showing undue anxiety. So long as the present capitalistic order exists, banks will have to be governed by the Board of Directors. You cannot get away from that. If he is asking me to nationalize banks, we shall consider it, but in the meantime I cannot possibly imagine a managing director's or manager's agreement for renewal for five years at a certain salary being thrown open to a democratic election.

**An Honourable Member:** Why?

**Mr. Jamnadas M. Mehta:** Because it will ruin the bank; because depositors are not all democrats. They do not look at the bank from the point of view of municipal election.—I assure you. I do not think any bank will be free from

[Mr. Jamnadas M. Mehta.]

this pre-arranged and concerted intrigues if this kind of election were permitted. My Honourable friend, Mr. Joshi, perhaps knows that in the city of Poona because the Insurance directors are to be elected, almost every company is being harassed year after year by rival factions and the companies are suffering. The risk will be much more in the case of a bank, but one thing I may request the Government to remember: At the time of selection, or appointment, or renewal or extension of the office of the manager, some limit on the remuneration which the manager might receive should be put because otherwise it might be conveniently shared between the Manager and the directors . . .

**Mr. Hooseinbhoy A. Lalljee:** How can that be?

**Mr. Jamnadas M. Mehta:** You are a businessman! You always tell the House that you are a businessman and you don't know this! You are not so innocent as you look.

**Dr. Sir Zia Uddin Ahmad:** He is angelic inside.

**Mr. Jamnadas M. Mehta:** He looks innocent and tells me that he is a businessman although he is very unbusinesslike sometimes.

My point is that maximum remuneration should be settled in the first instance by shareholders just as the original agreement has to be approved by the shareholders. Subject to this limitation, the actual extension or appointment or renewal should certainly be in the hands of the directors. The dangers which my Honourable friend, Mr. Hooseinbhoy Lalljee, has tried to point out have no relevance to the particular point in question. In some banks it may be so—I do not deny that—but every director has got to go to shareholders for re-election at the end of every two or three years. Therefore, at that time the shareholders would certainly exercise their judgment whether that fellow was sharing the loot or doing the right by the shareholder.

As regards his complaint that the Directors also borrow money, he ought to know that the Act itself allows it.

**Mr. N. M. Joshi:** Yes.

**Mr. Hooseinbhoy A. Lalljee:** I know.

**Mr. Jamnadas M. Mehta:** My friend, Mr. Joshi, seems to enjoy Mr. Hooseinbhoy Lalljee's point. They are very strange bed fellows.

I say, until the social order changes, this position is all right and what I say is that such loans have got to be shown in the balance-sheet; the name of that director can be asked for by the shareholders at a general meeting and at the end of three years he has got to run the gauntlet of re-election. Therefore, the modifications that are proposed are in the interest of the shareholders and banking institutions.

**The Honourable Sir M. Azizul Huque:** Sir, I have nothing further to add except that I am prepared to accept it. I do not altogether feel happy over the fact that we have to accept this amendment, but having regard to the opinions which have been expressed, we have to find out which will be the best interests of the country and the banking organisation as the largest common measure of agreement. We would, of course, like to stick to the provisions of the Bill. In view of the fact, which has just been suggested by Sir Fredrick James, Mr. Jamnadas Mehta and others, namely, that this provision will not be in conflict with the principles of the Bill, I am prepared to accept it.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That in clause 2 of the Bill in the proviso to the proposed section 277HH for all the words occurring after the words 'so often as' the words 'the directors think fit' be substituted."

The motion was adopted.

**Mr. Jamnadas M. Mehta:** Government have agreed that if I am allowed to move a slightly changed amendment and place it before the first proviso, they are accepting it. So with your permission I would like to move what the Government have agreed to accept. Sir, I move:

"That in clause 2 of the Bill in the proposed section 277HH for the words 'provided that' the following be substituted, namely:

'Provided that the period of five years shall, for the purposes of this section, be computed from the date on which this section comes into force:

Provided further that."

**The Honourable Sir M. Azizul Huque:** I am prepared to accept it.

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

"That in clause 2 of the Bill in the proposed section 277HH for the words 'provided that' the following be substituted, namely:

'Provided that the period of five years shall, for the purposes of this section, be computed from the date on which this section comes into force:

Provided further that."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

**Mr. President** (The Honourable Sir Abdur Rahim): Clause 3. There are a number of amendments all in the name of Mr. Jamnadas Mehta.

**Mr. Jamnadas M. Mehta:** I am not pressing the last one and I shall formally move it unless the Honourable the Commerce Member gives me an assurance that my fears are unnecessary. I, therefore, formally move:

"That in clause 3 of the Bill, in clause (c) of sub-section (2) of the proposed section 277I, for the word 'all' the word 'the' be substituted."

My point is that I am entirely in agreement with Government that there should be no jerry-meandering of elections.

**Mr. President** (The Honourable Sir Abdur Rahim): I thought the Honourable Member did not want to make a speech!

**Mr. Jamnadas M. Mehta:** But Government while removing one evil are doing something wrong in the opposite direction. Therefore, this 'the' will be necessary. The object of the Government is that there will be voting rights of shareholders strictly in proportion to the contribution on paid up capital by them. I do not mind that but supposing I want less voting power. The Government are right so far as they do not want shareholders to get more votes without payment and simply by the claim of the bulk of the shares, which cumulatively may not be worth 10,000 and yet may take priority over shares of the value of 10 lakhs. But the words 'that it shall be strictly proportionate' mean that I cannot take less voting power for myself. I am only trying to modify this section to the extent that while nobody will have more votes than he has contributed so that there will be prohibition against taking less voting power than I have contributed. Suppose I have one lakh worth of shares. I say I should not have more than 20 votes, whatever my contribution. Every man having one thousand rupees share may have one vote. What this Act will do will be that if I have 20 votes today, this amended measure will oblige me to have 100 votes for every share of 1000 rupees.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member can go on 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, Syed Ghulam Bhik Nairang (one of the Panel of Chairmen) in the Chair.

**Mr. Jamnadas M. Mehta:** Sir, this sub-clause (c) is really intended to see that in the voting at the shareholders' meeting there shall be no attempt to steal a march by manœuvring the electorate and that all shareholders will have voting right strictly in proportion to their contribution to the paid up capital of the company. This is the object. I say that I entirely agree with the object, but while the clause embodies a very wholesome proposition, it is also somewhat mischievous. That mischief is not intended by Government, but I am afraid they have overlooked the effect of what they are doing. What they want to do is that unless you have paid ten rupees, you should not have voting right of more than what you have paid. Under the present circumstances, it is possible that a preference shareholder might have paid Rs. 10 for his share, and the ordinary shareholder might have paid Rs. 15 for his. In that case it is not right that the man who has contributed Rs. 10 should have the same right of voting as the man who has contributed Rs. 15. If that can be managed, I have no objection, although even that would be extremely difficult because the preference shareholders and the ordinary shareholders do not hold always the shares of the same

[Mr. Jamnadas M. Mehta.]

denomination; and it would be difficult to divide the voting right. Supposing the ordinary share is worth Rs. 100, and a preference share is worth Rs. 75, a preference shareholder cannot pay more than Rs. 75 on his share: he is not called upon to pay more than Rs. 75. Therefore, he will be deprived of the right of voting altogether or he will have to be given three-fourths of a vote against one vote, which in practice will break down. Further, suppose I am holding Rs. 500 worth of the same denomination and another gentleman is holding one share of Rs. 100. The Articles of Association of the company provide to-day that no man shall exercise more than two votes, whatever his holding may be. This clause will compel the shareholders of that company, even when they do not want to enlarge their voting right and to have more voting which they do not want. They do not want that because they do not want to give a predominant right of voting to the large bunch of shareholders who may be few in numbers but hold more shares. My amendment wants to secure this right, that a company may not give to any shareholder more right than his paid up capital, but a shareholder himself might voluntarily agree that he will not have more than a maximum number of votes. This section does not permit that. Not only does it not permit that, but it makes it illegal; and those companies whose articles today permit shareholders to accept less voting right will be compelled to take more and thereby destroy the whole structure of that company, which is intended to prevent a single man exercising the right of voting for every share that he holds. I do not know how the Government are going to get over that and unless I am assured, there is no option left to me but to move all the three amendments standing in my name; this first amendment is really more or less consequential, but the essence of these observations of mine is to be found, in the second and third amendments, which I shall move. Sir, I move.

**Mr. Chairman** (Syed Ghulam Bhik Nairang): Amendment moved:

"That in clause 3 of the Bill, in clause (c) of sub-section (2) of the proposed section 277I, for the word 'all' the word 'the' be substituted."

**The Honourable Sir M. Azizul Huque**: Sir, I quite realise the difficulty which has been pointed out by my friend, Mr. Jamnadas Mehta. As he will see from this sub-clause (2), this is applicable only to a banking company which is incorporated on or after the 15th day of January, 1937. Therefore, so far as this section is concerned, it will not be applicable to any existing banking companies before that date. The sub-clause says:

"No banking company, whether incorporated in or outside British India, if incorporated on or after the 15th day of January, 1937, shall," etc., etc.

Therefore, so far as this clause is concerned, it makes it clear that it is only applicable to a banking company if incorporated on or after the 15th of January, 1937, and even then only after two years the following three clauses would be applicable. Therefore, his apprehension that it will hit the existing banking companies is not true.

**Mr. Jamnadas M. Mehta**: There are many banking companies incorporated after 1937.

**The Honourable Sir M. Azizul Huque**: I understand your point. Therefore, I am saying that so far as the existing banking companies incorporated before 1937 are concerned, this is not applicable. As regards the applicability of these clauses, my friend, Mr. Jamnadas Mehta, does not object to the first sub-clause, namely, that the subscribed capital and the paid-up capital and authorised capital should have a certain relationship to one another, and that the capital of the company shall consist of ordinary shares only or ordinary shares and such preference shares as may have been issued before the commencement of the Indian Companies (Amendment) Act, 1944: he does not object to that clause also. His difficulty is that in giving the voting right there may be certain administrative difficulties. Under this Act there is two years' time from the commencement of the Act of 1944. In other words, under this provision, it is open to the banking company not to satisfy this condition at least for two years; and, therefore, he will get two years time; and within that time I promise him that I will specially examine the point he has raised; and if we do find that there is going to be any

administrative difficulty I may give him this assurance that I will be prepared to take up this question with the Reserve Bank of India to find out what suitable remedies can be devised. I hope that after this assurance he will withdraw his amendment.

**Mr. Jamnadas M. Mehta**: Yes, Sir; I am quite satisfied that if these companies which are incorporated after 1937—and they have restricted voting rights so that capitalists may not dominate over the concern,—are protected. These companies may be willing that their shareholders may deny themselves the right of voting to a certain extent, so that a single clique may not dominate. That was really the point of my amendment; and as the Honourable the Commerce Member has seen that that difficulty is there but that for two years it need not worry me, and that in the meantime he is prepared to look into the difficulties I feel, I do not wish to press this amendment and I beg leave to withdraw it and will not move the other two.

The amendment was, by leave of the Assembly, withdrawn.

**Mr. Jamnadas M. Mehta**: I am not moving Nos. 8 and 9 because they are covered by the assurance which the Honourable Member has given. About the last amendment which stands in my name, the Honourable Member has already given an assurance that in order to satisfy the provisions of this Act Government will themselves see that if any banking company wishes to raise its subscribed capital... (Interruption). The Honourable Member has given an assurance which I understand is this, that the Government will see that in spite of the ordinance and in spite of the right of the Examiner of Capital Issues to delay granting permission for raising new capital or for raising capital up to 50 per cent. of the subscribed capital—in spite of that officer, as soon as a banking company as required under this Act wishes to raise its capital to 50 per cent. the required permission will be promptly given. Is that right?

**The Honourable Sir M. Azizul Huque**: As I have told this House, it is the intention of Government that so far as regards permission being given to those companies which will come within the purview of this Act, Government will see that subject to other requirements the necessary permission will be given, and I am giving this assurance before the House.

**Mr. Jamnadas M. Mehta**: There are existing banking companies, and you are obliging them to raise their capital. They are willing to carry out your provisions. Then what is the other thing?

**The Honourable Sir M. Azizul Huque**: So far as the control of capital issue is concerned, supposing it is not the only matter, there may be other matters, which have got to be looked into. Mr. Jamnadas Mehta wishes to guard against one particular matter. It may be necessary to guard against some others also. But I give the assurance that Government will give the fullest facilities to those companies which have already come in, so far as permission is required.

**Mr. T. Chapman-Mortimer** (Bengal: European): Does that mean that in the case of a company which has an authorised capital of 20 crores, with a paid-up capital of one crore—Government is going to allow the issue of 9 more crores?

**The Honourable Sir M. Azizul Huque**: That is why I have said that it may be that the whole question will have to be looked into by Government. But a company which has a reasonable chance of success and satisfies that it would be able to raise its capital, there is no reason why refusal should be made. I will say that we will try our best to give the fullest facilities to a bank in order that they can comply with the provisions of this Act, because it would not be fair either to those companies who have already come in to raise their capital. It may be that a company may have one crore authorised capital but only be one lakh paid-up capital; in such cases it may be necessary to change the Articles of Association.

**Mr. T. Chapman-Mortimer**: That leads me to another thing. I hope Government would not necessarily insist that the new banking company should raise the additional amount of capital, but they will see that the company is enabled to go to a court of law for a reduction of capital.

**The Honourable Sir M. Azizul Huque**: All these questions will have to be considered. Supposing a company wants to raise 2 crores, and we know that



[Sir M. Asimul Haque.]

they will never be able to raise those 2 crores, what is the use of giving permission? Every case will have to be looked into. But having regard to the provisions of the control of capital issues, we will give the fullest facilities that the existing banking companies may be enabled to function, if necessary, by a change in the Articles of Association.

**Sir Cowasjee Jehangir:** The Honourable Member brings in legislation which forces a banking company to conform to what will be the provisions of the Act. He must surely see that at the same time there are no Ordinances in existence which will prevent the company from conforming to the provisions of the Act. It will be inconsistent to legislate that a company shall do so and so.

**Mr. Chairman (Syed Ghulam Bhik Nairang):** Order, order. Is the Honourable Member (Mr. Jamnadas Mehta) going to move his amendment?

**Mr. Jamnadas M. Mehta:** I wish to move my amendment in order that the position may be clarified. I move:

"That in clause 3 of the Bill, after sub-section (2) of the proposed section 2771 the following sub-section be added:

(3) That for the purpose of carrying out the requirements of sub-section (2) (a) of the new section 2771 the...—I wish to change "Controller" into "Examiner"—"Examiner of Capital Issues of the Government of India shall, on an application by a banking company, forthwith grant the permission necessary for raising the paid-up capital of that banking company up to 50 per cent. of its subscribed capital."

Sir, there is no question of going to a court of law for reduction of capital. My amendment is absolutely straight. Supposing I have an issued capital of 18 lakhs and I have got a paid-up capital of 6 lakhs. As soon as this Bill is passed I shall be required to raise it by 3 lakhs more. That is the only issue in my amendment. How can I be denied permission to raise it to 9 lakhs. Because on the one hand you say it shall make 9 lakhs, on the other hand, that is the officer who is called the Examiner of Capital Issues—he might sit on my application for months or for weeks. I shall be disobeying the law, and on the other, somebody else will be holding up my application. That is the only case which my amendment covers. The Honourable Member may have his own reservations about concerns which desire to reduce their capital from one crore to 2 lakhs, and then maintain that one lakh paid-up is now half. Those cases my amendment does not cover. My amendment covers a definite and single issue,—that the capital should be allowed to be raised to the extent required by this amending legislation. I do not see how the Government can get out of this obligation when they want me by law to bring my capital up to 50 per cent. of my subscribed capital. I do not think I need even argue, and the earlier assurance of the Honourable Member was perfectly reasonable. I wanted him to repeat it, but my Honourable friend, Mr. Chapman-Mortimer, has frightened him by talking of going to a court of law and reducing the capital and all that sort of paraphernalia which I quite agree may be necessary in the case of other banking companies. But in the case of banking companies contemplated in my amendment there is nothing besides an obligation on the part of Examiner of Capital Issues to forthwith grant permission to raise the capital up to 50 per cent. as required by law. I, therefore, submit that this amendment should be accepted by the Government, or the assurance must be absolutely explicit so far as my amendment covers banking companies. I am not covering others. Sir, I move.

**Mr. Chairman (Syed Ghulam Bhik Nairang):** Amendment moved:

"That in clause 3 of the Bill, after sub-section (2) of the proposed section 2771 the following sub-section be added:

(3) That for the purpose of carrying out the requirements of sub-section (2) (a) of the new section 2771 the Examiner of Capital Issues of the Government of India shall, on an application by a banking company, forthwith grant the permission necessary for raising the paid-up capital of that banking company up to 50 per cent. of its subscribed capital."

**Sir Cowasjee Jehangir:** I was just saying, Mr. Chairman, that it would not be quite fair on the part of Government to legislate to compel an existing company to conform to the provisions of the Act and at the same time have an Ordinance which would prevent it from conforming to the sections of the Act. What Mr. Jamnadas Mehta wants is an assurance that if a company is willing and able to conform to the section of the Act under discussion, no Ordinance

of Government will prevent the company from doing so or delay it from taking measures to conform to the Act. That is a very simple proposition but my Honourable friend, the Commerce Member, naturally has some apprehensions that when a company comes with a request to raise its capital according to the section of the Act there may be other reasons which may weigh with Government and may result in a refusal. Well, if that takes place then as Mr. Chapman-Mortimer says, the company has only one remedy and that is to go to court and reduce its capital. Why should you force a company to do that? If that company is willing and able to conform to the section of the Act, then I do not think by a refusal under an Ordinance you should compel a company to go and reduce its capital in order to be within the four corners of the Act. Therefore, when this section was drafted, this ought to have been foreseen. Surely, Government knew the existence of the Ordinance and Government knew that there are certain companies which will have to increase their capital. They are in existence and they ought to have foreseen it and now when an assurance is asked, Government express apprehensions as to what conditions will exist when that company comes for increase of capital. For my own part, I can see no reason to refuse a company to increase its capital, provided it is willing and able to do so. The Honourable Member said it may be a question of two crores and the company may not be able to raise that capital. Well, if it fails to raise that capital, after having applied for permission, then it will fall within the mischief of this section and will be penalised or it will have to go to Court, and have the capital reduced but permission cannot be refused. You cannot have it both ways. You must either give permission and allow him to make an attempt to raise that capital or you must amend the section of the Act. You cannot have it both ways. I think that the contention put forward by Mr. Jamnadas Mehta appears to be quite reasonable. When this clause was being drafted, you knew very well that the consequence of it would be that companies must come forward and ask for fresh capital and you also knew when the clause was being framed that there were possibilities under the Ordinance of such permission being refused, unless you specifically provided otherwise. I am afraid either an assurance should be given or Government must amend the section. You cannot have it both ways. I personally can feel no apprehensions with regard to accepting Mr. Jamnadas's amendment or to give an assurance that Government will see to it that a company is allowed to conform to the section of the Act. You cannot refuse it—that permission or that assurance—or make it conditional. After all if capital is available and the company can raise it, that is all that Government have to see. If that company fails to raise the capital, the remedy is that they must go to a court and have the capital reduced. You cannot do both.

**Mr. T. Chapman-Mortimer:** This amendment seems to me to raise very much larger issues than appears on the surface. I did not suggest,—and I am sorry I was misunderstood as having suggested,—that it should be compulsory for a company which was involved in these circumstances to apply to the court for reduction of capital. What I asked was, what Government's attitude was in the matter. I think we must be absolutely clear in our minds about this. Government know, and we all know, that banking companies whose authorised capital runs into crores of rupees have been started in the last two years. Is it the policy of Government that all these companies should have a further issue of shares to enable them to comply with this law, or does Government propose in certain cases to say "Your authorised capital is very large. It is quite unnecessary for the carrying on of the bank and we suggest that the correct remedy for you in your particular case is to apply to the court for reduction of capital". Now, Sir, that is not the same thing as saying that in every case this would apply. In some of the new companies, what would happen would be that the Examiner of Capital Issues would automatically say—"certainly, this is a bona fide case. They have to comply with the law. They have done so. Their capital structure seems all right. Therefore I hereby sanction the necessary issue of further shares." That is one case. Then you have the other where the authorised capital is an

(Sir M. Azimul Haque.)

they will never be able to raise those 2 crores, what is the use of giving permission? Every case will have to be looked into. But having regard to the provisions of the control of capital issues, we will give the fullest facilities that existing banking companies may be enabled to function, if necessary, by a change in the Articles of Association.

**Sir Cowasjee Jehangir:** The Honourable Member brings in legislation which forces a banking company to conform to what will be the provisions of the Act. He must surely see that at the same time there are no Ordinances in existence which will prevent the company from conforming to the provisions of the Act. It will be inconsistent to legislate that a company shall do so and so.

**Mr. Chairman** (Syed Ghulam Bhik Nairang): Order, order. Is the Honourable Member (Mr. Jamnadas Mehta) going to move his amendment?

**Mr. Jamnadas M. Mehta:** I wish to move my amendment in order that the position may be clarified. I move:

"That in clause 3 of the Bill, after sub-section (2) of the proposed section 2771 the following sub-section be added:

(3) That for the purpose of carrying out the requirements of sub-section (2) (d) of the new section 2771 the Examiner of Capital Issues of the Government of India shall, on an application by a banking company, forthwith grant the permission necessary for raising the paid-up capital of that banking company up to 50 per cent. of its subscribed capital."

Sir, there is no question of going to a court of law for reduction of capital. My amendment is absolutely straight. Supposing I have an issued capital of 18 lakhs and I have got a paid-up capital of 6 lakhs. As soon as this Bill is passed I shall be required to raise it by 3 lakhs more. That is the only issue in my amendment. How can I be denied permission to raise it to 9 lakhs. Because on the one hand you say it shall make 9 lakhs, on the other hand, that is the officer who is called the Examiner of Capital Issues—he might sit on my application for months or for weeks. I shall be disobeying the law, and on the other, somebody else will be holding up my application. That is the only case which my amendment covers. The Honourable Member may have his own reservations about concerns which desire to reduce their capital from one crore to 2 lakhs, and then maintain that one lakh paid-up is now half. Those cases my amendment does not cover. My amendment covers a definite and single issue,—that the capital should be allowed to be raised to the extent required by this amending legislation. I do not see how the Government can get cut of this obligation when they want me by law to bring my capital up to 50 per cent. of my subscribed capital. I do not think I need even argue, and the earlier assurance of the Honourable Member was perfectly reasonable. I wanted him to repeat it, but my Honourable friend, Mr. Chapman-Mortimer, has frightened him by talking of going to a court of law and reducing the capital and all that sort of paraphernalia which I quite agree may be necessary in the case of other banking companies. But in the case of banking companies contemplated in my amendment there is nothing besides an obligation on the part of Examiner of Capital Issues to forthwith grant permission to raise the capital up to 50 per cent. as required by law. I, therefore, submit that this amendment should be accepted by the Government, or the assurance must be absolutely explicit so far as my amendment covers banking companies. I am not covering others. Sir, I move.

**Mr. Chairman** (Syed Ghulam Bhik Nairang): Amendment moved:

"That in clause 3 of the Bill, after sub-section (2) of the proposed section 2771 the following sub-section be added:

(3) That for the purpose of carrying out the requirements of sub-section (2) (a) of the new section 2771 the Examiner of Capital Issues of the Government of India shall, on an application by a banking company, forthwith grant the permission necessary for raising the paid-up capital of that banking company up to 50 per cent. of its subscribed capital."

**Sir Cowasjee Jehangir:** I was just saying, Mr. Chairman, that it would not be quite fair on the part of Government to legislate to compel an existing company to conform to the provisions of the Act and at the same time have an Ordinance which would prevent it from conforming to the sections of the Act. What Mr. Jamnadas Mehta wants is an assurance that if a company is willing and able to conform to the section of the Act under discussion, no Ordinance

of Government will prevent the company from doing so or delay it from taking measures to conform to the Act. That is a very simple proposition but my Honourable friend, the Commerce Member, naturally has some apprehensions that when a company comes with a request to raise its capital according to the section of the Act there may be other reasons which may weigh with Government and may result in a refusal. Well, if that takes place then as Mr. Chapman-Mortimer says, the company has only one remedy and that is to go to court and reduce its capital. Why should you force a company to do that? If that company is willing and able to conform to the section of the Act, then I do not think by a refusal under an Ordinance you should compel a company to go and reduce its capital in order to be within the four corners of the Act. Therefore, when this section was drafted, this ought to have been foreseen. Surely, Government knew the existence of the Ordinance and Government knew that there are certain companies which will have to increase their capital. They are in existence and they ought to have foreseen it and now when an assurance is asked, Government express apprehensions as to what conditions will exist when that company comes for increase of capital. For my own part, I can see no reason to refuse a company to increase its capital, provided it is willing and able to do so. The Honourable Member said it may be a question of two crores and the company may not be able to raise that capital. Well, if it fails to raise that capital, after having applied for permission, then it will fall within the mischief of this section and will be penalised or it will have to go to Court, and have the capital reduced but permission cannot be refused. You cannot have it both ways. You must either give permission and allow him to make an attempt to raise that capital or you must amend the section of the Act. You cannot have it both ways. I think that the contention put forward by Mr. Jamnadas Mehta appears to be quite reasonable. When this clause was being drafted, you knew very well that the consequence of it would be that companies must come forward and ask for fresh capital and you also knew when the clause was being framed that there were possibilities under the Ordinance of such permission being refused, unless you specifically provided otherwise. I am afraid either an assurance should be given or Government must amend the section. You cannot have it both ways. I personally can feel no apprehensions with regard to accepting Mr. Jamnadas's amendment or to give an assurance that Government will see to it that a company is allowed to conform to the section of the Act. You cannot refuse it—that permission or that assurance—or make it conditional. After all if capital is available and the company can raise it, that is all that Government have to see. If that company fails to raise the capital, the remedy is that they must go to a court and have the capital reduced. You cannot do both.

**Mr. T. Chapman-Mortimer:** This amendment seems to me to raise very much larger issues than appears on the surface. I did not suggest,—and I am sorry I was misunderstood as having suggested,—that it should be compulsory for a company which was involved in these circumstances to apply to the court for reduction of capital. What I asked was, what Government's attitude was in the matter. I think we must be absolutely clear in our minds about this. Government know, and we all know, that banking companies whose authorised capital runs into crores of rupees have been started in the last two years. Is it the policy of Government that all these companies should have a further issue of shares to enable them to comply with this law, or does Government propose in certain cases to say "Your authorised capital is very large. It is quite unnecessary for the carrying on of the bank and we suggest that the correct remedy for you in your particular case is to apply to the court for reduction of capital". Now, Sir, that is not the same thing as saying that in every case this would apply. In some of the new companies, what would happen would be that the Examiner of Capital Issues would automatically say—"certainly, this is a bona fide case. They have to comply with the law. They have done so. Their capital structure seems all right. Therefore I hereby sanction the necessary issue of further shares." That is one case. Then you have the other where the authorised capital is an

[Mr. T. Chapman-Mortimer.]

enormous sum (to give a good impression to the public), where the issued capital is perhaps a tenth, or even less, and the paid-up capital is relatively small. In such a case, is it really the policy of Government that they are going to say—"here is a banking company with an authorised capital of 10 or 20 crores and issued capital of one crore, paid-up capital of 50 lakhs. It has forthwith to issue 9 more crores and have half of that paid up". I would seriously urge Government to consider the implications of this matter and before they reach a final decision to have regard to what the Finance Member has been trying to do to check the excessive demand for capital at the present time. That is my point. I do not suggest that Government should make a hard and fast rule either way. If they accept Mr. Jamnadas Mehta's amendment, that, in fact, is what they will have to do. I suggest the correct attitude for Government is to instruct the Examiner of Capital Issues to take a reasonable view. Capital in one case is only a small amount and permission can be given to issue more shares and in another case it is a large amount and it is obviously unnecessary to issue it because a company is already doing business; in such a case I suggest that the Examiner of Capital Issues should say—your correct remedy is to go to court. In other words, I suggest that Government in this matter should have discretion and should not be bound in the manner in which Mr. Jamnadas Mehta's amendment seems to bind them.

**Mr. Hoosenbhai A. Lalljee:** I rise to support what my friend Mr. Jamnadas Mehta, and Sir Cowasjee Jehangir, have said. This present legislation has been brought because the Government wants that the banking concerns now in the country must have sufficient capital, that they should not go on doing business without sufficient capital. Now, if that is the intention of the Government, then, surely, those companies which have been floated, in order to conform to the Act, must be given liberty to have further capital. The instance that my friend, Mr. Chapman-Mortimer, gave does not apply in my humble opinion. If a company has ten crores of subscribed capital and wants to get another 9 crores, it is not because, if it applies to the Examiner, that it will get the same from the public which is presumed. It is a very well-known fact that often it is not easy to get the capital and it won't be forthcoming for some time to the extent that many people seem to think. It may be that when

3 P.M. persons like Mr. Chapman-Mortimer or Sir Cowasjee Jehangir ask for it, they will get it, but ordinarily people will not get such a huge capital as my friend seems to think merely because they are applying to the Examiner of Capital Issues. What has been suggested by Sir Cowasjee Jehangir is that if they cannot get permission for it, in order to conform to this Act they will have to go to the court of law and perforce will have to reduce their capital, and I agree with him that is not fair or equitable.

Then, it is suggested to give wide powers to the Examiner of capital issues. To authorise an officer to consider what is a sufficient capital for a banking concern which is going on in a certain city or district is too much. Even the Finance Department should not take to itself this power because it is only those who take upon themselves to float companies and do actually the business that know the requirements of the business that they contemplate or are doing. It is impossible either for the Examiner of capital issues or even for any Government department to know what are the requirements contemplated by the promoters or the directors or the shareholders. I think we cannot give that power to the Examiner of Capital Issues or any other officer at all. It is a well-known fact and it cannot be denied that the applications that are made to the Examiner of Capital Issues are seldom disposed of within three or four months. Many a time he takes as much as six months and sometimes even more. It may be that he has not got sufficient number of experts or a big staff to deal with them. This office was only meant to take away the surplus cash from the country and not to allow it to be invested as far as possible. In other words, to float a company, capital was required and it is the policy of Government that capital should not be invested in every concern. We were given to understand by the Finance Department and actually an undertaking was given that capital for

any industrial or banking concerns would not be refused except those which are not deemed to be useful at present. But it is not certain that some banking concerns may not be refused on the reason that this country does not want banks. Now, if you provide in the Bill that capital must be taken so as to make them solvent and strong enough, you cannot then have power to say that they cannot have it. In other words in the same breath you cannot say that they must have it or otherwise they must reduce and therefore go to the court. Now, going to the court means the stopping of all the existing business and arrangements. Those who are connected with the banking affairs know very well that if a going concern like a bank is going to apply to a court for a reduction of capital, it would mean the stopping of some of the business, thus causing uneasiness and panic. In other words, it will mean something like a liquidation. You will have to give an assurance that the Examiner of capital issues will have to sanction to the banking companies who want an extra capital perforce or some such thing must be done. I think it is a serious matter. Above all, I would never be a party to leaving the whole matter to the Examiner of capital issues. I say it once again that even the post of the Examiner of capital issues was enunciated on the understanding that industrial and banking concerns would not be handicapped. They are being forced now for the sake of sound business and the safety of the people and yet you won't give them their capital. My friend, Mr. Chapman-Mortimer, says that we should leave it to the tender care of an officer who has been especially appointed with the object not to give capital, or to ayoid its giving as far as possible. It is impossible. We know that even ordinary applications were not disposed of within three or four months. It may be due to less staff or want of experts. I have no objection if you do not want the capital to go into the coffers of the public for all and any purpose and want it to be invested in war loans. At the same time, you insist on putting the banking companies on a sound line you must allow them that. You cannot have it both ways. With these words I entirely support Mr. Jamnadas Mehta and Sir Cowasjee Jehangir. It is a serious matter and I hope the Commerce Member will give his careful consideration to it. It is one of the matters for which the whole Bill ought to have gone to the Select Committee. If the Honourable Member has any doubt he can clear it up.

**The Honourable Sir M. Azizul Huque:** I have no doubt.

**The Honourable Sir Jeremy Raisman:** Sir, I regret that I am under the disadvantage of not having heard some of the previous speakers on this amendment because I was unavoidably detained and was not able to be in the House. As far as I can see, the amendment seeks to ensure that in cases coming within the mischief of part (a) of sub-clause (2) of this clause, the banking company which is required to raise its paid-up capital up to half its subscribed capital shall not encounter any difficulties from the existing control of capital issues. Well, Sir, as far as that is concerned, I am prepared to assure the House that such difficulties will not be raised. That, as far as I can see, should dispose entirely of the subject-matter of this amendment. I have not examined the legal aspect of the matter. I am doubtful whether the term "Controller of capital issues" is the technical title . . . . .

**Mr. Jamnadas M. Mehta:** His designation is "The Examiner of Capital Issues."

**The Honourable Sir Jeremy Raisman:** Even the Examiner of Capital Issues does not, I believe, exercise powers himself. This control is exercised by the Government of India and I think it would be inappropriate to express this obligation in terms of the Examiner of Capital Issues. It seems to me, in any case, that it is undesirable to attempt to give statutory rigidity to a matter of this kind. The Government are fully aware of the point at issue and will see that the necessities of the situation are met. I do not think that the question of the relation between the subscribed capital and the authorised capital comes into this at all. Whatever steps may have to be taken by a banking company in order to comply with that requirement of the law, they will have to take that is a matter the substance of which is before the House in the Bill as

[Sir Jeremy Raisman.]

drafted, and it is a matter which has been before the country for a considerable time and on which a great body of opinion is, I understand, favourable. I do not think, Sir, that there is anything more that need be said on this. I would suggest to the Honourable Member that in view of the assurance which I have given he should withdraw his amendment.

**Mr. Jamnadas M. Mehta:** I am a supporter of the section itself, but this difficulty is real. That is why I have raised this point, and the Honourable the Commerce Member in the morning was far more generous than now. Now, Sir, if an assurance is given that those companies will act according to the Bill when it becomes an Act, and if one of them wants to raise its capital, you will not put obstacles in their way, that is the only thing that is wanted and since you have given this assurance, I do not wish to pursue the matter.

**Sir Cowasjee Jehangir:** What about authorised capital?

**The Honourable Sir M. Azizul Huque:** That question has not been raised.

**Mr. Jamnadas M. Mehta:** It is a simple question of bringing more money. I ask you not to put obstacles in the way of such a company. I am hoping that this assurance means . . .

**The Honourable Sir M. Azizul Huque:** I want to make it quite clear that so far as the assurance is concerned, it touched that part of it bearing relationship between subscribed capital and paid-up capital. It is only to see that the paid-up capital and the subscribed capital relationship is maintained for which he wants the assurance and the Honourable the Finance Member has given that assurance. So far as the other parts are concerned, authorised capital, that is a matter to be left to the banks concerned in view of the law existing at the present moment. I hope the Honourable Member would withdraw his amendment.

**Mr. Jamnadas M. Mehta:** I beg leave of the house to withdraw the amendment.

The amendment was, by leave of the Assembly, withdrawn.

Clause 3 was added to the Bill.

Clause 4 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Sir M. Azizul Huque:** Sir, I move:

"That the Bill, as amended, be passed."

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

"That the Bill, as amended, be passed."

The motion was adopted.

### THE INDIAN AIRCRAFT (AMENDMENT) BILL.

**Sir Gurunath Bewoor** (Secretary, Posts and Air Department): Sir, I move:

"That the Bill further to amend the Indian Aircraft Act, 1934, be taken into consideration."

Sir, the amending Bill which I am now moving for the consideration of the House is intended to amend section 5 of the Indian Aircraft Act, 1934 by the addition of two clauses. The statement attached to the Bill gives in brief the objects and reasons for the amendment. But the House would like to have a little more information than what could be given in that statement.

**Sir F. E. James** (Madras: European): The Bill has not yet been moved.

**Mr. Chairman** (Syed Ghulam Bhik Nairang): The motion is being moved that the Bill further to amend the Indian Aircraft Act, 1934, be taken into consideration.

**Sir Gurunath Bewoor:** Section 5 of the Act authorises the Central Government by notification in the *Gazette of India* to make rules regulating among other things the operation of any aircraft or class of aircraft. Under the same section such rules may provide for the conditions under which aircraft may be flown or may carry passengers, mails or goods. The control of the operation of aircraft by a system of licensing the operators is essential in any country which does not restrict itself to State operation or a monopoly corporation or a company. The United States of America, Great Britain and Australia have,

for example, had licensing systems in force for a number of years. In India, however, though the Government could, under the Indian Aircraft Act, make rules for licensing air transport operators they have deliberately deferred action with two objects, firstly to observe results in other countries of the licensing system and secondly to give more flexible conditions for the early stages of growth in India. This was appropriate and necessary in a country like India where efforts have to be concentrated not in suppressing mushroom growths or wild schemes but on encouraging and maintaining alive the few organisations which had been brought into existence with much effort. The development of civil aviation in India has certainly been comparatively slow.

It is not necessary now to go into the reasons as to this slow growth. But Honourable Members would no doubt be aware of the fact that while many European countries went in for heavy subsidisation of air transport services, financial considerations in India have generally made it difficult to provide such subsidies. It was with the introduction of the Empire Air Mail scheme that it became possible to give some aid in the form of mail contracts payments and this led to the development of two feeder air services within India. Prior to the outbreak of war, there were thus in India two contract mail services, namely, Karachi—Colombo, and Karachi—Lahore. They covered an air route mileage of 2,470 miles and the annual flying mileage was 1.1 million and the capacity ton miles operated was 453,000. Besides these services which operated throughout the year, there were a certain number of services sponsored by Indian States and by private enterprise, some of which were seasonal in operation. I might mention the services operated by Tatas between Bombay—Trichinopoly, via Trivendrum and between Bombay—Delhi via Bhopal and Gwalior; by Indian National Airways between Lahore and Delhi and by the Air Services of India between Bombay and Kathiawar. The advent of the war prevented any further development of air services by private enterprises, and even in the case of established services, it soon became impossible for some of them to continue their operations due to the difficulty of getting fresh aircraft parts etc. All efforts had now to be concentrated on services essential for war. Such civil air organisations as exist have been utilised to the extent possible, to operate services which have a definite necessity for the war effort and in fact the magnitude of the operations now carried out by the two principal companies is greater than before the war. In other cases the transport services are operated by Service aircraft and by Service personnel.

The conditions created by the war have given a great impetus to the development of air transport and to highly advanced forms of navigation and considerable progress has been made in the manufacture and operation of large transport planes and in navigation by day or by night. There is keen and active interest in the post war development of air transport and many countries in the world are preparing themselves to meet the large demand that is bound to come for air transport services in all countries. In India there is very keen interest on the part of the public as well as on the part of industrialists and businessmen. India cannot afford to lag behind in the development of air transport services in her own territory. India is ideally situated for the development of air transport. It has a good climate for the greater part of the year, the large centres of industry and population are separated by long distances. India is on the highway between Europe and the Far East and as such her territory will be crossed by international world air services which are bound to be greatly augmented at the end of the war. In order that India may have herself a first class internal air service and be able to take her proper part in the international services in due course, the Government of India have taken up the question of post war planning for internal air services in the first instance. This plan is now ready and is shortly to be submitted to the members of the Reconstruction Policy Committee for their information, criticism and advice. Honourable Members are probably aware of the constitution of such committees



to consider various post-war plans. On this Committee for Posts and Aviation there are representatives of the departments of the Government of India concerned, such as the Finance Department, the War Department and the Railway Department, official representatives to be nominated by the eleven Provincial Governments, representatives of Indian States and non-official representatives representing commerce, trade and industry.

I hope very shortly to be able to send our memorandum to the members of the Committee and also hope to be able to publish it for the general information of the public. I was hoping it would be ready by today but I regret that the pressure on the Government Press has rather delayed it, specially the printing of the map. Honourable Members would perhaps like me, therefore, to give a few outstanding features of this post-war plan. This plan contemplates the establishment of daily air services on the main trunk air routes covering India north to south and east to west, with link routes connecting the trunk routes at suitable points and with extensions to the capitals of adjacent countries. These contemplated services would cover an air route mileage of 10,500 with an annual flying mileage of 7½ millions, and with aircraft of the class contemplated the total transport effected would amount to 12½ million ton miles a year. As compared with the air services operated before the war the annual flying mileage would be five times and the ton mileage 15 times. This, as the House will understand, is of course our first instalment. The services will be mixed passenger, freight and mail services. The aircraft will have accommodation for between 12 to 20 passengers; the services will be of daily frequency to begin with to be increased later if necessary; and as and when the air routes are organised for night flying the services will operate by night. The connecting services will make it possible with few exceptions to leave any place in India on the air routes and arrive on the same day at any other place on the air routes. The capital invested by the operating organisations will probably be between 3 and 4 crores and the annual cost of operation is estimated to be between 2 and 2½ crores.

I will not enter into any further details because Honourable Members as well as the general public will soon have an opportunity of getting acquainted with the full details of the scheme. Stimulated by the establishment of the major air services I have mentioned there will undoubtedly be considerable independent development of the air services of secondary and of local importance. In order to meet the development which is not only expected but which the Government of India desire actively to encourage and, if necessary and possible, to support, it is essential to provide a licensing system. The objects of such a system are, to promote rational and economic development, to ensure safety, regularity and reliability, to ensure that the air services meet the real needs of the country, to co-ordinate effort, to discourage the growth of mushroom organisations and wild-cat schemes, and to prevent uneconomic competition involving waste of national energy and of national assets. It is with these objects that the Government of India are now proposing to take powers to make rules for the regulation of air transport services and for the prohibition of the use of aircraft in such services except under the authority of and in accordance with a licence authorising the establishment of a service, and for obtaining information from the applicants or holders of such licence. For the time being the operation of non-scheduled air transport, that is to say, charter and taxi flights will not be made subject to licences: such flights, like all other flying, will continue to be covered by the Indian Aircraft Act and its rules. As I have said before, the rules which it is now intended to make could have been made under the existing provisions of section 5 of the Indian Aircraft Act; but Government felt that since a definite principle of licensing of air transport service was being adopted, it would only be fair to the Legislature if the matter was brought in specifically under the Act. And it is, therefore, that this amending Bill has been brought forward for the acceptance of the Legislature.

The Bill gives power to Government to make rules. Under section 14 of the Indian Aircraft Act any power to make rules conferred by the Act is subject to the condition of the rules being made after previous publication for a period of not less than three months. Under sub-section (4) of section 6 of the Defence of India Act of 1939 section 14 of the Indian Aircraft Act has ceased to have effect during the continuance of that Act. Rules can, therefore, now be made without previous publication. This amendment was made under the Defence of India Act because in war time it is necessary to be able to make changes in the rules to meet urgently and expeditiously any special circumstances that may arise. Even though section 14 of the Act has ceased to have effect we consider that it would not be fair, so far as rules to be made in accordance with the powers now to be given to Government under this amending Bill are concerned, to make them without previous publication. I, therefore, undertake that the rules which Government propose to make under the provisions of this clause shall be duly published for a period of not less than three months, and any views or criticisms which are received will be carefully considered before the rules are finally issued.

Sir, I move.

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

“That the Bill further to amend the Indian Aircraft Act, 1934, be taken into consideration.”

**Sir F. E. James:** Sir, this Bill is seemingly a modest one and of small account; actually it is an extremely important one. I am glad that my Honourable friend, Sir Gurunath Bewoor, has made some attempt to explain what Government policy is in the matter of civil aviation in the future; but I am bound to say that I found his explanation distinctly vague. Therefore, I am under the obligation to ask him to give the House, if he will, some further information on the policy of the Government of India, if they have one, with regard to the development of internal services and India's place in the air age of the future.

Before I deal with those larger questions I would like to acknowledge with thanks the assurance of my Honourable friend that before the licensing board is set up and before the rules are framed under the Act not only the policy committee attached to his department but also the interests concerned and public opinion will have an opportunity of expressing their views. He gave no indication of Government views on the constitution and the powers of the Board. I express some surprise at this, because here is the Legislature which is supposed to represent, in a measure, public opinion, and we are asked to give our assent to this Bill under which he is going to set up a very important licensing board. Yet he tells us nothing about its composition and very little, except in general terms, about its functions. I would express the hope that the Board that is to be set up will be a Board which is both expert and independent. . .

**An Honourable Member:** Above all.

**Sir F. E. James:** Yes, it will, in fact, be a Board "above board"! And it should be a board which will attract the confidence of the public and also of those operating companies which will apply for the necessary licences.

I would like to ask my Honourable friend, if he can and will, to give us some further information about the Government of India's policy as to the future of civil aviation in this country and the place of India in the world of the air after the war. An early formation of an Indian air policy is increasingly important. The conclusion of the war will give India a very unique opportunity. There will be in this country many efficiently trained men ranging from ground staff and mechanics to pilots, and there will be a large number of fully equipped and well-placed air fields. Other countries, both within and without the Empire, are losing no time in making preparations now for post-war developments. Not very long ago, President Roosevelt and Mr. Winston Churchill



[Sir F. E. James.]

together, after discussion, laid down certain main principles for a free air policy after the war. Here they are:

- (1) That internal aviation should be operated and owned by the countries concerned;
- (2) That the machines of other countries should have the right to use air ports to refuel, but not to pick up goods or passengers; and
- (3) That wherever possible and profitable air lines should be run by private companies and not by Governments, though there would, of course, be exceptions in the case of certain routes on which communications were desirable but which for various reasons might not be operated by private companies."

Now, Sir, I wonder whether the Government of India can here and now say that they will accept those three guiding principles as their policy. For example, have Government decided yet how these anonymous routes that have been described (without mentioning any place names) how they are actually to be operated? There are four alternative methods: First, there is the method of state-controlled and state-operated services, which, in my view, is uneconomic, expensive and for which certainly there is not the requisite governmental machinery in existence. Then there is the monopoly—a system which, I suggest, is seldom successful. Imperial Airways had a monopoly but it was unprogressive and completely defeated by the enterprise of commercial competition, subsidised by foreign governments. Then there is subsidised private operations, that is to say, private operations subsidised directly by Government—a system which experience has shown hampers initiative and independence. Initiative and independence are essential in any effective and efficient organisation of civil aviation and this can be only achieved by careful administration, by the maintenance of services at economic speed, and by the willingness to write off aircraft before they are out-of-date. I suggest to my Honourable friend that subsidies should be unnecessary if adequate remuneration is paid by Government for carrying mails, and if Government is sufficiently generous in its support of research, the pooling of information and other essential requisites for a rapid and effective development of civil aviation. Sir, I believe that the most efficient and economic method of operating civil air lines is controlled competition. By that I mean the licensing of reputable and financially sound companies to operate on certain routes under prescribed conditions. I wonder whether Government has reviewed these various alternatives and, if so, whether my Honourable friend can tell the House what is their conclusion.

Now, Sir, I pass on to the wider question of India's place in the post-war flying world. The Government of India was represented at a conference which was held in October in London under the chairmanship of Lord Beaverbrook. It was attended by representatives of the British, Dominion and Colonial Governments. I understand that this conference was only exploratory. We have been told that the proceedings were confidential, though they are being freely discussed in various journals in different parts of the world. One thing we do know. This Conference recommended the constitution of an Air Transport Authority associated with and responsible to any organisation which might be set up by the United Nations after the war in connection with international security. This sounds very much like the nucleus of an Empire Air Council. Is that the case? Can my Honourable friend tell us anything about that conference and whether in those discussions India represented her claim to be included in any such organisation that might be set up? Sir, in the post-war flying world, unless India now develops a clear-cut and definite policy and pursues it with vigorous determination, she will be left at the mercy of three or four great powers who, between them, will monopolise the great international flying routes of the world. I claim that India should not only develop internal flying services on a large scale but should also develop external services; and I should like to be assured by my Honourable friend that that aspect of India's post-war policy is being borne in mind and planned.

There are many reasons why India should develop lines of her own outside this country; some are strategic, some are commercial. Strategically India is an important base in the area now known as South-East Asia, and if there are,

as I believe there will be, regional arrangements for security in the future, India should share in a large measure in such arrangements that are made in this part of the world. Secondly, India has, in some of these countries which border the Indian Ocean and the Bay of Bengal, large settlements of her own countrymen. For commercial reasons therefore and in order that India may keep in touch with her children overseas, it is important that she should develop routes to these countries. Air routes increase trade and friendship; and an increase in trade and friendship with these settlements overseas will be of very great benefit both to this country and to the countries in which Indians have settled.

There is one subsidiary question I should like to ask and that is whether in considering the future, preparations will be made to take over the operation of those routes which are now being operated by the Transport Command, as soon as it ceases to be necessary for Transport Command to operate those routes. I may say that Transport Command is performing admirable service in the emergency with the zeal and efficiency characteristic of the R.A.F. They are laying the foundation for important civil air routes after the war. Their experience will be extremely valuable and I hope will not be entirely lost to this country. I should like my Honourable friend to consider at what point of development will Transport Command hand over the responsibility for flying on some of these routes to Civil Aviation when the emergency has passed.

My last question refers to the important matter of the steps which are necessary to strengthen the administrative machinery of the Civil Aviation Department itself in order to equip it for the very heavy tasks that are obviously awaiting it. I have noticed in all the Committees that have been set up to deal with reconstruction after the war, no committee has yet been set up to deal with the overhauling of the administrative machine of the Central Government, which is bound to be necessary if some of these rather grandiose schemes are to be carried out. I do not want to say anything more about that general question; but I put it to my Honourable friend that it will be necessary very greatly to strengthen the machinery at his disposal if the Civil Aviation Department is to meet the obligations which he has described. The Government will, I take it, be responsible for the maintenance of aerodromes, lighting, radio, meteorological services, wireless communication, supply of information, traffic regulation, the inspection of aircraft and aircrews, negotiations with operating companies, negotiations with other countries in international agreements, and, what is almost more important than anything else, research. This is a wide extension of the present responsibilities of the Civil Aviation Department which, in my view, will require thorough reorganization and much strengthening. I should be glad to know from my Honourable friend what Government has in mind in this matter.

Before the war this Department was treated as one of the Cinderella departments of Government. I am a little apprehensive of Government's attitude, for I observed in the paper the other day that the Honourable Member in charge has taken to himself another Department. Now that must mean one of three things: either the responsibilities of the department over which he now presides are not sufficient for him, or the work in the new department means nothing, or his shoulders are so broad and capable that he is able to take on further responsibilities without impairing his efficiency in any one of them.

**Nawabzada Muhammad Liaquat Ali Khan** (Rohilkund and Kumaon Divisions: Muhammadan Rural): All these three statements are correct.

**Sir F. E. James:** I am sure it is because his shoulders are so broad and capable that this change has been made. But I do hope that the Government of India will not treat the Civil Aviation Department as one of the unimportant departments. For years this Department was starved in every way possible. India ought to have had a civil aviation service before the war of some magnitude. I do not say that Government alone was responsible, for there was undoubtedly a dearth of public and private enterprise.

**The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar** (Supply Member): Air-mindedness.

**Sir F. E. James:** Still, there was the responsibility of this department to create more air-mindedness on the part of the public. I only hope that now that the age of the air has come upon us the Government of India will, in this matter at any rate, wake up and determine to put India in her rightful place in these important developments that are going to take place after the war.

My last word is to point out to my Honourable friend, the Secretary in charge of this Department, that other countries will not stand still. Some of them are already looking to important developments in this country. My Honourable friend must know as well as I and those of us who are interested in this matter know, that some of the most powerful countries in the world are determined to make a bid to capture the great international routes either for passenger or for goods traffic; and unless the Government of India have themselves a clear-cut and imaginative policy which they are prepared to carry through with determination, they will find that others, more powerful, perhaps less scrupulous, and more determined, have taken from India all those advantages in the matter of civil aviation which this war is likely to leave as one of its more happy legacies. Sir, I support the Bill.

**Dr. Sir Zia Uddin Ahmad** (United Provinces Southern Divisions: Muhammadan Rural): Sir, I was under the impression that civil aviation had handed over its responsibility to the military department and we were not going to discuss this question of air services during the war. We heard that there was a Department of Civil Aviation before the war; and we only heard when the Budget came before us; but as far as the actual work of civil aviation was concerned, I said at one time it was an open question—like cholera pills, about which a person asked whether they were intended to produce cholera or to cure cholera. The position was the same about civil aviation. I know that for years and years I had a fight with the Director General of Aviation, who was really the personification of the entire department of civil aviation, to give more scholarships to persons who really deserved them; but in spite of my repeated requests, I never succeeded during the five or six years he was holding his office; and I kept quiet and said nothing about civil aviation and I thought it was a closed chapter. We know very well that after the war—probably Sir Frederick James did not stress this particular point—but I would like to stress it—there will be a triangular fight between the rail service, the road service and the air service. Up to the present the fight was only between road and rail. But after the war there will be this triangular fight. For this fight the railways are preparing themselves. They have got two funds—one is what they call reserve fund and the other, which is the same fund really, is what they call the depreciation reserve fund; they are collecting money with two hands and depositing them into two pockets under two different names. Now they have started a third fund, adding one more hand and one more pocket, under the name of "Improvement of 3rd class traffic amenities fund", to which they are adding; and they have accumulated for five years, at the rate of 15 crores a year, a total of 75 crores for this purpose. They are collecting these reserves for the triangular fight which is coming. About the railways I do not know definitely; but I understand from some of the reports that they have made a budget of a thousand crores for the improvement of roads immediately after the war. So, two of the competitors are really preparing themselves for this triangular struggle that is bound to come as soon as the war is over; but this third party in this struggle has been sleeping all the time, and suddenly it got up and brought forward a small Bill for creating a kind of board, as if by the creation of this board the whole of this machinery and organisation and all things will immediately come into existence, to which reference has been made by Sir Frederick James and to which I shall refer later on.

I would like to know what this department is doing. Every department under the Government of India is now making a plan for the future reconstruction—I rather hate the word reconstruction, because we have practically destroyed very little which has to be reconstructed and I would rather call it future development of the country; but what is my Honourable friend the Secretary for Aviation doing for the development of civil aviation after the war? How will he compete with the other two competitors, rail and road, as soon as the war is over? I understand that no step has been taken in the civil department in this particular direction. If anything has been done, I shall be pleased to hear of it on the floor of the House,—that he has also formed a committee and that committee has drawn up a big scheme—and since our units for these post-war reconstruction schemes are not in terms of a crore, but thousands of crores—how many thousand crores programme he has made for the development of this civil aviation in this country after the war. We have heard nothing about this work. I heard before that they had washed off all their responsibility from the civil to the military side. I quite appreciate and I understand that during the war the military should have control of aviation, but this will not be the case after the war.

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

We know very well that air traffic has got a great advantage over rail and over road. For rail, you must have a permanent way; otherwise it will not move; in the case of the road also we require some kind of track, otherwise either car nor slow traffic will move; but in the case of the air, there is freedom and there are a number of places which are unapproachable either by rail or road, which can be reached by air; and though it has got certain natural advantages in comparison with the other two services, no step is being taken in its development and no plan for any action which we should take after the war.

Now, there are two sides of the development and requirements which have been referred to by Sir Frederick James. The first is what he called internal and the other international. In the case of internal traffic there ought to be a kind of network of this traffic from one district to another district and so on. I am told that in America even now every town of moderate size has got a landing ground, so that traffic from one place to another can be regulated by air. No such step has even been considered by the Civil Aviation Department; and I do not know what their plans are and how they would be competing. So, it is very desirable that we should have a network of traffic by air for internal purposes; internal and inter-provincial traffic should be regulated by the companies in India. The Government may have traffic of its own, and probably a time will come when we will have open discussion as we have in the matter of railways: in the railways we started with company management and every railway built in the beginning, with few exceptions, was company-managed and company-owned. With the experience of about 40 years, we have come to the conclusion that all these railways should now be owned and managed by the state and should not be worked by the companies. The same question will arise about the air services. This is also a point which has to be considered and I hope that the Honourable the Secretary in charge of his department will enlighten us whether he is contemplating that the air services after the war will be owned and managed by the Government or he will allow the companies to develop these services and put in some money, and perhaps it may be necessary as we did in the case of railways to subsidise these companies. Therefore, the principles that we adopted in the development of rail traffic in this country will have to be adopted for the development of air service as well. No step has yet been taken: in fact we have not yet opened the book, not to think of reading it; except this fact that suddenly like a bombshell a Bill has been brought to us, as if by passing this Bill the whole air service will come into

[Dr. Sir Zia Uddin Ahmad.]

existence. Just in the same manner that some persons thought that when he will make the articles of association the whole of the factories will come into existence simply by the adoption of the articles of association. The articles of association really form an unimportant part of the whole thing compared with the kind of idea as to what we are going to do during the war and after the war, and there is no indication in this direction.

As regards international service, that is also a very important question because the position is very different from what it is at sea. At sea you can go from one place to another by having so many alternative routes, but in the case of air service India will play a very important part in the establishment of international services, and for southern Asia it will be a centre of all this traffic, and will have to play a very important part. As pointed out by Sir Frederick James, we want to know what India is contributing in this international discussion about international aircraft, what will be our position, and whether in all these conferences India was represented and what views India expressed at those conferences. I hope that the Assembly will be kept informed of what is happening about the development of this very important branch of traffic.

Again, we will require a large number of personnel for running our air services, and these men cannot be trained in a day. For every person who is going out on air you require 11 persons to work on the ground. Therefore, it is very desirable that we should have some kind of plan for the training of the personnel who will be required after the war. It does not suffice to be told that we will leave this matter to air headquarters and let them train, and then we will have their services here. They are making arrangements for their own purpose, they are not concerned with the future development of the country here. It is the business of the Civil Aviation Department to see what they should do for the future. We know very well that after the war there will be a great demand for civil aviation. I am certain in my mind that in every educational institution, in every university the demand for flying clubs will be as great as it is today in the case of swimming or cricket or football or hockey. In the Aligarh University we have already prepared a landing airfield at a cost of Rs. 30,000 to which the Government, either the civil or the military side of it, have paid no contribution whatever. We prepared it at our own expense with the full knowledge that this will be a necessary element after the war and that we ought to be prepared for what is going to come in the future. About the personnel, I have been pressing the Government of India, the Labour Department as well as the other Departments, that the time has now come when they should train their labour and their personnel who will work in air services in different capacities as radio men, aerodrome officers, assistant aerodrome officers, mechanics and so on.

I may say here that one has very great difficulty in the present system of administration in compartments. What one department is doing the other departments are not only ignorant about it, but they refuse to co-operate with one another. The Labour Department is in charge of training technicians for the aeronautical work, and they refuse to do anything in this particular direction and there is no co-ordination between the various departments of the Government. You ought to train your personnel, so that it may be of service during the war, and still of greater service after the war to establish internal and international traffic which is bound to be an important feature in this country.

As in the case of rail, road, etc., we have been demanding that there ought to be some factories for the manufacture of engines but no attention was paid, and when we are paralysed we are thinking of what will be done. We had been pressing in the case of road services that there ought to be some factories in India for the manufacture of motor cars, and we must have some factories for the manufacture of aircraft in this country; otherwise, we will be paralysed and now is the time at least to make plans. We appreciate very well that you cannot make a beginning but at the same time please give us a programme,—how many units of 1,000 crores you will require for the manufacture of these aircrafts and for bringing into existence an air service which will stand up

to the competition of rail and road services. This is a thing where we must do something.

As regards international side, as pointed out by Sir Frederick James, I think it is only reasonable to ask Government to let us know what position India will occupy in the international air routes. Will it be at the mercy of the other companies? They may stop traffic whenever they like, or divert it whenever they like. We want to know whether we shall have some say and an effective say in this particular matter, and whether we will initiate any company of our own,—it may be an international company but it should be established and chartered in this country,—whether they are contemplating to do so, or whether they are intending that Indian Government may purchase shares in the companies which are already in operation or which may operate on these international routes? All these points must be seriously considered and we ought to have some clear indication from the Honourable the Secretary about them. Merely to say that a Board will be created does not solve the problem. As I said, the drafting of the articles of association does not bring the whole factory into existence, it does not bring out all the articles in a finished form. I know and probably the Honourable the Secretary of the Department also knows that there will be a great demand for air service later on, and I am perfectly convinced that every person who now owns a motor car will require an aircraft as soon as the war is over, because there is a great disadvantage in the motor, it does not go everywhere. Your aircraft can go everywhere . . . . .

**The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar:** Without landing!

**Dr. Sir Zia Uddin Ahmad:** In order that the service may operate properly there ought to be airfields and I should like to know how many airfields the Government of India are contemplating to have, how much money in units of 1,000 crores each they are going to spend on these. (Interruption.) 1,000 crores is a unit in the Government post-war reconstruction development. If it is 500 crores, then call it .5 unit. I should like the Secretary to say whether he is proposing to have a committee on post-war development of air service and air flying, such as the railways have done, as the roads have done. The Railways are powerful enough. They have got the money accumulating in their pockets even now, though they do not need it. The roads are very popular because you can get money on the ground that the villagers require them. It is an important thing for the villagers for the movement of agricultural crops. But in the case of air, no such plea can be put forward and he will have to make some plans in this connection. What arrangement is he going to make for the construction of aircraft in this country? Secondly, what arrangements is he going to make for the air fields? Thirdly, what steps is he going to take for the training of the personnel which will be required for the different kinds of work connected with the air fields? All these are matters on which we want some information and to ask us to pass this simple Bill is rather unfair. It is like preparing the articles of association and saying that a big factory for producing all kinds of things necessary for life will be at once generated. With these few words, I resume my seat.

**Rao Bahadur N. Siva Raj (Nominated Non-Official):** There can be no doubt whatsoever of the importance and the urgent need of examining the various questions that were raised by my Honourable friend, Sir F. E. James, in his speech. It was instructive and also exhaustive on this question of air development in India. As he was speaking, I was wondering as to how far my Honourable friend the Secretary for Posts and Air is an officer who can take the responsibility either on behalf of himself or on behalf of the Government of India to answer satisfactorily the points that have been raised by my friend, Sir F. E. James. I personally think that, having regard to the present position of India in relation not merely to His Majesty's Government but also in relation to the rest of the United Nations, the Government of India and much less the Secretary for Posts and Air cannot contribute a satisfactory solution of the problems raised with regard to the development of an Indian air policy. We all know that the question of air routes has for the last two years assumed a serious importance

So, I feel that having regard to the importance of the subjects raised in this somewhat seemingly small Bill, it is essential that the Government should see to it that this ought not to be taken as merely an excuse for postponing what

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As regards the International aspect of the matter, there is at the present moment a very great deal of discussion going on all the world over, in America, in Great Britain and in the Dominions and it would require a considerably detailed description of the position. There was before the war a Convention relating to the Regulation of Aerial Navigation which had been agreed to by 32 nations of the world. Certain amount of freedom of the air was allowed under that agreement. There was one clause in it which, however, prevented the



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operation of what we call regular commercial services without the consent of the country concerned and that practically prevented the development of through services freely across other countries and it enabled a country to hold up the development of a service, particularly if it happened to be on a through route. As to what would happen at the end of the war, we cannot say at present. There is undoubtedly a great deal of feeling among the countries of the world that at the end of the war there ought to be a greater freedom and that air services should be developed more freely, that the countries of the world should come together more freely and better feelings should be developed. In all such discussions India will undoubtedly take her part. But I cannot today tell Sir Frederick James what exact freedoms India is prepared to give and what she is not prepared to give. That is not the attitude of mind in which a country should attend any International Conference. We are prepared to examine all the arguments for and against and we are in at every stage of the discussions of all views that are being expressed in the United States of America, in the United Kingdom, in Canada, in Australia and in New Zealand. Recently, my Honourable friend must have seen an agreement which has been entered into by Australia and New Zealand and he may rest assured that in all these matters India is keeping herself absolutely up-to-date.

Sir Frederick James wanted to know something about the Licensing Board. Now, I purposely did not say much about it because this particular Bill definitely asks for authority to make rules regarding a licensing authority. We propose to study carefully the rules which have been made for constituting such an authority in the United States of America, in the United Kingdom and in Australia. These rules vary in different countries. First of all, the rules generally will provide for the constitution of the authority with powers to call for applications, to hear representations, to grant licences, to prescribe the conditions to be fulfilled with regard to the route, the aircraft and its equipment, operational procedure, operational and maintenance personnel, time-tables, fares and freight rates. The Board will have power to suspend or revoke licences, to sanction transfer of licences, to make arrangements for the carriage of mails and to call for periodical returns. As regards the constitution of the Board, Government will examine this matter before publishing the rules constituting the Board. In America, which first adopted the system of licensing, the authority is the Civil Aeronautical Board; which is a permanent whole time Board and deals with every aeronautical matter. It has about five Members appointed by the President, one or two being highly qualified aeronautical engineers—I am afraid we have not got any in this country—it may also include one or two businessmen with experience in aviation. In Great Britain the members of the Air Transport Licensing Authority are appointed by the Secretary of State for Air; the only condition is that one of them shall be a person of legal experience and none may have any financial interest in any air transport undertaking or any business connected with aircraft, aerodromes, etc., without declaring it to the Secretary of State. I am somewhat doubtful whether this authority has been constituted at all. I have not been able to make quite sure. In Australia the licensing of air transport is one of the duties of the Civil Aviation Board which is wholly official and consists of the Controller General of Civil Aviation, the Controller of Operations and the Controller of Ground Organisation and a Finance Member appointed by the Minister. This Board is responsible for the administration of civil aviation generally and the licensing of air transport is one of its duties.

I have mentioned all this in order to convey to the House that we will examine these different aspects and frame our rules which, as I have stated, will be published and will invite criticisms and advice before they are finalised. My Honourable friend, Sir Frederick James, asked about the external services. Now, Sir, as I have already stated our post-war planning—and incidentally I do not know whether Dr. Sir Zia Uddin Ahmad was in the House when I spoke first—our post-war planning covers in the first instance trunk air routes and certain link

routes which cover a route mileage of 10,500 miles and which in a year would be roughly 74 million miles. That is the first stage. Now, Sir, these plans do contemplate extensions ultimately from India to places like Rangoon, Colombo and Kabul possibly Chungking, and possibly places in Persian Gulf. We do contemplate that India will not remain content with her own internal services. But it must be remembered that there is a vast field to cover within India itself and we have a sufficiently large task before us to cover India with essential internal services before we look outside for external services.

Now, Sir, my Honourable friend, Sir Frederick James, enquired about our headquarters organisation. I should like to say here that our post-war planning includes not merely the planning of air services; this is only one item of the plan; for any air service to operate it is necessary to provide the ground organisation. Therefore, we have to provide the necessary aerodromes, buildings on the aerodromes such as quarters for the staff, wireless organisation, meteorological organisation, night flying facilities and all that is the duty of the Civil Aviation Department. In order that these may function, it is naturally necessary to have a good headquarters organisation. All that is being planned. What I have mentioned is that we have at present ready for submission to our reconstruction policy committee, the first instalment, namely, the air routes and the air services which we wish to see operated after the war. Naturally if that air plan is approved, everything that is necessary in order to make those air services operate will have to be provided. I was asked as to how these services will operate and there was a difference of opinion between Sir Frederick James and Mr. Essak Sait as to whether they should be operated by the State or by private enterprise. Now, Sir, that is exactly the point on which we would take the opinion of the Reconstruction Policy Committee. We propose in our memorandum which we will be submitting to the Policy Committee to place before them the different methods by which these air services can be operated. They can be operated by Government, or by a statutory corporation, or by a single monopoly company or by a number of competing enterprises. We hope to get valuable advice from businessmen to whom this matter will be submitted and I have no doubt that Sir Frederick James and Mr. Essak Sait would be able to submit their own considered views in the matter to us.

Dr. Sir Zia Uddin Ahmad raised the question of road, rail and air competition and enquired what air was doing while rail was putting money by in order to develop itself. Now, Sir, I happen to be responsible for roads as well. There is no money for roads at all. I was very glad to hear that because roads benefit the agriculturists, there will be plenty of money forthcoming. I hope that if I come up in the Standing Finance Committee for more money for roads, the learned Doctor will support me. Our road planning contemplates an expenditure of 450 crores, less than half a unit according to the learned Doctor. What I should like to point out is that the Honourable Member, Dr. Sir Zia Uddin Ahmad is mistaken if he thinks that we are looking on these three different forms of transport as competing with one another and trying to cut each other's throats. It is exactly that which we want to prevent by Government carefully planning the development of these three forms of transport. Our objective is to co-ordinate and not to compete, and when we prepared our plan, we took into confidence the Railway Department. In what we wanted to do, we took the point of view of the railway also. We know that there is sufficient traffic for all the three forms of transport. There is no reason whatsoever for any existing form of transport to be afraid of being ruined because some new form of transport has come into existence. As regards the trained personnel, we fully recognise their great value and in fact one of the objects of our planning is, apart from developing India and make her a first class country, to find employment for our trained pilots and mechanics and we hope that not only the plan which we have prepared but also private enterprise will serve to develop a number of subsidiary services and will find employment for a number of such trained personnel.

As regards my Honourable friend, Rao Bahadur Siva Raj, I should like to give him a categorical assurance that the method of licensing which we are now



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trying to adopt is not intended to check development but on the contrary, as I have mentioned, the whole object of licensing is to prevent wasteful competition and waste of national assets. It is not merely a question of preventing wasteful competition between road, rail and aviation, but it is to prevent wasteful competition between the air operators themselves. My Honourable friend, Mr. Siva Raj, knows that in connection with the Motor Vehicles Act, we had to adopt the system of licensing which aims at preventing the competitors from resorting to cut-throat competition and thus ruining themselves. Licensing is now a recognised form of regulating competition and there is no intention whatsoever of checking development. On the contrary, Government are anxious to encourage development of civil aviation.

Sir, I hope I have given the House all the information it needed and I hope my motion will be agreed to.

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

"That the Bill further to amend the Indian Aircraft Act, 1934, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

**Mr. H. A. Sathar H. Essak Sait:** Sir, I move:

"That after clause 2 of the Bill the following clause be added, namely:

"3. Further amendment of section 5, Act XXII of 1934.—After sub-section (2) of section 5 of the Indian Aircraft Act (XXII of 1934), the following sub-section shall be added, namely:

"(3) Rules to be laid before both Chambers.—Every rule made under this section shall be laid as soon as may be after it is made before each of the Chambers of the Central Legislature, while it is in Session, for a total period of one month which may be comprised in one Session or in two or more Sessions, and if before the expiry of that period, or where the period for which the rule is so laid before one Chamber does not coincide with that for which it is so laid before the other, before the expiry of the later of those periods, both Chambers agree in making any modification in the rule or both Chambers agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be."

What this amendment means is that when the rules are made under section 5 of the Act they will be effective as per section 14 while they are made. But when the Legislature is in Session these rules will have to be placed on the table of the House and it will be open to any Member to propose amendment or abrogation of any of these rules, and it will be open to both Houses to agree to the amendment or abrogation. If such a thing happens it will be as if that rule had not been made or made in an amended form. If you look at the Bill you will find that Government are taking large powers under clause 2.

**Sir Gurunath Bewoor:** Sir, if it will expedite the passage of the Bill, I am prepared to accept the amendment.

**Mr. H. A. Sathar H. Essak Sait:** Then I need not say any more.

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

"That after clause 2 of the Bill the following clause be added, namely:

"3. Further amendment of section 5, Act XXII of 1934.—After sub-section (2) of section 5 of the Indian Aircraft Act (XXII of 1934), the following sub-section shall be added, namely:

"(3) Rules to be laid before both Chambers.—Every rule made under this section shall be laid as soon as may be after it is made before each of the Chambers of the Central Legislature, while it is in Session, for a total period of one month which may be comprised in one Session or in two or more Sessions, and if before the expiry of that period, or where the period for which the rule is so laid before one Chamber does not coincide with that for which it is so laid before the other, before the expiry of the later of those periods, both Chambers agree in making any modification in the rule or both Chambers agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be."

The motion was adopted.

New clause 3 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**Sir Gurunath Bewoor:** Sir, I move:

"That the Bill, as amended, be passed."

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

"That the Bill, as amended, be passed."

The motion was adopted.

## THE TRANSFER OF PROPERTY (AMENDMENT) BILL.

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

"That the Bill further to amend the Transfer of Property Act, 1882, be taken into consideration."

The object of the Bill is to amend and clarify the law relating to the assignment of policies of marine insurance. As the law now stands, identical provision for the assignment of policies of marine insurance and of policies of insurance against fire is contained in section 135 of the Transfer of Property Act and what this Bill does is to take policies of marine insurance out of the scope of that section and to make new provision for the assignment thereof.

As Honourable Members interested in insurance will be aware, the rules and principles governing a marine insurance policy are materially different from those governing a fire insurance policy, and it is very unsatisfactory to accord the same treatment in the matter of assignment to both categories of policies. To take the instance mentioned in the Statement of Objects and Reasons, a fire insurance policy is not assignable after loss, but the nature of a marine insurance contract is such as to require that marine insurance policies should be assignable even after loss. Honourable Members will appreciate that occasions for the assignment of a fire insurance policy after loss can scarcely arise in practice, but the hazards of a sea voyage are so innumerable and so uncertain—particularly in war time—that no owner of property which is being carried across the seas can ever be sure at any given time whether his property is still afloat or has gone to the bottom of the sea. That being the position, cases often arise—and are bound to arise,—where such property changes hands even after loss. Having regard to the terms of section 135 and clause (e) of section 6 of the Transfer of Property Act, it is more than doubtful if in such events a policy of marine insurance could be validly assigned. In the United Kingdom, the assignability of marine insurance policies after loss is placed beyond doubt by the express provisions of the Marine Insurance Act of 1906. The Bill proposes to adopt those provisions with certain modifications necessitated by the existence of clause (e) of section 6 of the Transfer of Property Act which forbids a transfer of a mere right to sue.

Opportunity has also been taken to set out clearly the law of subrogation in relation to marine insurance on the lines of section 79 of the United Kingdom Marine Insurance Act.

Sir, this Bill has been promoted at the instance of commercial bodies and has the approval of the business community. I hope the Bill will have the unanimous support of the House, Sir, I move.

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

"That the Bill further to amend the Transfer of Property Act, 1882, be taken into consideration."

The motion was adopted.

Clauses 2 to 4 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Sir Asoka Roy:** 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 INSURANCE (AMENDMENT) BILL.

**The Honourable Sir M. Azizul Huque:** (Commerce Member): Sir, I move:

"That the Bill further to amend the Insurance Act, 1938, be taken into consideration."

The objects have been clearly explained in the Statement of Objects and Reasons. Sir, I move.

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

"That the Bill further to amend the Insurance Act, 1938, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

**Sir George Spence** (Secretary, Legislative Department): Sir, I move:

"That in clause 3 of the Bill, in sub-clause (b), in the proposed sub-section (2A) the words 'managing agent' be omitted."

Sir, the point of this amendment is that under the operation of section 32 of the principal Act there can no longer be any managing agents of insurers in existence. Therefore, the reference to them in this clause is inappropriate. Sir, I move.

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

"That in clause 3 of the Bill, in sub-clause (b), in the proposed sub-section (2A) the words 'managing agent' be omitted."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clauses 4 and 5 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Sir M. Azizul Huque**: Sir, I move:

"That the Bill, as amended, be passed."

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

"That the Bill, as amended, be passed."

The motion was adopted.

#### THE CANTONMENTS (AMENDMENT) BILL.

**Mr. C. M. G. Ogilvie** (Secretary, Defence Department): Sir, I move:

"That the Bill further to amend the Cantonments Act, 1924, as reported by the Select Committee, be taken into consideration."

Sir, the Select Committee has made no changes and as I explained each clause of the Bill on the last occasion I think there is no need for me to take up any further time of the House.

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

"That the Bill further to amend the Cantonments Act, 1924, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clauses 2 to 8 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. G. Ogilvie**: 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 Assembly then adjourned till Eleven of the Clock on Thursday, the 24th February, 1944.

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

#### STARRED QUESTIONS AND ANSWERS.

##### (a) ORAL ANSWERS.

#### DISCONTINUANCE OF TRAVELLING VAN PORTERS IN KARACHI DIVISION, NORTH WESTERN RAILWAY.

197. **\*Mr. Lalchand Navalrai**: Will the Honourable Member for Railways, be pleased to state:

(a) whether it is a fact that travelling van porters, employed on the Karachi Division of the North Western Railway, have been discontinued and their functions are performed by contract labour; if so, since when, and why;

(b) whether it is a fact that there were no frequent thefts in running trains when the Railway van porters were employed, who had stake in service and were entitled to all Railway privileges, and whether it is also a fact that thefts have considerably increased since the employment of the contract labour;

(c) how many contractor's porters and other members of the staff have been challaned for thefts during the last one year;

(d) how many claims have been refused during the last one year to the public on the ground that the loss or pilferage was due to theft in running trains; and

(e) what steps Government propose to take to ensure that the public is not deprived of compensation for loss of goods, if none, why?

**The Honourable Sir Edward Benthall**: (a) The statement is partially correct. I understand that on five sections of the Karachi Division, road van portage is performed by contract labour whereas Railway van porters are employed on the remaining six sections. I believe the change has been made gradually from the end of 1941 as experience showed that contractors' labour is more efficient.

(b) Government have no precise information. The matter is under enquiry and a statement will be laid on the table of the House in due course.

(c) 7 Railway van porters and 4 contractors' porters.

(d) I regret the information is not readily available.

(e) None, as the existing law, in the opinion of the Government, is adequate.

**Mr. Lalchand Navalrai**: May I know from the Honourable Member how it is partially true?

**The Honourable Sir Edward Benthall**: Well, Sir, it is true in part!

**Mr. Lalchand Navalrai**: That is only paraphrasing. What I want to know is whether it is or not a fact that thefts have increased in the trains and that the people are, therefore, suffering because they are not being given compensation?

**The Honourable Sir Edward Benthall**: No, Sir. That is not the case.

**Mr. Lalchand Navalrai**: Will the Honourable Member then enquire into it and make sure that this is a fact and that people are suffering? If true, the contract should not be stuck to.

**The Honourable Sir Edward Benthall**: I have made enquiries. The thefts have tended to be on the increase but while the North Western Railway have repudiated the claims on the score of running train thefts they have not done so if the contractors and railway porters have been proved to be involved.

**Mr. Lalchand Navalrai**: Then who is responsible? It must be either the contractors or the railway porters? What is the Honourable Member going to do?

**The Honourable Sir Edward Benthall**: That is not the Honourable Member's question.

**Mr. Govind V. Deshmukh:** What steps have been taken by the Government to prevent the thefts which are increasing?

**The Honourable Sir Edward Benthall:** Under present war time conditions there is a general tendency for thefts to increase.

#### COMMUNAL RESERVATION IN PROMOTIONS TO STENOGRAPHERS' POSTS IN NORTH WESTERN RAILWAY.

198. **\*Mr. Lalchand Navalrai:** (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that the Railway Board in May, 1942, decided to apply communal reservation orders to the appointments of stenographers made on the North Western Railway by promotion? If so, under what specific provision of the Government of India, Home Department Resolution, dated the 4th July, 1934, was communal reservation in promotions justified?

(b) Do Government propose to abandon this policy in the matter of promotions to stenographers' posts? If not, why not?

(c) Is it a fact that the Railway Board desired in January, 1943, that appointments to posts of stenographers made since April, 1941, should be reviewed by the North Western Railway Administration and necessary adjustments made in future recruitments to make up for any deficiency in the recruitment of the members of the minority community, to such posts? If so, why were the orders given retrospective effect?

(d) Do Government propose to revise the orders referred to in part (c) above, to take effect from the date of issue? If not, why not?

(e) Are appointments to the posts of stenographers made on the North Western Railway by selection or as a result of competitive examination? If by selection, is it proposed to make appointments to these posts by competitive examination? If not, why not?

**The Honourable Sir Edward Benthall:** (a) No, the orders issued in May 1942 only clarified a position which has existed for a long time and does not amount to communal reservations in vacancies filled by promotion; as regards the second part, the provisions regarding direct recruitment are applied to these appointments.

(b) No, because it is not opposed to any declared policy of Government.

(c) Yes; it was considered reasonable that the adjustments ordered should be made.

(d) No, for the reason given in the reply to part (c).

(e) The selection is made as a result of a competitive test. The other parts do not arise.

**Mr. Lalchand Navalrai:** Am I to understand that promotion among the stenographers is being made on a communal basis? I want a direct answer.

**The Honourable Sir Edward Benthall:** There is no promotion to stenographer's grade.

**Mr. Lalchand Navalrai:** May I know whether some circular referred to in this question is being applied retrospectively and that is affecting the stenographers promotion?

**The Honourable Sir Edward Benthall:** Nor, Sir.

#### FAMILY RATION COUPONS FOR STAFF OF BENGAL AND ASSAM RAILWAY.

199. **\*Mr. Amarendra Nath Chattopadhyaya:** (a) Will the Honourable Member for Railways please state if it is a fact that the General Manager of the Bengal and Assam Railway, Calcutta, had passed orders, which were published in gazette No. 12 of 1943, that the entire staff on the Bengal and Assam Railway should get ration for their families on coupons, irrespective of the fact that their families actually reside in their native places and do not reside with them in their headquarters?

(b) If the reply to (a) be in the affirmative, does the Honourable Member propose to apply the same order to the staff of the Railway Department working in Delhi, and allow coupons to Railway hands in Delhi for their families living

in their native places on account of pecuniary difficulties and difficulties regarding quarters at Delhi?

**The Honourable Sir Edward Benthall:** (a) No, but certain staff who are forced to live away from their families are given ration cards for their families, i.e., wives and children.

(b) Does not arise; moreover, conditions in Delhi cannot be compared with those on the Bengal and Assam Railway.

#### SELECTION OF MEN FROM BRANCH OFFICES FOR RAILWAY CLEARING ACCOUNTS OFFICE, DELHI.

200. **\*Mr. Amarendra Nath Chattopadhyaya:** (a) Will the Honourable Member for Railways please state if it is a fact that some hands have been selected from respective sections by respective Branch offices to the Railway Clearing Accounts Office, Delhi? If so, what are the basic principles observed by officers for the selection of such men, and what special qualifications do such selected men possess for which they had been selected in preference to other men?

(b) How many men have been selected and sent to the Railway Clearing Accounts Office, Delhi, and how many of these were Punjabis—Hindus and Muslims, and Bengalis and Mahrattas and United Provinces men?

**The Honourable Sir Edward Benthall:** (a) The particular selection to which the question refers is not indicated and detailed information cannot, therefore, be collected.

(b) During the latter half of 1943 efforts were made to recall 113 clerks who had been lent by the Railway Clearing Accounts Office to the Supply and other Departments. These efforts met with practically no success and up to the present only two clerks (one Muslim and one Hindu) have been allowed to return to the Clearing Office. Nobody else has been transferred to the Clearing Office during the last six months.

#### TRANSFER OF MEN FROM RAILWAY CLEARING ACCOUNTS OFFICE TO THE RATION OFFICE, DELHI.

201. **\*Mr. Amarendra Nath Chattopadhyaya:** Will the Honourable Member for Railways be pleased to state if it has been decided that some people are to be transferred from the Railway Clearing Accounts Office, Delhi, to the Ration Office in Delhi? If so, what number has to be transferred, and what standard of qualifications will be required for the selection of such transferees? What will be the basic principles for such selection?

**The Honourable Sir Edward Benthall:** In reply to the first part of the question, no decision has been reached. The points raised in the other two parts of the question do not arise.

#### POST WAR SOVEREIGNTY OF AIR PORTS BUILT IN INDIA BY FOREIGN GOVERNMENTS

202. **\*Sir Abdul Halim Ghaznavi:** (a) Will the Secretary for Posts and Air be pleased to state if the Government of India are aware of the demand of a growing section of public opinion in the United States of America for retaining sovereignty of air ports built by the United States of America during the period of war?

(b) Have the Government of India examined this question and its implications regarding the sovereignty of air ports in the country?

(c) Will the Government of India assure that, under no circumstances, the sovereignty of the air ports built or to be built during the war time in India by the United States of America or by any other Government will be given to that Government?

(d) Are Government vigilant about safeguarding the essential Indian rights in any post-war settlement about civil aviation, particularly with reference to questions of transit or control of air ports or of an adequate share in Empire and International air transport, as suggested in the letter, dated the 10th November, 1943, addressed by the Indian Chamber of Commerce, Calcutta, to the Government of India on the question of development of civil aviation?

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

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

(e) Have the Government of India, under preparation a blue-print of war air development in India, as is being done not only in leading countries like Britain and the United States of America, but also in the Dominions, Australia, Canada and South Africa?

(f) If the answer to (e) be in the affirmative, are the Indian public, general, and the Indian commercial community, in particular, being consulted in the matter? If not, why not?

(g) Do Government propose to set up in the near future a non-official committee to advise them in the matter of post-war development of civil aviation in India? If so, when?

**Sir Gurunath Bewoor:** (a), (b) and (c). Government have seen Press reports to the effect that sections of public opinion in the United States of America have urged the acquisition of certain rights in relation to aerodromes built with American funds in other countries. No question of the transfer of sovereignty can arise and indeed according to Press reports the President of the United States has rejected any such idea.

(d) and (e). Yes.

(f) and (g). The plans for the post-war development of Civil Aviation in India are being got ready and will be placed before the Post-War Reconstruction (Policy) Committee, on which there are representatives of Provinces, the Indian States and of Trade and Industry.

**Sir Gurunath Bewoor:** I have already made a considerably detailed reference to this matter, Sir, on the discussion of the Aircraft Bill yesterday before this House.

**Mr. Govind V. Deshmukh:** What are those reserved rights?

**Sir Gurunath Bewoor:** There are no reserved rights. What I stated was that certain sections of public opinion in the United States of America have urged the acquisition of certain rights in relation to aerodromes built with American funds in other countries, the certain rights being, among others, the right to use the aerodromes for traffic purposes.

**Mr. K. C. Neogy:** Have any aerodromes been built by the United States Government in India?

**Sir Gurunath Bewoor:** I am unable to answer that question.

**Mr. N. M. Joshi:** Does the inability to answer the question come out of want of knowledge or on account of some other consideration?

**Sir Gurunath Bewoor:** The matter does not belong to my Department.

**Mr. Muhammad Ashar Ali:** Are these reserved rights only for the ports or also for the aerodromes?

**Sir Gurunath Bewoor:** There is no question of ports. The question is as regards certain rights for the use of aerodromes.

**Pandit Lakshmi Kanta Maitra:** Can aerodromes be constructed in this country without any reference to the Honourable Member's Department?

**Sir Gurunath Bewoor:** Certainly. The Army or the Air Forces can construct aerodromes without reference to the Civil Aviation Department.

**Pandit Lakshmi Kanta Maitra:** Then for the construction of aerodromes the Honourable Member's Department is not at all consulted?

**Sir Gurunath Bewoor:** My Department is not concerned with military aerodromes.

**Pandit Lakshmi Kanta Maitra:** Then there is no co-ordination at all in this matter.

**Mr. K. C. Neogy:** Do I take it that this question was not considered even with reference to part (b) of this question, i.e., the question as to the actual existence of air ports built at the expense of the United States Government in India, even though for military purposes?

**Sir Gurunath Bewoor:** It was considered, Sir, and I answered accordingly, viz., that there is no question of sovereign rights arising.

**Mr. K. C. Neogy:** What I should like to know is whether there is in existence any air port in India with reference to which this question need at all be raised?

# STARRING QUESTIONS AND ANSWERS

**Sir Gurunath Bewoor:** That is purely hypothetical.

**Mr. K. C. Neogy:** The Honourable Member's answer dealt with a hypothetical proposition. If there were no air ports the question would not arise.

**Sir Gurunath Bewoor:** But that is not the question.

## PAUCITY OF MUSLIMS IN THE ENGINEERING DEPARTMENT, BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

**203. \*Sir Abdul Halim Ghaznavi:** (a) Will the Honourable Member for Railways please state if it is a fact that trained and deserving Muslims are not given chance to fill up responsible positions of Chief Clerks, Head of Establishment Sections and Permanent Way Inspectors, etc., in the Office of the Engineering Department, and in outside staff of the Bombay, Baroda and Central India Railway on meter gauge system?

(b) How many promotions of Muslim candidates have been held up in the above offices during the last three years?

(c) What is the total number of posts in the offices of the Engineering Department of the Bombay, Baroda and Central India Railway on meter gauge system in the following grades, and how many of those posts are filled by Muslims:

|           |         |
|-----------|---------|
| (i) Grade | 400     |
| (ii) "    | 250     |
| (iii) "   | 200     |
| (iv) "    | 160     |
| (v) "     | 120 and |
| (vi) "    | 80 ?    |

(d) What is the total number of posts in the Permanent Way Staff of the above Railway in the following grades, and how many of those posts are filled by Muslims:

|           |         |
|-----------|---------|
| (i) Grade | 500     |
| (ii) "    | 450     |
| (iii) "   | 400     |
| (iv) "    | 350     |
| (v) "     | 300     |
| (vi) "    | 225     |
| (vii) "   | 120 and |
| (viii) "  | 100 ?   |

(e) How many Assistant Signal Engineers, Chief Signal Inspectors, Signal Inspectors and Assistant Signal Inspectors are there in the above Railway, and how many of these posts are filled by Muslims in each category?

(f) If it reveals that the Muslim community has been handicapped in getting the proportionate number of posts in the Bombay, Baroda and Central India Railway on meter gauge system, what steps does the Honourable Member propose to take in the matter?

**The Honourable Sir Edward Benthall:** (a) No.

(b) None.

(c), (d) and (e). I lay a statement on the table giving the required information.

(f) The percentage of Muslims employed in the offices of the Engineering Department is in excess of the quota laid down.

Statement showing total number of posts in each grade of clerks and Drawing office staff, Permanent Way Staff and Signal staff of the B., B. & C. I. Railway metre gauge system.

| Grade | Total No. | Clerks.<br>No. filled<br>by<br>Muslims. |
|-------|-----------|-----------------------------------------|
| (I)   | 1         | Nil                                     |
| (II)  | 13        | Nil                                     |
| (III) | 1         | Nil                                     |
| (IV)  | 8         | 1                                       |
| (V)   | 43        | 7                                       |
| (VI)  | 134       | 27                                      |
| Total | 200       | 35                                      |





transport", are issued by Regional Controllers of Railway Priorities working under the War Transport Department. Recommendations for the grant of such certificates, in the case of contracts placed by the Supply Department, are made by selected officers of the Department of Supply and I am not aware that there is any delay on the part of these officers in dealing with applications from contractors. It is inevitable, however, in the present acute transport conditions, that priority transport cannot be authorised in some cases and that in others there should be some delay in the issue of Railway Priority Certificates. I should make clear, however, that under the conditions governing Supply Department contracts there is generally no legal obligation on the Department to provide transport for the delivery of the goods ordered; the responsibility for the delivery of the goods at the time and the place fixed in the contract is solely that of the contractor. But Government, nevertheless, renders all possible assistance and in hard cases they even authorise payment for the goods in advance of their despatch.

**Pandit Lakshmi Kanta Maitra:** Do I take it then that one of the conditions in the contract is that the contractor will himself arrange his own transport?

**The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar:** That is so, in most contracts.

**Sir Abdul Halim Ghuznavi:** But that is not possible.

**The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar:** That is why the Supply Department gives facilities extra-legally.

**Sir Abdul Halim Ghuznavi:** These goods are intended for Government use, and I have been asked to put this complaint that Government own the wagons and know what wagons are available over different railways; unless permit is given, the goods cannot be moved; but even in spite of permits, railway wagons are not available and I have been made to suffer loss.

**The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar:** I have already explained that my Department gives the necessary permits; but the priorities are arranged by the Railway and War Transport Department, which has to take into consideration not only the needs of this Department but the needs of several other Departments, and in some cases the arrangement of priorities is such that the needs of contractors supplying to the Supply Department at a certain time have to be put aside in preference to other more vital and urgent needs. That is due to the acute shortage of transport. I have said that in such hard cases Government in the Supply Department are prepared sometimes to pay to the contractors even before the goods reach the destination.

#### HARASSMENT OF SUPPLY DEPARTMENT CONTRACTORS.

**208. \*Seth Sunder Lal Daga:** Is the Honourable Member for Supply aware that contractors are being harassed and put to considerable financial losses by cancellation of contracts without regard being paid to the contractors' interests and commitments? Is he further aware that on the ground of expiry of delivery date, acceptance of manufactured articles is refused, even when the articles were tendered before the due date? If so, does he propose to take steps to protect them against such losses and harassment?

**The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar:** The answer is in the negative. If the Honourable Member will furnish me with specific examples of the type of cases referred to by him, I shall give very careful consideration to such cases.

#### AMERICAN OFFICERS EMPLOYED ON RAILWAYS.

**209. \*Mr. Ananga Mohan Dam:** Will the Honourable Member for Railways please state:

(a) if it is a fact that several American officers have been employed on various Railways; and, if so, the number of such officers;

(b) if it is a fact that certain sections of the Bengal and Assam Railway have been placed at the disposal of the American Military Authorities; if so, whether Government propose to lay before the House the particulars of the

arrangements or contracts entered into between the United States and the Central Government; and

(c) whether the lease and lend agreement envisage control over Railway lines by the American Military?

**The Honourable Sir Edward Benthall:** (a) No, but on occasions American Officers have been associated in work which affects the movement of their own war equipment and stores.

(b) No, but traffic operation on certain sections of the Bengal and Assam Railway will be handed over for control and direction by the Americans who will employ a number of their own army railway personnel. The General Manager of the Railway, will, however, continue to exercise general control.

(c) No, this has nothing to do with Lease-Lend.

**Dr. Sir Zia Uddin Ahmad:** I would like to know what portion of responsibility has been transferred to the Americans as regards the administration of the Bengal and Assam Railway?

**The Honourable Sir Edward Benthall:** Operational control of movement on the section of the line concerned.

**Dr. Sir Zia Uddin Ahmad:** May I ask why he did not consult the Assembly in such an important matter?

**The Honourable Sir Edward Benthall:** Immediate action had to be taken for operational reasons.

**Dr. Sir Zia Uddin Ahmad:** But why did he not even report the fact to the Assembly?

(No answer.)

**Mr. K. C. Neogy:** Do I take it that the controlling officers of the American Government will virtually be subordinates to the General Manager and the railway administration?

**The Honourable Sir Edward Benthall:** Yes; the General Manager will be in general control.

**Pandit Lakshmi Kanta Maitra:** What is the relationship between the American military authorities and the Railway Board?

**The Honourable Sir Edward Benthall:** Cordial.

**Mr. Huseinbhoj A. Lalljee:** What was the necessity for handing over to the American authorities?

**The Honourable Sir Edward Benthall:** To assist the railway in a very difficult job.

**Dr. Sir Zia Uddin Ahmad:** Are Government contemplating to hand over the administration of other Indian railways to the Americans?

**The Honourable Sir Edward Benthall:** No.

**Dr. Sir Zia Uddin Ahmad:** Will that be done without our knowledge and given in answer if we put down a question?

**The Honourable Sir Edward Benthall:** I have just said it will not be done.

**Pandit Lakshmi Kanta Maitra:** I am not asking about the cordiality of the relationship, but about the constitutional relationship between the Railway Board and the American authorities.

**The Honourable Sir Edward Benthall:** The relationship will be through the General Manager.

**Pandit Lakshmi Kanta Maitra:** Do I take it that the operational control means that the American authorities also have control over the railway stores and stocks?

**The Honourable Sir Edward Benthall:** Over such stocks and stores as they use on that section of the railway.

**Pandit Lakshmi Kanta Maitra:** I want definite information from the Honourable Member on this point: in the railway demands there are specific amounts which relate to the railway stocks and stores. I want to know whether the American authorities can freely draw upon the railway stocks and stores without reference to the Railway Board?

**The Honourable Sir Edward Benthall:** That again is regulated through the General Manager; the General Manager will give them such stocks and stores as are necessary for operating the sections.

**Maulana Zafar Ali Khan:** May I ask whether the ban on the entry of Indians into America will be lifted if we hand over the railways to the Americans?

**The Honourable Sir Edward Benthall:** That hardly seems to arise out of the question.

**Mr. N. M. Joshi:** May I ask what portions of this railway have been handed over to the Americans?

**The Honourable Sir Edward Benthall:** That is information which, I am afraid, I cannot give to the Honourable Member.

**Mr. N. M. Joshi:** May I ask the Honourable Member to give us some approximate idea?

**The Honourable Sir Edward Benthall:** No; I must refuse, I am afraid, to give an answer, for reasons of security.

**Mr. Muhammad Azhar Ali:** Is there any intention to transfer the whole of India to the American Government?

(No answer.)

**Mr. K. O. Neogy:** I do not know whether the Honourable Member will give the reasons for handing over control of a section of this railway, its importance to the Americans or their want of confidence in the Railway administration?

**Dr. Sir Zia Uddin Ahmad:** Was it due to our inefficiency?

**The Honourable Sir Edward Benthall:** No, Sir; but owing to the exceedingly heavy strain which is falling on certain sections of the railway, we welcome the assistance of the Americans in increasing the lift over those sections.

**Mr. K. O. Neogy:** Did the Honourable Member open negotiations with the Americans with a view to securing relief for his staff? Who took the initiative in these negotiations?

**The Honourable Sir Edward Benthall:** It was in mutual consultation.

**Mr. Lalchand Navalrai:** May I know from the Honourable Member if the Government are short of their own hands and cannot carry on and, therefore, they have given it to the Americans?

**The Honourable Sir Edward Benthall:** Yes, that was one of the principal factors.

**Mr. Lalchand Navalrai:** Will the Honourable Member do the same as regards other functions and will the rule in India be transferred to them?

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

#### QUOTA OF ASSAMESE IN BENGAL AND ASSAM RAILWAY SERVICES.

**210. \*Mr. Ananga Mohan Dam:** Will the Honourable Member for Railways please state:

(a) the quota in services obtaining in the Bengal and Assam Railway as a whole, and the previous communal quota in the Eastern Bengal Railway and the Bengal and Assam Railway, separately; and

(b) whether any percentage is reserved for the natives of Assam; if so, what?

**The Honourable Sir Edward Benthall:** (a) The reservations in recruitment for the minority communities are still separate for the E. R. and A. B. sections of the B. & A. Railway. These are:

|                                      | A.B.  | E.B.  |
|--------------------------------------|-------|-------|
| Muslims . . . . .                    |       |       |
| A. I. . . . .                        | 35%   | 45%   |
| Other Minority Communities . . . . . | 8%    | 8%    |
| Scheduled Castes . . . . .           | 1.12% | 0.63% |
|                                      | 7%    | 7%    |

(b) No, because reservations are not made on a provincial basis.

**Mr. Hoosenbhoy A. Lalljee:** Will these quotas remain under the administration of the American officers who are for the time being managing it?

**The Honourable Sir Edward Benthall:** No.

#### APPRENTICE MECHANICS RECRUITED COMMUNITY-WISE IN BENGAL AND ASSAM RAILWAY.

**211. \*Mr. Ananga Mohan Dam:** Will the Honourable Member for Railways please state:

(a) the number of apprentice Mechanics recruited in the Bengal and Assam Railway this year, and how many of them are Hindus (giving the number of Bengali and non-Bengali Hindus), Muslims and Anglo-Indians;

(b) if it is a fact that in cases of Anglo-Indian and Muslim candidates, the minimum standard previously required, i.e., passing of the B.A.O.T. examination, is not required; and

(c) the reason why Government are lowering the standard of the technical education?

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

**Mr. Ananga Mohan Dam:** Is the Honourable Member aware that the quota for caste Hindus has been reduced?

**The Honourable Sir Edward Benthall:** I have called for information.

#### RESIGNATION OF APPRENTICES FROM THE FREELAND HOSTEL, AJMER.

**212. \*Mr. Frank R. Anthony:** (a) Will the Honourable the Railway Member be pleased to state if it is not a fact that sixteen of the twenty-two apprentices living in the Freeland Hostel at Ajmer resigned because of the conditions prevailing in the Hostel?

(b) Is it not a fact that the ex-General Manager, in spite of representations made to him supported the local official, and encouraged the continuance of conditions which drove the apprentices to resign?

(c) Is it not a fact that the management of this Hostel is entirely different from those on other Railways?

(d) What is the net income of this Hostel per annum, and is any audit check made by the Railway authorities?

(e) To whom do the proceeds from this Hostel go?

(f) Does the Honourable Member propose to order an enquiry into the direction of the affairs of the Hostel which resulted in the resignation of the apprentices?

(g) Does the Honourable Member propose to consider the desirability of giving these young lads an opportunity of continuing their apprenticeship, but under different and more regular management?

**The Honourable Sir Edward Benthall:** (a) Sixteen apprentices resigned as a protest against the discharge of another apprentice. They also alleged unsatisfactory conditions in the Hostel.

(b) The late General Manager was satisfied after full enquiries that the allegations about conditions in the Hostel were unfounded.

(c) I believe there is no material difference.

(d) As no rent is recovered from the apprentices, there is no income as far as the Hostel is concerned; the second part does not arise.

(e) Does not arise.

(f) No.

(g) I understand that the Railway will be prepared to consider taking the apprentices back on the merits of each case. I see no reason for making any changes in the arrangements made by the Railway.

**Sir Abdul Halim Ghaznavi:** Who was the late General Manager?

**The Honourable Sir Edward Benthall:** Mr. Laughton.

**Mr. Frank R. Anthony:** With regard to answer to part (b) of the question, what was the enquiry, if any, which the ex-General Manager made?

**The Honourable Sir Edward Benthall:** I have only the authority of the Railway to say that the General Manager made personal investigations into it, but I should like to add also that the President of the local Anglo-Indian Association, on the invitation of the local railway authorities, on two occasions made surprise visits to inspect the quality of the food which was the subject

of complaint, and I understand that he reported both to the apprentices and to the local railway authorities that he had nothing to complain about.

**Mr. Lalchand Navalrai:** May I know from the Honourable Member if these apprentices made any representation to the Government that they were not satisfied with the enquiry which was made by the Manager?

**The Honourable Sir Edward Benthall:** No.

**Mr. Frank R. Anthony:** Is the Honourable Member aware that the local President has now satisfied himself that the conditions in fact are of a discreditable nature?

**The Honourable Sir Edward Benthall:** That is not my information.

**Mr. Frank R. Anthony:** Will the Honourable Member be prepared to advise the President to hold an enquiry?

**The Honourable Sir Edward Benthall:** No. The matter is within the competence of the General Manager of the Railway.

**Mr. Frank R. Anthony:** How does the administration of this hostel differ from other hostels?

**The Honourable Sir Edward Benthall:** I have already said that I believe that there is no material difference.

**Mr. Frank R. Anthony:** Is the Honourable Member aware that the income from this hostel which is subsidised by the railway—the house is given free, furniture is free, lighting is free, services are free, but it is still run as a private enterprise fetching an income of about Rs. 1,000 a month?

**The Honourable Sir Edward Benthall:** The Superintendent of the Hostel receives no salary but in return pays no rent. He gets free housing accommodation for superintending the hostel.

**Pandit Lakshmi Kanta Maitra:** Did the Honourable Member say that there was no income from this institution?

**The Honourable Sir Edward Benthall:** That is so.

**Mr. Frank R. Anthony:** Is the Honourable Member aware that the apprentices have, irrespective of the fact that their parents may be living in Ajmer, to live in the hostel and also to pay Rs. 40 a month?

**The Honourable Sir Edward Benthall:** The figure is incorrect, but that is so. The apprentice pays the superintendent for his board.

**Mr. Frank R. Anthony:** How much is the figure?

**The Honourable Sir Edward Benthall:** Without referring to the file, I think it is about Rs. 38.

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

#### CONFERENCE OF DOMINION PREMIERS IN LONDON.

213. **\*Mr. K. S. Gupta:** (a) Will the Foreign Secretary please state when the Conference of Dominion Premiers is to meet in London?

(b) Will India be represented in that Conference? If so, who is to represent India? Will he be an official or a non-official? Will he be an Indian or non-Indian?

**Mr. O. K. Caroe:** This is a question which should have been addressed to the Honourable the Leader of the House.

#### REGIONAL COUNCILS.

214. **\*Mr. K. S. Gupta:** (a) Will the Foreign Secretary please state what is meant by a Regional Council? What are the functions of such a Council? Who are to constitute such a Council?

(b) Is there a Regional Council for East Asia? If so, is India an independent constituent of such a Council? Is the representative for India to be an elected one or a selected candidate by the Government of India?

(c) Would the Atlantic Charter be the guiding principle for discussions in such Regional Councils?

(d) Would not America and other United Nations have to be consulted in the formation of such Regional Councils?

(e) Is there any secret or avowed pact between America and Britain to hold India under a permanent bondage?

(f) Is the statement of Senator Taft, the Republican Leader, that America is more interested in upholding "the rule of law and order" throughout the world than in leading a crusade for the liberty of subject nations. "There is not the intention on our part to insist on the freedom of India or apparently even the freedom of the Baltic States or Eastern Poland", a frank and fair comment on American Policy?

**Mr. O. K. Caroe:** (a), (b), (c), and (d). No plans for what the Honourable Member calls Regional Councils have been brought to the notice of Government. These parts of the question, therefore, do not arise.

(e) No.

(f) It is not for Government to interpret American policy.

**Pandit Lakshmi Kanta Maitra:** Theirs is to accept and not to reason why!

#### FUTURE STATUS OF INDIA IN REGIONAL COUNCILS.

215. **\*Mr. K. S. Gupta:** (a) Will the Foreign Secretary please state if there is any correspondence between the Government of India and the British Government about the future status of India in the Regional Councils? If so, would it be placed on the table?

(b) Would this House be consulted if any arrangement is to be affected in the constitution of Regional Council for East Asia?

(c) Does Sir Henry Craik voice the sentiment of the British Government or the Government of India when he makes the Indian States the pretext for Britain's remaining in India "to hold the ring"?

**Mr. O. K. Caroe:** This is a question which should have been addressed to the Honourable the Leader of the House.

#### ACTION FOR REMOVAL OF RESTRICTIONS ON ENTRY OF INDIANS INTO THE UNITED STATES OF AMERICA.

216. **\*Sardar Mangal Singh:** Will the Foreign Secretary please state: (a) whether, in view of the fact that the United States of America Congress has repealed the Chinese Exclusion Acts, the Government of India has made any representation to the Government of the United States of America for the removal of restrictions on the entry of Indians into the United States of America; and

(b) whether any reply has been received; and, if so, what?

**Mr. O. K. Caroe:** (a) Yes: the Indian Agent General has made representations to the State Department on more than one occasion.

(b) Sir Girja Shankar Bajpai has been informed by the State Department that the Government of the United States of America view his representations with sympathy, and that they will examine the possibility of having legislation introduced in the sense desired.

**Sardar Mangal Singh:** On what date was this reply given?

**Mr. O. K. Caroe:** I cannot give the actual date of the diplomatic negotiations. They are going on over a considerable period of time.

**Sardar Mangal Singh:** Have the Government of India instructed their Agent General in America to pursue this matter?

**Mr. O. K. Caroe:** Government are very greatly interested in this matter and the Agent General has been instructed to pursue it.

#### PREVIOUS CONSULTATION WITH GOVERNMENT OF INDIA RE THE TEHRAN CONFERENCE

217. **\*Sardar Mangal Singh:** Will the Foreign Secretary please state whether or not the Government of India were consulted before the holding of the Tehran Conference?

**Mr. O. K. Caroe:** I regret that it is not in the public interest to make any disclosure regarding the Tehran Conference beyond the announcements already made public.

## REPORT ON INDIAN PROPAGANDA IN THE UNITED STATES OF AMERICA.

218. \*Sardar Mangal Singh: Will the Foreign Secretary please state:
- whether Government have received any report from their Agent in the United States of America of the propaganda carried on for India; and
  - whether the same can be laid on the table of the House?

Mr. O. K. Caroe: This question should have been addressed to the Honourable Member for Information and Broadcasting.

## ARRANGEMENTS FOR INDIAN PROPAGANDA IN THE U. S. S. R.

219. \*Sardar Mangal Singh: Will the Foreign Secretary please state:
- whether the Government of India have made any arrangements to carry on propaganda in U. S. S. R. on behalf of this country; and
  - whether there is any Indian correspondent or a press correspondent representing any Indian paper in the U. S. S. R.?

Mr. O. K. Caroe: This question should have been addressed to the Honourable Member for Information and Broadcasting.

## MINORITY COMMUNITIES' REPRESENTATION RE LAWLESSNESS ON THE NORTH WESTERN FRONTIER.

220. \*Mr. Lalchand Navalrai: (a) Will the Foreign Secretary be pleased to state if representations by the minority communities of Hindus and Sikhs from North-West Frontier and the neighbourhood have been made to the Government and His Excellency the Viceroy that the minority community is suffering by the lawlessness prevailing there, owing to which repeated raids are made by trans-frontier raiders, and that Hindus are often murdered and their men, women and children are abducted, their houses and shops are set on fire and other excesses are being committed on them?

(b) Is His Excellency the Viceroy aware of such atrocities?

(c) Have the Hindus represented through the press and petitions that the Provincial Government of the North-West Frontier Province is unable to cope with the situation?

(d) What steps has His Excellency the Viceroy hitherto taken or is proposing to take now to protect the minority communities there, against such onslaughts by ruffians including those residing in the tribal areas?

Mr. O. K. Caroe: (a) A few petitions have been received.

(b) Government are aware that raids have been made from time to time and persons of different communities and sexes have been killed or kidnapped.

(c) No such representation can be traced.

(d) Government maintains armed forces and police to protect the inhabitants of the North West Frontier Province as far as possible. These forces carry on vigorous patrolling by day and by night with a view to prevent the ingress of raiding gangs into the North West Frontier Province, and where they succeed in doing so, to intercept them. Release of kidnapped persons is obtained by all possible kinds of pressure on the tribes involved, reinforced if necessary by air or military action. Punishment is similarly inflicted on guilty tribes or sections.

Mr. Lalchand Navalrai: May I know if, after this representation, representations were made to the Government? And Government knew that lawlessness was still going on. Have the Government taken any more intense measures to see that the lawlessness is stopped or it is diminished?

Mr. O. K. Caroe: Crime, not only in the North West Frontier Province, but in other places, is continually going on and Government are continually taking measures either to meet resurgence of crime or to keep crime down. Actually the North West Frontier Province is possibly during the last 2 or 3 years one of the most peaceful parts of India.

Mr. Lalchand Navalrai: May I know what intenser measures have been taken to checkmate crime?

Mr. O. K. Caroe: A large number of additional police have been enlisted, and as I say the result has been that the North West Frontier Province has probably been the most peaceful part of the whole of India during the war.

## STARRED QUESTIONS AND ANSWERS

## QUALIFICATIONS AND DUTIES OF COAL COMMISSIONER.

221. \*Mr. K. C. Neogy: (a) Will the Honourable Member for War Transport please refer to the reply given in the Legislative Assembly on the 17th November, 1943, to question No. 250, that "the principal factor that contributed to the shortage of coal is undoubtedly the shortage of labour", and state why it was deemed necessary by Government to appoint a Coal Commissioner to help to increase coal raising when the primary cause of shortage, according to the above-mentioned reply, was shortage of labour?

(b) What will be the duties of the Coal Commissioner, and what are the qualifications of the person appointed? Are Government satisfied that no Indian of the requisite qualifications is available?

(c) What will be the official relations of the Coal Commissioner with the War Transport Department, the Railway Department and any other Department of the Government, respectively?

(d) What emoluments will the Coal Commissioner be entitled to?

The Honourable Sir Edward Benthall: (a) Although labour has undoubtedly been the principal factor in recent months, other factors have also operated at other times. The demand for coal is now in excess of the previous maximum production. In view of this and of the fact that production, labour, purchase and distribution fall within the purview of 3 different departments, it was thought desirable that there should be a high powered officer to co-ordinate the activities of these departments and to concentrate on all possible methods for increasing the production of coal.

(b) Subject to what is stated in (c) below, the Coal Commissioner's functions are to co-ordinate (1) the purchase of coal, (2) the distribution in accordance with any rationing scheme in existence, and (3) production of coal, including questions of supply of colliery stores, labour and the amenities and food for labour. He will also enquire into the possibilities of fuel economy. The Coal Commissioner joined the State Railways Impl. Engr. Service on 1st October 1903. He was Secretary, Indian Railway Board, 1914-16, Assistant Inspector General of Transportation, France, 1917-18, General Manager, Kailan Administration, Tientsin, 1923-32, and was subsequently Director, Chinese Engineering and Mining Company. He has recently been Coal Supplies Officer, Scotland.

The answer to the last part is in the affirmative.

(c) The Coal Commissioner has been requested to put forward proposals designed to achieve the most efficient methods of production and distribution and his official relations will depend upon the decisions taken after consideration of his proposals.

(d) £5,000 per annum.

Mr. K. C. Neogy: May I know from the Honourable Member whether this officer will have the fullest authority over distribution of coal among the different consuming parties, namely, the industries engaged in war effort, as also other industries, besides the other consumers?

The Honourable Sir Edward Benthall: That is decided by the Government.

Sir Abdul Halim Ghaznavi: Who pays the income tax on the £5,000?

The Honourable Sir Edward Benthall: The officer concerned.

Sir F. E. James: What is the status of the Coal Commissioner? Is it the status of a Secretary?

The Honourable Sir Edward Benthall: No, Sir.

Sir F. E. James: What is the status?

The Honourable Sir Edward Benthall: It is a special appointment.

Sir F. E. James: My Honourable friend said that he was a high powered officer. Has my Honourable friend realised that it makes a great deal of difference to his power—what particular status he has in the Secretarial grade?

The Honourable Sir Edward Benthall: That is so and his exact status will depend upon the decisions taken after consideration of his proposals which are now being formulated.

Dr. P. N. Banerjee: Will the status be higher than that of a Member of the Executive Council?

(No answer.)

**Mr. K. C. Neogy:** What does the Honourable Member mean when he says that he is a high powered officer? What is the extent of the height of the power of this officer?

**The Honourable Sir Edward Benthall:** Well, Sir, I mentioned at some length the experience of this officer, which is somewhat unique.

**Mr. K. C. Neogy:** May I know how this appointment has been received by the trade?

**The Honourable Sir Edward Benthall:** It is for the Honourable Member to inquire of the trade.

**Mr. K. C. Neogy:** Is it not a fact that this appointment has been very much criticised by at least one section of the coal trade?

**The Honourable Sir Edward Benthall:** A representation has been received.

**Mr. N. M. Joshi:** May I raise a point of order arising out of the replies given by the Foreign Secretary?

**Mr. President (The Honourable Sir Abdur Rahim):** That stage has passed. You cannot raise the subject now.

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**Mr. President (The Honourable Sir Abdur Rahim):** You cannot do that now.

**Mr. K. C. Neogy:** Will the Chief Mining Engineer and the Controller of Coal Distribution be in a subordinate capacity compared with this officer?

**The Honourable Sir Edward Benthall:** Yes, Sir, probably.

**Mr. K. C. Neogy:** Is it not a fact that Khan Bahadur Farrukh, the present Controller of Coal Distribution has fully proved his capability and also enjoys the confidence of the trade, and if that be so, what are the reasons for placing another officer over him—a British officer over this competent one, for the purpose of dealing with the transport aspect of the question?

**The Honourable Sir Edward Benthall:** The answer to the first part of the Honourable Member's question is very much in the affirmative. As regards the second part, I would refer the Honourable Member to my answer to part (a) of the question.

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**Mr. President (The Honourable Sir Abdur Rahim):** The Honourable Member cannot.

### UNSTARRED QUESTIONS AND ANSWERS.

#### BRINGING CERTAIN OLD SCALES OF PAY INTO LINE WITH THE REVISED SCALES ON NORTH WESTERN RAILWAY.

**67. Mr. Lalchand Navalrai:** (a) Will the Honourable Member for Railways, be pleased to state whether it is a fact that the revised scales of pay for the Railway staff, introduced in 1934 on the North Western Railway, were lower than the scales already in force?

(b) Is it a fact that the revised scales of pay for certain categories, such as Ballast Inspectors, Waiting Room bearers, etc., are higher than the old scales?

(c) Is it a fact that in reply to the representation by the staff through a deputation, for bringing the old scales of pay into line with the revised scales of the affected categories, the General Manager, North Western Railway, said that he could do but little in that direction, having regard to the policy of leaving the old scales of pay unchanged?

### UNSTARRED QUESTIONS AND ANSWERS

(d) Is there any restriction on the revision of the old scales of pay, at least to bring them into line with the 1934 revised scales? If so, why, and which authority imposed that restriction?

(e) Is it proposed to remove the anomaly in the scales of pay referred to in part (b) above? If not, why not?

**The Honourable Sir Edward Benthall:** (a) Yes, generally.

(b) Yes, except that the revised scale of pay of Ballast Inspector is lower than the old scale.

(c) Perhaps the Honourable Member has in mind the reply given by the G. M. to a deputation from a union. The question discussed, Government understand, did not concern equalising the revised scale and the old scale but two different old scales.

(d) Yes, Government do not ordinarily favour a revision of old scales of pay.

(e) No, because staff on old scales of pay continue to be eligible for the old scales throughout their service and cannot claim the best of both sets of conditions.

#### NON-PAYMENT OF EXTRA DUTY ALLOWANCE TO BOMBAY CIRCLE RAILWAY MAIL SERVICE STAFF.

**68. Mr. N. M. Joshi:** Will the Secretary for Posts and Air be pleased to state:

(a) whether the staff of the Railway Mail Service are being paid Extra Duty Allowance for curtailment of their rest, resulting from the performance of Extra Duties;

(b) whether the Railway Mail Service staff in the Bombay Circle were refused payment of Extra Duty Allowance from July, 1941, for Extra Duties performed by them which they were getting prior to that date;

(c) whether their refusal was the result of an interpretation by the Auditor General, Posts and Telegraphs, on Government orders sanctioning the said allowance;

(d) whether in other circles, this allowance continued to be paid for the period July, 1941, to July, 1942, according to the old basis;

(e) whether Government thought that the said interpretation was not correct and, therefore, the same was set right by Government orders issued in July, 1942, and the payment of the Extra Duty Allowance was made in the Bombay Circle on the old basis since July, 1942;

(f) whether Government have paid Extra Duty Allowance to their R. M. S. staff in the Bombay Circle for such extra duty performed during the period July, 1941, to July, 1942, and, if not, the reasons for their refusal; and

(g) whether Government propose to pay arrears of that allowance for the period July, 1941, to July, 1942, to the officials concerned?

**Sir Gurunath Bewoor:** (a) to (g) except part (d). The Honourable Member's attention is drawn to the reply given to his unstarred question No. 6 on the 10th February, 1943.

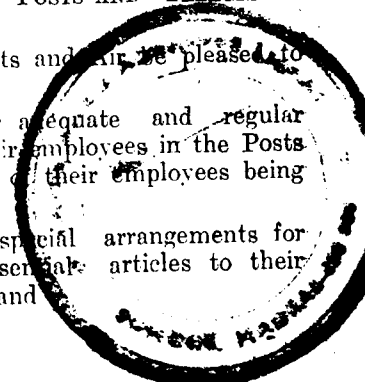
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(b) whether Provincial Governments have made special arrangements for adequate and regular supply of foodgrains and essential articles to their employees; and, if so, what those arrangements are; and

(c) if no arrangements have so far been made, whether Government propose to take any steps in this matter now?

**Sir Gurunath Bewoor:** (a) All employment under the Crown has been declared essential under Section 3 of Ordinance XI of 1941. The P. & T. staff are, therefore, not the only employees of Government, who come under the Essential Services (Maintenance) Ordinance, 1941, and the question of any special arrangements being made for the supply of foodgrains and other essential articles to them on this account does not, therefore, arise.

(b) Some Provincial Governments have made arrangements for the supply of foodgrains and other essential articles to their employees but it is not possible to give these in detail. I may inform the Honourable Member, however, that such concessions as are given by Provincial Governments to their own employees are extended to the P. & T. staff working in the Province concerned. Schemes for the supply of certain foodstuffs have been adopted in Bengal, Assam, the United Provinces and Delhi Province, and have been made applicable to the P. & T. staff in those Provinces. Similar arrangements in Bihar were discontinued at the beginning of December 1943, when they were found no longer necessary.

(c) Does not arise.

### MOTION FOR ADJOURNMENT.

#### DETERIORATION OF EFFICIENCY OF THE TELEGRAPH DEPARTMENT.

**M. President** (The Honourable Sir Abdur Rahim): I have received notice of a motion for the adjournment of the business of the House from Mr. K. S. Gupta. He wants to discuss a definite matter of urgent public importance, namely, the failure of the Government of India to keep proper supervision over the Telegraph Department, the efficiency of which has deteriorated to this extent that a telegram received in Delhi on the 11th February, 1944, is received by the addressee on the 23rd February, 1944.

Is that the measure of deterioration of efficiency, that a telegram has been delayed? Surely this is not a matter for an adjournment motion. The motion is disallowed.

#### STATEMENT RE CONVENTION CONCERNING CONDOLENCE MOTIONS.

**Mr. President** (The Honourable Sir Abdur Rahim): I wish to clear up any misunderstanding that may have arisen with respect to my ruling of yesterday that Dr. Banerjea was not in order in attempting to make a statement after the questions were finished and before the business on the list was taken up. If he wanted to refer to the death of Mrs. Gandhi, which has caused us all much sorrow, and to move for adjournment of the House as a mark of respect to her memory, he could not do so, for, according to the Convention which has been arrived at in the matter, such references and motions of condolence can only be made in respect of deaths of Members of the Assembly. If, on the other hand, Dr. Banerjea wished to make a statement on behalf of his own Party and of any other Members that they would not take part in the proceedings of the day owing to this sad event, the proper time for explaining their position would have been, according to the practice of the Assembly, when the first motion on the list had been moved, and Dr. Banerjea would have had an opportunity to address the House.

I may also mention that if Honourable Members desire to revise the present Convention on the subject of condolence motions, I shall be prepared to discuss the matter with the Leaders of Parties.

### THE RAILWAY BUDGET—LIST OF DEMANDS.

#### SECOND STAGE.

**Mr. President** (The Honourable Sir Abdur Rahim): The House will now consider the Demands for Grants in respect of Railways.

The Chair understands that the various Parties and the unattached Members have agreed that the available time should be divided among them as follows:

Today the Congress Party have been allotted time up to 3-15 P.M. They will move cut motion No. 117. From 3-15 P.M. to 5 P.M. today and from about 11-30 A.M. to 11-45 A.M. to-morrow the Nationalist Party will have the time at their disposal. They have selected cut motions numbers 1, 59 and 54. These arrangements, I observe, are based on the assumption that on the 25th and the 26th February the question period will terminate by 11-30 A.M. I should like to point out at this stage also that the various cut motions selected can only be proceeded with if they are in order.

To-morrow the European Group will occupy the time from 11-45 A.M. to 1-15 P.M. They will move cut motion No. 85. Then from 1-15 P.M. to 1-30 P.M. and again from 3 P.M. to 4-15 P.M., the time will be at the disposal of the Independent Party. They have decided to move cut motion No. 45. From 4-15 P.M. to 5 P.M. on Friday and from about 11-30 A.M. to 12-45 P.M. on Saturday, the time has been allotted to Unattached Members. The cut motions selected by them are numbers 18 or 19 or 20 and numbers 23 and 43 or 44.

The Muslim League Party have been allotted time from 12-45 P.M. to 5 P.M. on Saturday, the 26th February. They will move cut motions Nos. 30 and 107, the cut motion on late list No. 1 and cut motion No. 65 on the final list.

As regards the time-limit for speeches, the usual practice has been for the Mover of the cut motions to take fifteen minutes and the other speakers also to take fifteen minutes and the Government Member replying will have twenty minutes. I suppose this will suit Honourable Members.

#### DEMAND No. 10.—APPROPRIATION TO RESERVE.

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

"That a sum not exceeding Rs. 20,84,08,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1945, in respect of 'Appropriation to Reserve'."

**Mr. President** (The Honourable Sir Abdur Rahim): Motion moved: "That a sum not exceeding Rs. 20,84,08,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1945, in respect of 'Appropriation to Reserve'."

#### Enhancement of Passenger Fares.

**Mr. B. Das** (Orissa Division: Non-Muhammadan): Sir, I move: "That the demand under the head 'Appropriation to Reserve' be reduced by Rs. 10,00,00,000."

**Mr. President** (The Honourable Sir Abdur Rahim): This is an economy cut.

**Mr. B. Das:** Yes, Sir. Very little argument is left over to this side of the House as the subject was discussed on the floor of the House the other day and already throughout the country the War Transport Member has been condemned for this new policy of enhancement of passenger fares. The War Transport Member has got no support in the country nor has he been supported by the Press in India. Even his own Anglo-Indian Press, the *Statesman* and the *Times of India*, have deserted him and have condemned him. He has, of course, got the support from his own constituency, the European Association and the Associated Chambers of Commerce and the Leader of the European Group. These are the only supporters of his policy, because they are great admirers of the attitude of mind of the Honourable the War Transport Member for the last 10 or 15 years because he represents in India the attitude of the mind of British Imperialism, the brand of British democracy that we see beyond the Suez, where democracy is Imperialism and where the Benthall circular rules the day. The Benthall circular is the *Meinkauf* of the European Community sitting there. My Honourable friend made this quite clear 12 years ago, when he took as Motto of the Europeans in India to be, I quote from his circular: "Never explain; your friends do not need it; your enemies won't believe it". Sir, I am proud to be his enemy; I belong to the rank and file of his enemy camp. I do not believe in what he said during the last three days or in his speech on Monday last. But I cannot understand why he took so much time to

[Mr. B. Das.]

explain in such detail the reasons for enhancement of fares to his friends, the members of the European Group. Sir Henry Richardson has already given his unqualified support to whatever fell from the lips of the War Transport Member.

**Sir Cowasjee Jehangir** (Bombay City: Non-Muhammadan Urban): Will the Honourable Member first explain the exact financial results of his amendment so that we may understand what we are voting for?

**Mr. B. Das:** I thought my Honourable friend Sir Cowasjee Jehangir did understand that I want to take away the 25 per cent. increase in the railway fares which the War Transport Member is imposing.

**Sir Cowasjee Jehangir:** Will it have that effect? Please explain that point.

**Mr. B. Das:** I accept the estimate of the War Transport Member that Rs. 10 crores will be secured by the increment of passenger fares to the tune of 25 per cent. He has shown a reserve of Rs. 20.84 crores for this year. If those 10 crores are taken away from it, he will have a reserve of Rs. 10.84 crores only for the year 1944-45.

**Sir Cowasjee Jehangir:** It may have a very different effect.

**Mr. B. Das:** The accounts of appropriation to Reserve are given in Appendix IX, page 45 of the Explanatory Memorandum.

Out of the three points which the War Transport Member made in support of this increase in fares, one was the question of inflation. It is not proper that we should discuss this question today. My Honourable friend, Sir Jeremy Raisman, will bring out that particular issue in the General Budget and we will then be in a better position to deal with it. The War Transport Member, who is no doubt the dictator of the European Community over the Government in India, cannot take shelter under plea of inflation. So far as overcrowding is concerned, he laid stress on the fact that 156 millions of passengers have increased which means 600 train loads of extra passengers per day. He has not provided one extra train for the civilian population during the year 1943-44. Whatever overcrowding has occurred, it is due to the movement of the army personnel and also the huge auxiliary personnel in connection with the war efforts. If the army had been quadrupled in 1943-44, the auxiliaries must have been multiplied not four times but rather 20 times. What with huge constructions of aerodromes and military buildings, the transport of supplies of munitions, the manufacture and supply of war supplies, the very large personnel engaged in War efforts, and such semi-military personnel travelling in civilian clothes, and all these go to overcrowd the railways. It is no use the Honourable Member for War Transport trotting out that argument. Last year there was a persistent demand from the civil population for extra trains. The Railway Member did not supply them. He might have supplied one or two goods trains or a few wagons for transport of foodstuffs to the famine distressed areas of Bengal. Last year an epoch making situation arose here. Somehow or other the Hindu population believed that the old iron age—Kali-Yuga was passing over and the golden era was going to be ushered in. Therefore, there was a great movement of Hindu population to visit holy places, particularly Puri Jagannath in my constituency attracted large crowds. But the B. N. Railway supplied no additional trains for the movement of the civilian travelling public. I conceived there was overcrowding of civilian travelling public last July and August.

We thought that Satya Yug or the golden era would bring new hopes to India. Unfortunately it has come in the shape of the strong rule of my Honourable friend the War Transport Member as the dictator of the Government of India. As I told at the beginning, I am a student of the activities of the War Transport Member about how India is to be governed. He played no conspicuous part in framing the constitution which laid down that railways of India should be separate from all political control. Today, to India's misfortune the railway administration is under a British politician who is applying all the venoms and hatred of British politicians to the Indian politician and raising civilian passenger fares without thinking at all how hard the Indian people are hit. There is famine and distress in Bengal, the Honourable Member's own Province, not to speak of Orissa, Travancore and certain portions of Madras

That does not at all touch the War Transport Member. He says that wheat was formerly bringing Rs. 10 to the farmer and now the farmer gets Rs. 40 for the same amount of wheat, and why should he not pay more in railway fare? That is the kind of argument which an outsider, a non-national would advance. That is typical of the one who is out to exploit this country would advance. That is typical of the British race. If he would have felt as an Indian, he would have felt for the utter poverty and distress in Indian homes. Why does he not take a leaf from the Viceroy and go to visit village homes and then he will find that the luxury which he paints is all an illusion. In England, the index price has gone up only by 60 per cent. In spite of lack of certain luxuries, the Britishers today are not paying more than 60 per cent. on what they were spending in 1939. In Bengal the price of commodities has gone up to 600 per cent. and even 900 per cent. in some cases. In some other parts of India the price has gone up by 400 per cent. If that is so, it is no use quoting that the cultivator who was getting Rs. 10 is now getting Rs. 40 and why should he not pay three annas to the Honourable Member's pocket? Why does the Honourable Member need the money? Why does he need this extra ten crores? Why does he think of remaining in this country to save the destiny of Indian transport five years hence when the war is over? The war may not be over in less than five years? Why does the Honourable Member who is a Britisher, think of remaining in this country and keeping the money for a rainy day? It is really callous on his part to put this heavy burden on the travelling public in India.

Instead of raising the passenger fares, he ought to have raised the railway freight. I am agreeable to the raising of the railway freight. The Honourable Member should study and restudy Acworth Committee's report. In the last war a sound financial policy was not followed for railway transport in India. There were many purchases of locomotives and wagons scrapped after that War. There was heavy wear and tear of the permanent way too. If there is heavy wear and tear of the permanent way, if there is heavy wear and tear of wagons and locomotives and if there is shortage of wagons and locomotives, the Honourable the Transport Member who is so charitable towards the Military Department should make them pay for the wear and tear of the permanent way and also. The country never agreed to the Honourable the Finance Member's settlement of allocation of military expenses between England and India. It is a wrong allocation. The Honourable Member should have raised railway freight and get more from the military side for transport of their supplies and then spend the amount on improvement of railways, purchase of wagons and so on. How can all this be done by a member of the British race who do not have India's welfare at heart? It does not matter what happens to India, the Britishers are out to establish their view point how India should be governed.

In conclusion, I submit that the Transport Member should try to take up the Indian attitude and not impose this burden on the travelling public. Sir, I move.

**Mr. President** (The Honourable Sir Abdur Rahim): Cut motion moved: "That the demand under the head 'Appropriation to Reserve' be reduced by Rs. 10,00,00,000."

**Mr. G. Rangiah Naidu** (Madras City: Non-Muhammadan Urban): Mr. President, when this Budget was presented before this House the Honourable the War Transport Member appealed to this House to consider this Budget and pass it *nem con.* Will it be possible for this House to pass this Budget, at least to consider this Budget when it contains so many controversial items. Yes, it is the duty of this House to consider and pass this Budget when it does not contain such controversial items. I know that. But will it be possible? It will be possible, but only when all these controversial items have been completely removed from this budget. Only then will this House unanimously pass this budget. Sir, I wish to inform Government that I am an ex-railway employee who held important and responsible positions in the

12 Noon.

[Mr. G. Rangiah Naidu.]

rates section. I know the secret of railway rates and I know the history of their enhancement during the last 40 years. I will give an instance. Some 40 years ago the passenger fare from Madras to Bezwada was Rs. 8/- by mail train. That continued for some years but afterwards it was increased to Rs. 4/11/- and later on to Rs. 5/11/- which continued till 1st March, 1944, when by a surcharge of one anna in the rupee, when people were already complaining of increase in fares, it was raised to Rs. 6/1/-. And now like a pale fruit falling on the head of the already suffering jackal comes this increase of 25 per cent. The people of India, 40 crores of them, are waiting to see what we do here,—elected and nominated Members, Independents and dependents—all Indians—and whether we are going to vote it down. The Indian Member of this House will have to face the public tomorrow and answer them as regards their action about this raising of fares. I have received number of memoranda and resolutions passed by public bodies in our country and every one of them has been protesting against this enhancement.

After this surcharge of one anna in the rupee was levied, in six months we got 11.83 crores, that is to say, 6.83 crores more than the originally estimated sum of 5 crores. Where is that money? The surplus of the current year's budget by this rate of Rs. 6/1/- is 43.77 crores. There are three shareholders among whom this surplus money will be distributed: the Depreciation Fund, the Railway Reserve Fund and the biggest shareholder is the General Revenue Fund. Out of this 43.77 crores the Railway Reserve Fund gets only 11.50 crores, while the "General Revenues" get 32.27 crores. Why should not the Railway Reserve Fund get more? The poor shareholder, the Depreciation Fund, also gets more every year but not the Railway Reserve fund. If money is kept there the public gets the benefit of it. And what is the effect of this 25 per cent. increase? I will give an instance by taking the fare from Madras to Delhi. The existing fare is Rs. 25/3/- and according to the proposed increase it will be Rs. 81/7/8.

Although Honourable Members sitting on the Treasury Benches travel at public expense, when they send their families they will have to meet the cost of these fares from their own pockets. They must remember that European Members may not have to spend, because they have no real interest in this country. But I know that they have been exploiting us always. The Indian Members sitting there must, however, remember that they have to do their duty by the country, they must keep their hands on their hearts and say whether it is reasonable to increase the fares like that and whether it is not going to make things still harder for the poor Indians.

Sir, I have calculated fares on certain sections in order to give you an idea of what will be the increase, comparatively speaking. Here are some of the rates. Inter class fare from Delhi to Madras at present Rs. 47/11/- After 25 per cent. enhancement Rs. 59/9/.

Mark the difference, Sir. Will it be possible for the poor man to pay Rs. 59/9/? Already our Indians are suffering from starvation, and now you are making it difficult for them even to move about.

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

**Mr. G. Rangiah Naidu**: Sir, everybody in the country, not only Mussalmans, not only Hindus, not only Christians, not only Anglo-Indians but every individual in this country will suffer by this enhancement in fares if this is passed by this House. With these few words, Sir, I appeal to my Honourable friends in this House—elected, nominated, and independent—and Members of the various parties—Muslim League, Congress and Nationalist—everybody who is interested in the welfare of the Indian public, to throw out this item of enhancement of railway fares. Sir, I have done.

**Dr. Sir Zia Uddin Ahmad** (United Provinces Southern Divisions: Muhammadan Rural): Sir, I rise to oppose the enhancement of rate as announced by the Honourable the War Transport Member. He gave three arguments in

support of the enhancement of rates and I will examine those arguments one by one. They were:

- (i) that he expected a reduction in the passenger traffic;
- (ii) that he wanted to build up a reserve to provide facilities to the travelling public after the war; and
- (iii) that it will have a deflationary effect.

Taking the first argument, the travelling has already become so inconvenient at present that only those persons travel who must travel and cannot help doing so, and those persons must travel whether or not you increase the fares. If there is no room in the carriages, as is the case at present, they travel on the tops of the carriages and on foot-boards; only 50 per cent. of passengers find room inside the carriages. I ask the Honourable Member to make an enquiry and find out the conditions as they prevail at present on O. T. Railway.

**The Honourable Sir Edward Benthall**: May I ask why the Honourable Member thinks that 156 million more people should travel this year than in the previous year?

**Dr. Sir Zia Uddin Ahmad**: I will, if time is not deducted from my fifteen minutes. My argument was this: That by increasing the rates and fares, travelling cannot be decreased, as the Honourable Member expects to do, because only those persons travel at present who must travel, and because there are no other means of travelling people have to use the railways.

His second argument was about reserve. I draw your attention to this Budget report. Here the Railways have already got two reserves: called Reserve A and Reserve B. Reserve A is Railway depreciation Reserve and Reserve B is Railway Reserve Fund. Taking the two Reserves together, I find that by the end of 1943 the Railways will have 91.72 crores according to their own figures, and by the end of April 1944 it will go up to 108.76 and by the end of April 1945 it will go still further up to 123.72. That will be the total of A and B Reserves. But if the war continues for a sufficiently long time—and even after the war the traffic conditions will not be eased and I am certain that the incidence of income will remain as it is at present for at least five years more—I find by calculation that at the end of five years the accumulated reserve under the heads A and B will be about 250 crores. If we add 3 per cent. interest to this—I do not know whether this money has been handed over to the Government without interest—then the sum total of Reserve A and B in 1950 will stand at 270 crores, i.e., it will be 33 per cent. of the capital at charge. My Honourable friend, Sir Frederick James, on the other day, mentioned that the reserve ought to be 10 per cent. of the capital at charge. The capital at charge is 800 crores. Therefore, at this percentage reserve should be 80 crores. But he will be surprised to know—I have already given the figures—that by 1950 even if the present state of things continue, your reserve under A and B will be 270 crores, that is to say, about 33 per cent. of the capital at charge. Now, my Honourable friend is not satisfied with these A and B Reserves, and he wants to open a C Reserve for which there is no justification whatsoever. He is not satisfied with this percentage and so he wants a higher percentage still.

Then, I draw your attention to the figures given on page 26. Just before the war, the income from the passenger traffic was 27.78 crores of rupees. In the present year—1944—this has been increased to 68.14, i.e., more than double. It has already been increased 2½ times, but the Government do not seem to be satisfied with this increase of 2½ times; they want to inflict a further surcharge of 25 per cent. This further charge of 25 per cent. is very unjustifiable from the business point of view. I ask whether any Government or any business will ever be justified to increase their income when it is steadily increasing and it has already increased 2½ times. Sir, the increase has been very steady, because we find from year to year that there is a substantial rise in the actual income from the estimated income. I have calculated that if this 25 per cent. surcharge is imposed, the additional income which will accrue out of this will be about 10 crores, with interest, by 1950. I say, is it really desirable that you should

[Mr. G. Rangiah Naidu.]

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[Dr. Sir Zia Uddin Ahmad.]

build up a 'C' Reserve under a different name and put into it another hundred crores? I don't think so. The total of your three reserves will be about 870 crores, yielding 45 per cent. of the capital at charge. I ask, when any company builds a reserve which is 45 per cent. of the capital, will it be justifiable? Will not my friend, the Railway Member, had he been the head of a business concern, be asked to pay the income-tax and excess profits tax which every business man must pay. But the Honourable Member, because he has changed benches from this side to that is exempted from income-tax, super-tax and all other taxes. Further, he is unfair by putting substantially large sums of money under the head of Reserve Fund, which no company under any rules of business is justified to keep. After all you have the powers and you can do whatever you please. Even if you double the rate the public will continue to travel, but those persons who represent Indian opinion and who are in public life, especially those who represent labour and the poor people, they realise that it is not fair to the travelling public to squeeze money out of them. I have seen cases where poor men from the villages have had to travel in the first class. They wanted tickets but no tickets were available. A woman had to purchase a first class ticket because she had to travel. You will only go on increasing your reserves to an unjustifiable extent.

Now I come to third argument, about inflation and deflation. As regards inflation I always said that this theory of inflation is started by the business man in order to cheat the consumers: and now the theory of deflation, which he has mentioned, has also been started in order to cheat the travelling public. Inflation and deflation are really words which very few people understand. As regards myself, the Finance Member and the Railway Member, I quote the Persian proverb:

As regards myself, I come to the category:

*"An kas ki nadānād wa bidānād ki nadānād."*

It means: I do not know but I know that I do not know it.

As regards the Railway Member, he does not understand.

**Maulana Zafar Ali Khan** (East Central Punjab: Muhammadan): You have not given the complete verse. It is:

*"An kas ki nadānād wa bidānād ki bidānād."*

*"Dar Jehl-i-murakkab abad-ud-Dhar bimānād."*

**Dr. Sir Zia Uddin Ahmad:** As regards the Railway Member:

*"An kas ki nadānād wa bidānād ki bidānād."*

As regards the Finance Member:

*"An kas ki bidānād wa nadānād ki bidānād."*

It means that the Finance Member knows very well the theory of inflation but he is always very modest and he thinks he does not know it. But really speaking he knows it as well as anybody else.

Here I would like to draw attention to the Resolution I moved about stabilization of prices. It was to the effect that this Assembly recommends to the Governor General in Council to give foremost place in the monetary policy to the stabilization of prices, on which the prosperity of the country largely depends. Now the Honourable Member accepted the principle that the thing on which the foremost attention should be paid is the stabilization of the prices—the purchasing power of the rupee. May I ask, whether by raising the fares by 25 per cent. the value of the rupee is not depreciated accordingly? The Finance Member says he would like to stabilize the prices. It does not mean the price of the commodity but the cost of travelling. When you increase the cost of travelling you certainly lower the purchasing power of the rupee and the value of all the other articles will be regulated accordingly.

My friend does not fully realise that the travelling expenses of the public are always regulated by the third class fare, in the same manner as the price of most of the foodstuff is regulated by the price of wheat. Whenever the price of the third class fare is fixed, the price of motor traffic will be fixed, as well as the price of tonga fare and bullock carts. So by raising third class fares the cost of travelling by whatever method it may be is increased. Therefore to

increase the fares of the third class by 25 per cent. is really to decrease the purchasing power of the rupee and to raise the cost of traffic by this percentage, not only in the case of railways but for every other form of travelling. So we ought to be very careful with regard to this particular thing and I think it is not very fair. You may take it for granted that as soon as this is through, then the price of petrol will immediately go up. If the railways are making money why should not the petrol authorities do the same. The hire of tongas will increase. In short, he is really doing an injustice to the poor people who must travel and for whom he has put on an additional tax of four annas in the rupee.

There is another aspect to which I would like to draw the attention of my Honourable friend and which he has entirely overlooked when he made his speech. If we build up a big reserve for the railways, which according to my estimate in 1950 will be Rs. 270 crores provided the present emergency continues, then the railways will be in a position of very great advantage compared to the other two competitors, i.e., road and air. Roads will have no capital. It will depend on the goodwill of the Government whether they build roads or not. The air services will have no reserve.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

**Dr. Sir Zia Uddin Ahmad:** I will finish in half a minute. In this way he will be able to dictate terms later on. If we build up a reserve in this unjustifiable way, then as soon as the war is over and a national Government comes into power, it will take this capital and distribute it to the other two competitors—air and roads.

**Mr. H. G. Stokes** (Bombay: European): Sir, I rise to oppose the motion. In his speech on the general discussion, my leader has I think made our position clear on this matter of an increase in fares. Sir Henry Richardson said then that we consider all the reasons given by the War Transport Member to be good ones. But I am prepared to admit now that some of these reasons have more force than others. We believe, Sir, firstly, that the raising of fares will check overcrowding. We think that it may even reduce it as a similar enhancement of fares did in the last war. But, Sir, the evil has attained to such proportions, and it is so widespread, that in our view much stronger measures are needed. At a meeting, Sir, of the Central Advisory Council for Railways, my Honourable colleague, Sir Frederick James, on the 16th November last referred to certain measures that we advocated against overcrowding. Apart from an increase in passenger fares he recommended flying squads as ticket collectors, a system of priorities for upper class travel, and an increase in the police force to prevent overcrowding, incidence of summary punishment and finally full scale propaganda against unnecessary travel. Now, Sir, Government have accepted only one out of all these proposals and that one possibly the least effective. I would like to know what has happened to the rest. Will the Honourable the War Transport Member please let us know what is being done? If Government have any figures of the percentage of ticketless travel, we should very much like to hear them, as we must regard this evil of ticketless travelling as public enemy No. 1 in the overcrowding campaign.

Apart from the measures which Sir Frederick James has advocated, there are others which will, I think, mitigate the effect of the increase in military traffic, which is felt of course mostly in the upper classes. I refer to a proposal which my leader has already referred to for the zoning of military leave. A certain zone will be allocated to each military area, and normally military officers and men will not be allowed, unless some very special reason exists, to take their leave outside that particular zone. Then, I think there may be more system in the grant of leave, particularly in the case of troops. I find from many people whom I meet in the Hill station where I live that there are a very large number of cases where men are given leave at very short notice. I suggest that all that makes for over-crowding, because obviously movement control cannot possibly deal with a batch of men thrown upon them at the last moment, when the trains are already full.

[Mr. H. G. Stokes.]

Now, I pass to item No. 2—the anti-inflationary benefit of these proposals. Here I find that our views are at variance with those of my Honourable friend, Dr. Sir Zia Uddin Ahmad. We here agree that to check inflation is, in the War Transport Member's own words, India's most pressing economic problem, though we may not always appreciate the measures which the fertile brain of the Honourable the Finance Member conceives for our good. The *Aman* crop in Bengal is a very heavy one. Let us suppose that 2 million tons of rice, that is 56 million maunds, are sold at an increase over pre-war prices of Rs. 10; we get an extra purchasing power from that transaction of Rs. 560 millions. That is a single crop in a single province and I quote it to show what we are really up against in the matter of inflation. The remedy both for overcrowding and for inflation seems to me very much alike; for the one we need more trains, and for the other we need more consumer goods; but unfortunately neither of those remedies are open to us; and it therefore seems to us that to withdraw 20 crores of purchasing power during the next two years is a very valuable contribution to India's needs.

Then there is the third argument, and here again I am afraid that we must differ from the learned doctor. We here are only too afraid that the Honourable Member's prophecy of the future will prove accurate. We feel that earnings will fall more rapidly than costs once war activity fades away—we see much the same thing after every period of intense industrial activity—and that with a dwindling surplus we shall have a huge bill to face for rehabilitation. It is true that if the war goes on for another two years the Reserve and Depreciation funds will be a good deal better than they are at present; but they will still in our view, be a very long way from what we think constitutes real safety. In bad times reserves have a way of melting like snow on a wall. I think that the future Government of India will have every reason to be grateful to this Government for the 20 crores or more which will then be available for lower class amenities. Let us bear in mind too that the Government is under no obligation to build for the future and to undertake what obviously must prove a most unpopular measure: all the more credit to them for having done so, in our opinion.

Now, there is the question of hardship, and I admit that this increment of fares must cause some hardship, as every other measure of the kind does cause some hardship; but I venture to suggest that the hardship will not be as severe as one might think at first glance. We have been given figures to show that 30 per cent. of travel in certain areas is luxury travel and unnecessary. We have also been told, I think I am correct in saying, that 85 per cent. of the earnings from third class passengers comes from very short distance traffic, which will not be affected by this measure. I feel that both these factors go to mitigate the hardship that may be experienced. Also, I think it is a pity that there should have been so much agitation against this measure in the expectation that it would be brought in, that is, before the budget was introduced, and before the Honourable the War Transport Member was able to give us the very good reasons that he has done in support of the proposal. I think it is quite possible that a number of people who made up their minds that this was a bad proposal at the start and before they heard the War Transport Member might possibly have taken the other view if they had heard it later.

Lastly, may I put in a special word for the province of Assam? This would not normally be my duty, but in the absence of my colleague, Mr. Griffiths, due to his absence elsewhere, my friends there in Assam have asked me to say something. Assam has been called a Cinderella province sometimes, and we all know that though Cinderella had a rough passage she did not come out so badly in the end. I am afraid my friends in Assam have very little hope that the fairy prince in the form of the Honourable the War Transport Member will descend from his golden chariot to bring them relief. Conditions there, my correspondents say, are unbelievably bad and of course we cannot expect very much in what is an operational area, but if, Sir, the War Transport Member will

consider the possibility of affording some relief—immediate relief—to the conditions there, particularly as regards extra rolling stock I am sure we would remember it with great gratitude. With these words I oppose the motion.

**The Honourable Sir Jeremy Raisman** (Finance Member): I feel that I ought to intervene in this discussion because reference is continually being made to the relation of Government's proposal to increase passenger fares to the inflationary situation and the effects which it is likely to have.

**Dr. Sir Zia Uddin Ahmad:** And the price level.

**The Honourable Sir Jeremy Raisman:** Dr. Sir Zia Uddin Ahmad quoted a Persian proverb when talking about inflation. I regret that I am not a Persian scholar, but what he said did remind me of a famous passage of Plato relating to the Greek philosopher, Socrates, who went about telling people that they did not know certain matters and unfortunately they did not know that they did not know. He himself claimed only the modest distinction of not knowing but knowing that he did not know. However, Socrates was put to death by the Athenian democracy because the enlightenment of the ages had not yet descended even upon that very advanced community. And he is a supreme example of how proposals which may be for the benefit of the country can be so misrepresented that the authors of them can be regarded as being public enemies instead of public benefactors.

**Dr. Sir Zia Uddin Ahmad:** What about the other two?

**The Honourable Sir Jeremy Raisman:** But, Sir, I got up to try and throw a little light on the argument in regard to inflation. I feel that, although it is a complicated and technical subject, the way in which this particular measure operates is not too difficult to understand. To put the thing in simple language, the trouble at the present time is that Government has to pour out large quantities of rupees. It has to do that because it cannot stop the war, and, in fact, it must assist in the prosecution of the war. It has to go on paying the soldiers, the sailors, the airmen, the people who supply the goods which the army requires, the people who supply the goods which those people require, and so on. So long as war continues and India participates in it, the Indian Government is bound to provide the rupees necessary for those operations. On the other hand, Government also receives rupees from the country. It does so principally by taxation and borrowing. To the extent that Government is the owner of any business or any domain, the exploitation of that business or domain in order to yield the maximum of income is definitely anti-inflationary. The cause of inflation is that the rupees going out exceed the rupees coming back, that is the simple position, and therefore, the residue, amount of purchasing power in the hands of the people of the country is excessive in relation to the goods and services which are available for consumption. I was saying, therefore, that there can be no question as to how this thing operates. Whatever brings money back to the Government is anti-inflationary. That is the first simple and important fact to keep in mind.

**Mr. T. T. Krishnamachari** (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Even if you get money from people who have nothing to spare?

**The Honourable Sir Jeremy Raisman:** Now, I am talking economics and not humanitarianism. I am trying to put this thing in its simple and broad features.

**Mr. T. T. Krishnamachari:** Even economically it cannot be true.

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

**The Honourable Sir Jeremy Raisman:** What is the position in this country to-day? The position is that practically every business, every interest which supplies goods and services to the public or to the Government, has increased its price, has increased its margin of profit. That involves a further outgoing of rupees. Government alone, broadly speaking, have made practically no increase in their charges, certainly nothing compared with the general increase in the charges for goods and services provided by private interests. That is exactly the wrong way round. If you want to cure inflation, the situation that you should have is that private interests should be getting no more or

[Sir Jeremy Raisman.]

very little more and Government should be getting more. That is the state of affairs you want to bring into operation in order to cure inflation. I have tried to put it in simple language. Capital has been made of the fact that the Chief Commissioner in a highly abbreviated sentence last year said that Government did not propose to increase rates and fares because they did not want to stimulate inflation. That is very easy to explain. To the extent that Government supplies services or commodities which are so basic or essential that their cost enters into the cost of all other goods, to that extent the deflationary effect of an increase in the cost of that service is neutralised by the fact that the price structure is adversely affected. In the case of freights—which I notice that the Honourable the Mover of this cut motion would prefer to have raised rather than fares—in the case of freights on certain kinds of goods there is an inflationary effect which neutralises the deflationary effect. It is true that, even if Government were to increase freights, it would *prima facie*, be deflationary, but since the cost of additional transport would in the case of certain commodities, particularly essential commodities, have to be passed on to the various stages throughout the price structure, that would be inflationary and would neutralise the advantage which was gained by the additional incoming of rupees to Government.

Now, Sir, the subject of inflation is one which is widely discussed in many countries throughout the world to-day. It is a curious thing that, when we see things happening in other countries, we generally know instinctively what is right and what is wrong. It is only when unpopular action has to be taken in the country in which we happen to be that our ideas are apt to get rather blurred on the subject. If we read of anti-inflationary measures in other countries, a great country like America, we all know without any doubt what the administration is trying to do is the right thing and is called for. So we talk of pressure groups, we talk of resistance, we talk of unpopularity, we talk of the political position of the Government. Well, Sir, the position is very much the same here to-day. There is no doubt whatever that from the economic point of view, from the point of view of what is needed for the economic health of this country, this measure is absolutely called for. There is no doubt whatever that if any impartial and outside authority were asked to judge on this he would be able to give the answer in a second. There is, to my mind, no possibility of argument upon that. It may be said, and it has been said, that, though the effect of this will be salutary upon the economy of the country, it is a comparatively limited effect but what you want is a very much larger effect. Well, Sir, I would agree with that, although the argument might lead to the conclusion that the chief thing that is wrong with this proposal is that the increase is not sufficient. But I am under the difficulty that the Railway Budget has to be presented before the General Budget and it is not possible to give a complete picture of the Government's proposals at the time when the Railway Budget is presented. What I would, however, say is this, that I entirely agree with the last speaker that this measure will make a substantial contribution towards the alleviation of the greatest hardship of all at the present time. If you do nothing to deal with inflation, then you impose a greater hardship than any which have been mentioned in connection with this discussion. Overcrowding, overcharging, if you like, all these things are insignificant compared with the untold misery which uncontrolled inflation is capable of inflicting on the country. My Honourable friend, Sir Zia Uddin Ahmad, said that what his party had asked for in a certain motion last session was a policy of stabilization of prices and that I, as the spokesman of the Government, had accepted that motion and that policy. I entirely agree with that. If the question was—Do Government intend to stabilise prices by raising the cost of railway fares—the answer is 'Yes'. Curious as it may seem, the answer is quite clear that unless you can counter inflationary tendencies you cannot resist, cannot control the upward price movement and the additional return of rupees to Government is precisely the weapon that is needed in order to enable you to resist the upward move of prices.

Dr. Sir Zia Uddin Ahmad: But the money will not go to Government. It will go to the Reserve Fund.

The Honourable Sir Jeremy Raisman: That is just the same; so long as the money is absorbed from the country and remains in Government balances it does not matter whether the money goes to the Railway funds or any other fund. As I explained at the beginning, so long as it is a Government concern to which the money comes back, the anti-inflationary effect is positive and sure.

Now, Sir, it has been said by a very great economist, no less, I think, than Lord Keynes, that inflation is what happens when you do nothing to deal with the economic problem, if you don't tax or borrow sufficiently, if you don't face up to the necessities of the situation. Then inflation comes in silently. It swells up silently like the tides. That is what is happening in this country. It is the duty of this House, it is the duty of this Government, it is their paramount duty, it is their first duty to deal with that matter and looked at from this point of view, this measure is a very important contribution towards dealing with that problem. It will, in my considered opinion, clearly do far more to mitigate the undoubted hardship to the people than the trouble which it may cause to a section of the population who obviously are trying to use a service which cannot meet all their needs and trying to use it to an extent which is in any case impossible.

Dr. Sir Zia Uddin Ahmad: Will it increase the purchasing power of the paper rupee?

The Honourable Sir Jeremy Raisman: It will increase it, in its ultimate effect.

Sir Cowasjee Jahangir: During the two speeches made by the Honourable the Transport Member and the speech made by the Finance Member just now, pictures have been drawn for our gaze and examination. I have been trying very hard to admire the two pictures drawn by my Honourable friend, the Transport Member. But the closer I try to examine those pictures, the more defects I find in the perspective. In dealing with urgent issues in critical times, not only we but the Government themselves are apt to lose the background. What is the background of this question. The department with which we are at present dealing was supposed to be a commercial department. It was supposed to be a public utility department giving, to the public, service in return for an adequate remuneration. In 1924, this Honourable House gave this question detailed attention and they definitely came to the conclusion that out of profits, after setting aside adequate amounts for interest, depreciation and reserve funds, a certain limited profit should be credited to general revenues. Now, when we want to review the present position, we should see how much more general revenues are getting today than they would have got if the 1924 Convention had not been altered last year. These figures are rather interesting. If the Convention of 1924 had not been altered by mutual consent of the two Honourable Members most concerned in 1943-44, General Revenues would have got 17-17 crores, but by the change made by mutual consent of these two Honourable Members, General Revenues in 1943-44 actually get 32-27 crores, that is an addition of 15-10 crores. The Railway reserve would have got 26-60 crores instead of which under this mutual arrangement it is getting 11-50 crores, which is 15-10 crores less than they should have got under the understanding we came to in 1924. In 1944-45 the figures are that the General Revenues gain 14-38 crores, while the reserves lose 14-33 crores. Now, you will see from these figures that due to the war we have already made and have agreed to make a very serious change in that Convention giving to general revenues vast amounts of money, which, if that Convention had not been changed, would have gone into reserves.

Now, may I point out what appears to me to be a very serious inconsistency in the speech made by the Honourable the Transport Member. In a passage of his speech, in dealing with these reserves, he very rightly points out that these huge amounts in reserve—huge compared to what we used to have—are

**Mr. Jamnadas M. Mehta:** They might at least not object if it is a reasonable thing. As representing the interest of the workers when we see that the transport service is running at a loss, we have sometimes not objected. You are grinding dividend from the traveller and the trader to the extent of 45 crores a year, after making provision of 30 crores by way of interest and 15 crores to depreciation and concealing crores and crores in various other ways, all I can say is that a C. I. D. should be sent after you to find out your burglaries from the railway revenues. I assure the House and the country that burglaries which these people commit on the income of the railways in various guises and disguises will be up to 10 to 15 crores a year. Is it claimed that a public utility company should grind dividends like these? Has any public Association approved of it? Apart from the Chamber of Commerce and the Federation, the Passenger Traffic Relief Association of Bombay, a body which sat with the Honourable the Transport Member in Bombay, have been sending piteous telegrams and letters. I am told by their members that they argued it out with

[Mr. Jamnadas M. Mehta.]  
the Transport Member against the proposal. That is what they told me Bombay.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member can continue his speech after lunch. The House will now adjourn for lunch till half past two.

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. Jamnadas M. Mehta:** Sir, when we rose for Lunch I was submitting that for no railway purpose was this increase of fares necessary because the railways are now having a plethora of money for which a utility concern should rather feel ashamed. We have had the honour of having a new Financial Commissioner and I am sorry that his entry into this charmed circle has been signalled by a terrible burden on the people. The other excuse given is inflation. I shall have something to say about this at the time of the general budget, and the question requires more time than I have now at my disposal. But the Honourable the Finance Member could have had his own remedy outside the third-class passenger. I have always felt that he never likes anything better than probing the pockets of the poor man, like the tiger who has tasted blood; the more he tastes it the more he wants it. (An Honourable Member: "Is he a tiger?") For the poor man the Honourable the Finance Member is a real tiger. Then the other excuse given is that so many people are travelling and that shows that they have got money. Many rejoinders have been already given to this excuse, but the Finance Member and the Transport Member know that a large part of this increase in travelling is due to the action of Government themselves. Take the city of Delhi alone. Their Ordinances themselves require so much of interpretation and relief that thousands of people have to come to Delhi only for understanding what their Ordinances mean. That traffic could have been avoided; it is an enormous traffic. The stoppage of motor transport is another reason for this rise in traffic. Thousands of people who cannot travel by motor are now compelled to use the railways. Then there are war contracts and war industries. But I may inform the Transport Member that the real and the decisive cause of this increased traffic is the war. Does he know that when bombs were thrown in Calcutta millions of people had to run about, not once or twice or thrice but several times up and down their homes and other places? This happened all along the eastern coast; and at the possibility of the Japanese invasion even Bombay was evacuated to the extent of 40 per cent. So the real cause of the extra travelling is the panic among the people of this country due to the war, the bombing, and the uncertainty of life which it generated; the terror and the panic among large masses of people including thousands and lakhs of evacuees and jumping up and down the country for the purpose of safety of their near and dear ones. That, to my mind, is the real reason and nothing else,—not the money in the hands of the people, but the simple necessity, the obligation to save themselves, the fear which the population felt in Bombay, Karachi, the eastern coast, Calcutta and all over the country. You are visiting the consequences of that panicky travelling on the third class passengers. Think what you are doing. I say 95 per cent. of the people of this country have not had their income increased. Therefore you are quite wrong; perhaps you know you are wrong; but the Finance Member is inexorable, and whoever comes near him is finished.

Then, Sir, I assure you that the hardships of the people deserve some relief from the existing revenues. Instead of loading the Finance Member with crores upon crores, putting into the depreciation fund crores and crores and increasing your surpluses in the reserve fund by crores, you should have used this money for increasing the amenities of travel. The amenities are tomorrow; the increase is today. That is a very wrong thing.

About overcrowding the less said the better. I think even in war stricken countries where whole populations were evacuating the miseries of the refugees

could not have been greater than the miseries which you have inflicted on our people during these last three years by overcrowding.

There is one thing more which I wish to say before concluding my observations and it is this. They say that travelling in India is cheap. I want to lay this ghost finally to rest. It is entirely incorrect; it must be incorrect to the knowledge of Government; it is patently absurd. As I told the House the other day the income of an average Britisher per year is Rs. 1,065 or even a little more; as against that the income of the Indian is Rs. 65 a year. So, the income of the average Britisher is more than 15 times the income of an average Indian. And what is the third class railway fare there? So far as I remember, it was one penny per mile; here it is 2½ pice per mile. There may be a little discrepancy here and there and I shall be glad to be corrected. So, 2½ pice is really equal to a pice. A penny is not now equal to 4 pice; it is about 11 pice. Therefore, the Britisher pays only three times higher railway fare although his income is more than 15 times higher. I pay a little over one-third of the railway fare in England which means that railway travelling is 400 per cent. higher in this country than the railway travelling in England. This hoax about India being the country in which travelling is the cheapest must be once for all exposed, or let the Honourable the Railway Member prove that the income of the Indian is this and he pays so much per mile. Simply because in terms of pice it is higher in England it is said travelling is cheap here. As Macaulay said when framing the Indian Penal Code, "Don't think that a fine of five rupees on the poor man is the same as a fine of five rupees on the rich man. The figure is the same but the rich man can spend five thousand rupees when a poor man cannot spend five rupees". Therefore these figures only are most misleading. I say you are taxing these poor and overcrowded people who are already paying more than you know, on economic lines in a commercial railway. And all the excuses given are thoroughly hollow, oppressive and cynical.

Sir, I support the cut and oppose the grant.

**Mr. Abdul Qaiyum** (North-West Frontier Province: General): Mr. Deputy President, Sir. I do not propose to take all the time which a Member of this House is entitled to but I wish to make one observation. The course of the debate has revealed how utterly out of touch the present expanded Executive Council is with the wishes and feelings of the Indian people. If they can claim to represent any party or if they can legitimately claim to have any constituency it is the European block sitting right opposite in this House. I can understand European Members of the expanded Executive Council agreeing to such a monstrous proposal as the one which has been brought before this House by the Honourable the War Transport Member. But I really fail to realize how any Indian—even if he be a member of the Viceroy's expanded Executive Council—could stoop so low as to be a party to such an iniquitous impost on his own countrymen.

**Dr. P. N. Banerjee** (Calcutta Suburbs: Non-Muhammadan Urban): Have they been consulted?

**Mr. Abdul Qaiyum:** If they have not been consulted, then the sooner this farce of expanded Indian Executive Council is put an end to, the better for all of us.

As far as the European Group is concerned, I was of opinion that our European friends in this country are the enemies of the Indians as far as deeds and actions are concerned, but the speech which my Honourable friend of the European Group just now made on the floor of this House reveals that even in their thoughts they are anti-Indian. They are so hopelessly out of touch with the conditions in this country. Really I am amazed at the attitude which the Government have taken up over this matter—the rise in fares amounting to 25 per cent.

The Honourable the Finance Member came to the rescue of his colleague and started delivering a lecture. It reminded me of the days when I was a first-year student in the London School of Economics. We used to have our



[Mr. Abdul Qaiyum.]

professors. They used to come in and we used to look at them. They used to talk in the same manner. The Honourable the Finance Member talked in the same strain and talked as if we are all fools, as if we do not understand the minds of our people, as if he alone can understand or is at all in touch with the people whom we have the honour to represent in this House. It is no use. Our country has gone too far to be tricked any more by the speeches of the type which the Honourable the Finance Member has just delivered. Therefore, we once again call upon you—I do not propose to take any more time and I shall resume my seat in two minutes—if you have any respect for the wishes of this House or the views which are very strongly held by the people of India, it is high time that you retraced your steps and withdrew this monstrous and iniquitous tax which you are trying to impose on our countrymen. You are only trying to finance a war over which we have absolutely no say, and you simply refuse to take us into your confidence; you wish to carry on merrily as long as you can. If you have a handful of industrialists on your side and a handful of princes who have no other option but to help you—the industrialists are those who have profit motive—and many of our unfortunate countrymen who, as a result of your economic bungling, have been forced to join your army because they were impelled by hunger, you think that the whole of India is with you. You talk of the example of United States. But how does your Government compare with the Government of the United States? You are a Fascist Government, absolutely callous in thought and action. You do not represent the people in this country. We on this side of the House have decided to oppose this iniquitous tax—this monstrous extortion, which you wish to levy on our people.

**The Honourable Sir Edward Benthall:** Sir, this discussion on the cut motion has taken the form of another general discussion on the Budget. So far as Government is concerned, we have endeavoured to base our case upon reason throughout. We have given the reasons. . . (Interruptions). . . for imposing this increase and we have answered our critics with reason, and I must confess that we have received a very little constructive criticism from the opposition.

If I might take the case of the last speaker and the first speaker for the Congress Party, they produced very few reasons against what we propose to do, and when they start disparaging their opponents in the manner that they have done, I suggest that that merely shows the weakness of their case. I will answer Mr. Das on some other occasion. In fact the only proposal that I understood him to make was that military travel other than tickets of soldiers travelling on their own account should be brought into account for this purpose. If that means anything, it means. . .

**Mr. B. Das:** I did not suggest that I advocated increment of freight.

**The Honourable Sir Edward Benthall:** Then I misunderstood the Honourable Member.

I will just deal with one or two points only. Dr. Sir Zia Uddin said that by 1950 the Reserve Funds of the Railways would amount to 370 crores.

**Dr. Sir Zia Uddin Ahmad:** Under heads A, B and C.

**The Honourable Sir Edward Benthall:** Well, Sir, I suggest that that was the sort of mathematics which brought on the disaster of the 1930. The Honourable Member has clearly not observed even the year 1944-45, the budget year. We are already making inroads into the Depreciation Fund although there is as yet no scrapping of old plant because we have to keep it in operation during the war. Then, he has also neglected the graphs which were put before him at the time when we were discussing the Depreciation Fund on the Convention Committee, which showed so far as I can recollect, that the Depreciation Fund will be exhausted by about the year 1960—I am not sure of the exact date, but the Depreciation Fund will be exhausted. So, Sir, I maintain that this sort of argument should bear no weight with the House and I would ask the House to reserve its decision on the Depreciation Fund until the Convention Committee considered it.

My Honourable friend, Mr. Stokes, of the European Party asked that I should give reply as to what we have done in regard to the recommendations of the Central Advisory Council for Railways. Time does not permit me to go into all these details, but I would like to assure him now that all those points which he has raised have been taken up and where action is possible, action is being taken. He made an important point, I thought, about Assam. Unquestionably, passengers in Assam are in the main travelling on account of the war and certainly there is hardship owing to the curtailment of the services, but it is difficult to put on more trains and all that I can say is that all that we can do at the moment is to try and help the province with buses to relieve the congestion.

Mr. Naidu referred to the increased cost of travelling. In spite of what Mr. Jamnadas Mehta says it is still the cheapest travel in the world, in spite also of the fact that Mr. Mehta himself is trying consistently to put up the cost by demands for increased concessions for labour. I am not saying that he is not right. He is trying to do what we ourselves are trying to do. He is trying to get up the standard of living of his workers as we are trying to get up the standard of third class passenger travel. But I do think that my Honourable friend should be consistent.

Sir Cowasjee Jehangir says that we should treat railways as a public utility company and see that we give service. That is precisely what we are doing, but we admit that in the past we have not given good enough service to the third class passengers and this is a genuine attempt to do so. This is the first attempt of its kind and I say that to have this turned down would be a bitter blow to the first steps towards post-war reconstruction. He says that I am inconsistent when I say that the reserves are insufficient and yet I agree to the apportionment between the railways and general revenues. He suggests that I should have stuck out and succeeded in getting a greater apportionment for the railways. If I were in charge of the railways alone, I would naturally wish to claim all the railway surplus, all of which should be retained by the railways. Anyone with that responsibility only would wish to look after his own concern but I am a Member of Government and I must consider the finances of Government as a whole and so, I respectfully suggest, must the House.

**Mr. Jamnadas M. Mehta:** It is an admission.

**The Honourable Sir Edward Benthall:** Yes.

**Mr. Jamnadas M. Mehta:** Not on merits.

**The Honourable Sir Edward Benthall:** Certainly, and I would remind the House that they agreed to this apportionment. The railway surplus arises in the main out of the increased operational efficiency of the railways in relation to a wholly temporary war activity. That is the phrase I used in the Budget speech. In other words, these surpluses come out of the war and it is only reasonable that a proportion should go back to it.

**Sir Cowasjee Jehangir:** May I point out that the depreciation is also due to the war. The greater extent of the depreciation on railways and the greater use of the railways are also due to the war.

**The Honourable Sir Edward Benthall:** That is why the Convention Committee suggested that Government should allocate additional funds to depreciation and we accepted that view. But there is no question about it that this surplus does come out of the war and it is only reasonable that it should go back to it. The war has got to be won. If it is not, there will be no railways to run at all.

The next question is whether the contribution to Government is disproportionate to the needs of the general budget. Well, that, is a matter of opinion. Sir Cowasjee Jehangir would like some other form of taxation. He would perhaps wish that the railways should stand absolutely first and the war second, but personally as I stated last year, I think, taking into account all the circumstances in the situation in which we are placed, the allocation between railway reserves and general revenues is reasonable.

Finally Sir Cowasjee Jehangir seemed to argue as if the proceeds of this increase were going to general revenues. I would point out that we have arranged

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[Sir Edward Benthall.]

to put these Rs. 10 crores to a special fund. It does not go to general revenue. In that respect we are in accord with his views. He further said that if we could show conclusively that people could pay, he would not oppose this increase. I have quoted instances which convince me that the bulk of the people—there are admittedly cases of hardship—are in a position to pay. I will quote three more.

On the 1942-43 figures, taking a population of 400 million in this country, the number of journeys made per person on an average is 1½. The enhanced revenue from third class fares represented by this increase amounts to less than three annas per head of the population. There are few articles which any average person purchases that do not give a greater increase to the average individual budget.

I will take the second case. One speaker mentioned in talking of inflation that Bengal rice crop was bringing in an addition of 56 crores to the people of Bengal, apart altogether from increases in the value of the jute crop.

**Dr. P. N. Banerjee:** Millions are starving.

**The Honourable Sir Edward Benthall:** People are starving because people in control of the rice are charging a price which the poor people cannot pay.

Out of the 56 crores on an all population basis, the incidence on this is 1½ crores out of 56.

As the third instance, I would take a telegram which I have received today from Bombay, a piteous appeal, Mr. Jamnadas Mehta would say, from a gentleman who appears to be living outside the 10 mile zone. He claims to represent, as he himself says, 2½ lakhs people travelling once or twice a week for sheer necessity of livelihood. Well, Sir, the cost to those people who appear to have to make a journey once or twice a week would be two to four annas per week, and knowing what we do of the increase in wages in the Bombay area, and recognising, as Sir Cawasjee Jehangir himself has said that the bulk of these are travelling on account of increased war activity, and recognising also that these workers in the war industries can command good wages, I do not think it can be argued that two or four annas a week is an excessive charge against what we know to be the increased wages of those people. Such people can either travel once a week and save money or if they make one journey a week, at the worst they would have to pay two or four annas more.

I won't take the time of the House further. I still maintain that on its merits this increase deserves the support of the House in order to achieve a social benefit and provide a nation-building fund for the future.

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

Before I sit down I think I should make clear to the House what this cut motion really means in case any Member is not quite clear. The effect of the cut motion disapproving the transfer of Rs. 10 crores to railway reserves will be to leave this sum in the railway surplus, with the automatic result that this sum will be transferred to general revenues. That is the automatic result of this cut motion if it goes through. (Interruptions.)

May I continue, Sir?

**Mr. President** (The Honourable Sir Abdur Rahim): Order, order; let the Honourable Member continue.

**The Honourable Sir Edward Benthall:** If this cut motion goes through, it would defeat my object, it would defeat Sir Cawasjee Jehangir's object and everybody else's object, whose desire is to build up the railway reserves for this particular purpose. If this goes through, it will deprive third class passengers of the fund to improve their amenities.

**Honourable Members:** Oh, oh!

**Mr. K. C. Neogy** (Dacca Division: Non-Muhammadian Rural): Do not shed crocodile tears.

**Dr. P. N. Banerjee:** Do not misinterpret.

**The Honourable Sir Edward Benthall:** I may inform the House of what is the effect of this cut motion. That is the effect.

**Honourable Members:** No, no.

**Mr. T. T. Krishnamachari:** Stabilise the Executive Council.

**The Honourable Sir Edward Benthall:** May I continue, Sir? . . .

(Interruptions.)

**Mr. President** (The Honourable Sir Abdur Rahim): Order, order; let the Honourable Member continue.

**The Honourable Sir Edward Benthall:** That is what will be the effect of this cut motion. It will deprive third class passengers of a fund to improve their amenities and will only result in assisting the Honourable Finance Member's own budget. That is not the intention of the Government and I do not think, frankly, that that is the intention of this House, but that is its effect. If the Honourable the Mover and his supporters wish to press this motion, I must ask the House to reject it as being quite contrary in its effect to all their arguments.

**Honourable Members:** No, no.

**Nawabzada Muhammad Liaquat Ali Khan** (Rohilkund and Kumaon Divisions: Muhammadan Rural): May I ask a question? Will the Honourable the War Transport Member agree not to increase the railway fares if this cut motion is withdrawn?

**The Honourable Sir Edward Benthall:** No, Sir.

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

"That the demand under the head 'Appropriation to Reserve' be reduced by Rs. 10,00,00,000."

The Assembly divided:

AYES—51.

Abdul Ghani, Maulvi Muhammad.  
Abdul Qaiyum, Mr.  
Abdullah, Mr. H. M.  
Azhar Ali, Mr. Muhammad.  
Bajoria, Babu Baijnath.  
Banerjee, Dr. P. N.  
Chattopadhyaya, Mr. Amarendra Nath.  
Choudhury, Mr. Muhammad Hussain.  
Dam, Mr. Ananga Mohan.  
Das, Mr. B.  
Datta, Mr. Akhil Chandra.  
Deshmukh, Mr. Govind V.  
Essak Sait, Mr. H. A. Sathar H.  
Ghuznavi, Sir Abdul Halim.  
Gupta, Mr. K. S.  
Habibar Rahman, Dr.  
Hans Raj, Raizada.  
Hegde, Sri K. B. Jinaraja.  
Hosmani, Mr. S. K.  
Imail Khan, Haice Chowdhury Muhammad.  
Jehangir, Sir Cawasjee.  
Jinnah, Mr. M. A.  
Joahi, Mr. N. M.  
Kailash Bihari Lal, Mr.  
Krishnamachari, Mr. T. T.

Lahiri Chaudhury, Mr. D. K.  
Lalchand Navalrai, Mr.  
Lalljee, Mr. Hooseinbhoi A.  
Liaquat Ali Khan Nawabzada Muhammad.  
Maitra, Pandit Lakshmi Kanta.  
Mangal Singh, Sardar.  
Mehta, Mr. Jamnadas M.  
Misra, Pandit Shambhudayal.  
Murtuza Sahib Bahadur, Maulvi Syed.  
Naidu, Mr. G. Rangiah.  
Nairang, Syed Ghulam Bhik.  
Nauman, Mr. Muhammad.  
Neogy, Mr. K. C.  
Pande, Mr. Badri Dutt.  
Parma Nand, Bhai.  
Raza Ali, Sir Syed.  
Reddiar, Mr. K. Sitarama.  
Sham Lal, Lala.  
Siddique Ali Khan, Nawab.  
Srivastava, Mr. Hari Sharan Prasad.  
Subbaravan, Shrimati K. Radha Rai.  
Umar Ali Shali, Mr.  
Vamin Khan, Sir Muhammad.  
Yusef Abdool Haroon, Seth.  
Zafar Ali Khan, Maulana.  
Zia Uddin Ahmad, Dr. Sir.

Ahmad Nawaz Khan, Major Nawab Sir.  
 Ambedkar, The Honourable Dr. B. R.  
 Anthony, Mr. Frank R.  
 Azizul Huque, The Honourable Sir M.  
 Benthall, The Honourable Sir Edward.  
 Bewoor, Sir Gurunath.  
 Bhagchand Soni, Rai Bahadur Seth.  
 Caroe, Mr. O. K.  
 Chapman-Mortimer, Mr. T.  
 Chatterji, Mr. S. C.  
 Daga, Seth Sunder Lall.  
 Dalal, Dr. Sir Ratanji Dinshaw.  
 Dalpat Singh, Sardar Bahadur Captain.  
 Gwilt, Mr. E. L. C.  
 Habibur-Rahman, Khan Bahadur Sheikh.  
 Haidar, Khan Bahadur Shamsuddin.  
 Imam, Mr. Saiyid Haidar.  
 Inskip, Mr. A. C.  
 Ismael Alikhan, Kunwer Hajee.  
 James, Sir F. E.  
 Jawahar Singh, Sardar Bahadur Sardar Sir.  
 Khare, The Honourable Dr. N. B.  
 Krishnamoorthy, Mr. E. S. A.  
 Kushal Pal Singh, Raja Bahadur.

The motion was adopted.

Lawson, Mr. C. P.  
 Maxwell, The Honourable Sir Reginald.  
 Miller, Mr. C. C.  
 Muazzam Sahib Bahadur, Mr. Muhammad.  
 Mudaliar, The Honourable Dewan Bahadur  
 Sir A. Ramaswami.  
 Ogilvie, Mr. C. M. G.  
 Piere Lall Kureel, Mr.  
 Raismann, The Honourable Sir Jeremy.  
 Richardson, Sir Henry.  
 Roy, The Honourable Sir Asoka.  
 Shahban, Khan Bahadur Mian Ghulam Kadir  
 Muhammad.  
 Siva Raj, Rao Bahadur N.  
 Spence, Sir George.  
 Srivastava, The Honourable Sir Jwala  
 Prasad.  
 Stokes, Mr. H. G.  
 Sultan Ahmed, The Honourable Sir.  
 Thakur Singh, Capt.  
 Trivedi, Mr. C. M.  
 Tyson, Mr. J. D.  
 Wagstaff, Col. H. W.  
 Zahid Husain, Mr.  
 Zaman, Mr. S. R.

#### DEMAND NO. 1—RAILWAY BOARD.

**Mr. President** (The Honourable Sir Abdur Rahim): Now the Nationalist Party will move their cuts.

**Mr. K. C. Neogy**: I wish to move No. 54. Demand No. 1 has got to be moved first.

**The Honourable Sir Edward Benthall**: Sir, I move:

"That a sum not exceeding Rs. 14,55,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1945, in respect of 'Railway Board'."

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

"That a sum not exceeding Rs. 14,55,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1945, in respect of 'Railway Board'."

#### Enhancement of Railway Fares.

**Mr. K. C. Neogy**: Sir, I move.

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

**Mr. President** (The Honourable Sir Abdur Rahim): It has already been discussed on the last cut motion.

**Mr. K. C. Neogy**: May I explain my point? The Honourable Member in charge tried to make out that the effect of the carrying of the cut motion which has just been carried, would be quite different from what we intended it to be. Now, in order to place that point beyond any shadow of doubt, I should like to be permitted to move this cut motion formally and without any speech dealing with the merits of the question, so that the whole matter may be placed beyond the shadow of any doubt and the intention of this House may be expressed in the clearest possible terms. In that event, if we could carry this cut motion, the other cut motion which has just been adopted would be taken to be a sort of consequential cut.

**Mr. President** (The Honourable Sir Abdur Rahim): The cut motion is that the demand under the head 'Railway Board' be reduced by Rs. 100 to discuss the enhancement of railway fares. That has been discussed under the cut motion that has just been adopted, and I do not think that this cut motion will carry the matter any further.

**Mr. K. C. Neogy**: I quite see. If by your own ruling you place the matter beyond any doubt, our purpose will be perfectly well served.

**Mr. President** (The Honourable Sir Abdur Rahim): I do not know what the effect will be, but the discussion on the last cut motion was entirely on the basis that the increase in railway fares out of which the sum of Rs. 10 crores

was to be obtained is not justified. As a matter of fact this motion cannot clinch the matter any further. Therefore, I hold that this motion is out of order as it will entail mere repetition.

**Dr. P. N. Banerjee**: Our purpose has been served.

#### Disapproval of Policy and Working of the Railway Board.

**Pandit Lakshmi Kanta Maitra** (Presidency Division: Non-Muhammadan Rural): I move:

"That the demand under the head 'Railway Board' be reduced to Re. 1."

Sir, this cut motion is designed to bring to the notice of Government our sense of strong disapproval of the policy and working of the Railway Board. In all parliamentary institutions a motion for refusal of supplies is an extreme step and is only resorted to when the situation is such that relief through any other constitutional methods is unattainable.

Now, Sir, the Indian railways with a capital outlay of about Rs. 750 crores are the greatest national asset of India, and I emphatically say that the administration of this vast national asset has been carried on by the Railway Board in a manner which is prejudicial to the best interests of this country. It is not possible within the brief time at my disposal to lay my finger on the manifold misdeeds of omission and commission of this Railway Board. I will indicate briefly some of the aspects of its administration which call for very serious notice of this House.

The House is well aware that the income of the Railway Department has been mounting to almost astronomical figures compared to the incomes it used to earn in the years 1930 and 1931. In 1942-43, the receipts amounted to 155.48 crores. In 1943-44, they rose to 178.5 crores and in 1944-45 they are expected to yield 192 crores; and yet with all these mounting receipts the Railway Board has not been able to bring the expenses well under control. The expenditure has also gone up by leaps and bounds. That is due partly to extravagance, partly to want of a regular plan and partly because it is not all responsive to public opinion in this country. With this phenomenal increase in the earnings of the railways, what have the people got in return? They have got drastic curtailment of all facilities of travel. This is a point which has been emphasised in the course of the Railway budget debate. By one stroke of the pen the other day, we found that 71 trains were cancelled. That is an achievement of which the Honourable Member may feel proud, if he wants to. Then, Sir, there is the question of overcrowding in trains. It has assumed formidable proportions. Train journey today is feared by people to such an extent that I can assure the Honourable the War Transport Member that luxury travels have long disappeared. Nobody will dream of undertaking a railway journey in these days if he can help it. My friend the Transport Member has been under the illusion that the Indian people are suffering from a surfeit of wealth and therefore they should be relieved of this extra money in their pockets by all manner of taxation.

Leaving aside the facilities of travel, what about the amenities? So many Members have drawn pointed attention to the despicable condition of the railway coaches in which people are called upon to travel. Bath-rooms have not got lights, water closets do not work. Platforms and waiting rooms are in a terrible mess. The Honourable the Transport Member claims to have made elaborate provision for the amenities of the third class passengers. I would call the attention of the House to the Explanatory Memorandum on page 17. There the House will find a list of the various categories of amenities, such as improvement of latrines and sanitary arrangements, water supply to passengers, provision of lower class waiting rooms and waiting halls, provision of covered platforms, provision of refreshment rooms and tea stalls for lower class passengers, booking facilities, raised platforms, additional carriages to reduce overcrowding, improvements in existing carriages and other objects to improve the amenities of lower class passengers. This pretentious programme gives the impression that we are soon going to have a regular Paradise in the Railways. What is the amount that is provided? Only 4.39 lakhs as against the estimated income, as

[Pandit Lakshmi Kanta Maitra.]

I said, of 192 crores! This is about the amenities which they propose to provide during the coming year.

Then, Sir, in the Central Advisory Council for Railways, we pressed for the provision of greater facilities by way of providing more trains, and more coaches to existing trains, so that the pressure of overcrowding may be relieved to some extent. Well, on their own admission, they have reduced passenger train mileage by 37 per cent. of the pre-war level.

**The Honourable Sir Edward Benthall:** No, Sir. I referred to a figure of 20 per cent.—the passenger vehicle mileage.

**Pandit Lakshmi Kanta Maitra:** I am taking the passengers mileage as given in the Explanatory Memorandum.

**The Honourable Sir Edward Benthall:** That is train mileage. The vehicle mileage is much lower.

**Pandit Lakshmi Kanta Maitra:** It does not make much difference. I am viewing the case from another point of view. So far about the amenities for travel.

Now, let us see how they are getting on with the vast income they have earned. We had had occasion to draw attention to the scandal of cheap grain shops. In the Standing Finance Committee, for the first time, I drew the pointed attention of the Committee to the fact that cheap grain shops were being run and concessions are allowed to all classes of railway servants irrespective of their pay, including General Managers who draw Rs. 4,000 a month. This is absolutely scandalous and I am told that owing to administrative difficulties the discrimination cannot be made between the different classes of service. They estimated that these grain shops would cost 8 crores of rupees. They now come forward and say that the loss has been more than 10 crores of rupees and they want to provide 1½ crores more this year for the purpose of extension of this privilege in the shape of other necessities of life,—and these other necessities of life mean toilets! Let me not be misunderstood. I am in favour of giving concessions to poorly paid railway staff but what is the sense in calling an institution 'cheap grain shop' and at the same time distributing from it to all railway servants, irrespective of their pay, all manner of things that they may require on earth, including toilets and luxury goods.

**The Honourable Sir Edward Benthall:** We do not sell toilets from the grain shops.

**Pandit Lakshmi Kanta Maitra:** The Honourable Member said that soaps are also supplied.

**Mr. Jamnadas M. Mehta:** Washing soap is no toilet.

**Pandit Lakshmi Kant Maitra:** If it is not toilet, it certainly is not grain. Grain shops should have nothing to do with soaps and all that kind of thing.

Then, Sir, all sorts of favouritism are shown to Railway officials. When they are due to retire, instead of retiring them, extensions are being given to all British Railway officials. General Managers who are due to retire are being given extensions. If they have been already given extensions, more will be given. In the Standing Finance Committee for over a year we considered the question of the abolition of the Lower Gazetted Service. We held that a major administrative change of that character should not be taken up during the period of the war. We discussed the question threadbare and the House knows now with what scant courtesy the Honourable the War Transport Member has dealt with our recommendation on this subject in his Budget speech.

On top of all this, they have increased the railway fares. We have just adopted a motion against the increase. What are the reasons given for this increase? Conservation of coal, checking inflation and engine capacity. Who is responsible for this coal business? What steps did the Railway Administration take to compel the colliery owners to produce coal to the highest possible limit? The European colliery owners did not raise the coal to the highest limit because they would in that case have been amenable to the Excess Profits Tax. So, they won't do it. And the Railway Administration would not exploit their

own collieries to their fullest capacity. Now, threatened with shortage of coal, they say they cannot run sufficient number of trains because they have to conserve the coal position of this country.

Then, take the question of the locomotives. We have been time and again moving in this House for the manufacture of locomotives and wagons in this country. All our demands have been turned down. They are going to import over 600 locomotives in the coming year and yet they would not manufacture any locomotives here. They are not seriously tackling that problem at all. But as we have got a specific cut motion on this subject, it will be debated more fully later on. We sent away many of our locomotives and wagons to the Middle East not caring to ascertain what our own requirements would be. Now, we are faced with the critical situation of power shortage. That is how they are administering the railways in this country.

Take, again, the question of the supply of wagons. It is well known that for want of adequate supply of wagons and for want of proper transport facilities Bengal had to suffer the worst famine in her history last year. Even today foodstuffs are lying piled up in different railway stations. There is no transport which can be provided by this Railway Administration for carrying them to the deficit areas. Almost every day I have been receiving reports saying that huge quantities of foodstuffs are lying about in different places; but where is the transport? It is the Railway Board functioning here in Delhi which is to allot wagons. The result is that Bengal is steadily heading towards another crisis. Unless that situation is promptly attended to I do not know what is going to happen again in that hapless province.

As regards fuel, in the city of Calcutta and in the Mofassil towns people have not known what is soft coke for a number of months. Coal cannot be transported for want of wagon facilities. Kerosene cannot be transported to the places, where it is in short supply. So, this inadequate supply of wagons has been causing tremendous inconvenience and hardship to the people. Vital industries are on the verge of collapse on account of shortage of coal. No adequate step is being taken to relieve this situation.

Then, again, Sir, on several occasions we have asked the Honourable the Transport Member to tell us definitely what are his schemes of priorities with regard to the supply of wagons for the transport of essential commodities. At one time, I think, we were told in this House that food had the first priority. I am not quite sure if that view is held by the Transport Member today.

**The Honourable Sir Edward Benthall:** Did the Honourable Member say imported articles?

**Pandit Lakshmi Kanta Maitra:** I am speaking of the wagon supply for food transport within India. But unfortunately even today there is the most lamentable lack of transport facilities for the transport of foodstuffs.

Sir, my time is nearing its end and I cannot dwell on the other aspects of this question, but what I have said so far is, I think, enough for the Honourable House to refuse supplies to this autocratic, irresponsible and irresponsible body, the Railway Board, which is a citadel of reaction and inefficiency.

Sir, I move.

**Mr. President** (The Honourable Sir Abdur Rahim): Cut motion moved: "That the demand under the head 'Railway Board' be reduced to Re. 1."

**Mr. Muhammad Nauman** (Patna and Chota Nagpur *cum* Orissa: Muhammad): Mr. President, Sir, I rise to support the motion before the House. The Railway Board stands condemned for the mal-administration and the way in which it has been running the business for the last so many years. I do not want to dilate at length on points which have already been stressed as to the helpless position to which the passengers have been reduced. I would only remind the Honourable the War Transport Member to the statement that I made in a question that he and the whole paraphernalia of the Railway Board is responsible for many suicides which are being committed by those passengers who travel on foot-boards and lose their lives because of that. No figures have

[Mr. Muhammad Nauman.]

been given to us so far of such casualties. We have not been told how many people have died because they were knocked down from the foot-boards of the trains. Now, Sir, there exists some imaginary black hole somewhere in Calcutta but does the Honourable the Transport Member know that all the compartments of the trains these days are the real and living black holes of the time. All the compartments are reduced to the position of the black hole where passengers are sandwiched to suffocation and have to travel under conditions which can only be compared with that imaginary black hole referred to. Notwithstanding all these discomforts and inconveniences which the travelling public is suffering from, the Honourable the Transport Member had the courage to come and say that more money was required for providing amenities for 3rd class passengers in some dim and distant future. I know that a plea for increment like this can be made on many grounds, but probably in this particular case the Honourable Member himself feels shy of the statement that he has made so far in view of the deterioration in the service of trains in the present time. I do not want to discuss the different things that are responsible for the cutting down of trains or for the conditions which have been brought about, but I can certainly say that the Railway Board stands condemned when they have not been able to improve the situation and the deterioration has come to a stage when travelling in this country has become a Herculean task for every individual whether he travels in the highest class or in the lowest class.

Now, Sir, I come to the other side of the Railway Board, namely, their establishment. What do we find here? They have been granting extensions in services. These extensions are granted mostly to Europeans and Anglo-Indians who, although spent up forces, are still a great force for the Railway Board. Although they have no energy left in them, yet extensions are granted to them on the plea of "Experience" and all sorts of favouritism is shown to the favoured class. On that score also the Railway Board stands condemned. I need hardly say that we on this side have been very much vexed at the situation and we have been condemning it from the very beginning. All our protests have been ignored as it makes no difference to this Government whether we condemn a certain thing or approve of it. They go on doing what they think is correct according to their standard.

Now, Sir, again referring to the establishment, I should like to know what has been the position of the different communities in the services. From 1934 as compared to 1942, if you see the representation of Muslims in the lower gazetted services and the superior services, you will find that there has been no appreciable improvement of any kind. In spite of promises made by the different Members in charge of railways from time to time, what we see is that the Muslims in the lower gazetted staff are still about 7 to 8 per cent. and in the superior services, they are still worse. In eight years they have been able to make no headway whatsoever. This is the position to which they have been reduced—the Muslims. I do not want to quote figures, because we will do so more elaborately when that particular cut motion of my Party comes before the House. I am only referring to this now in passing to condemn the Railway Board for reducing the position of Muslims to a hopeless condition. As partners or sharers in the so-called commercial concern worth about 800 crores, we have every right to demand a division of that booty or spoil which is given to different persons as salaries. The share of Muslim employees does not even come to ten per cent. of the total of about 36 crores, which the Railways pay towards salaries.

Another point which I want to refer is that within recent years there has been a lot of corruption creeping in in that department, much more than in any other Department. If any one wants to book goods from one station to another, the Railway staff would not do it without receiving bribes and they are encouraged to take bribes by the way in which the rules and regulations are framed by the Railway Board. The rules are not always clear and the staff interprets the rules

in a manner that suits them for squeezing bribes. Corruption is now much more rampant in Railways than it was before these restriction rules came into existence. I heard that some corruption committees were set up. I do not know as yet what has been the improvement on that side. Was any report received from those committees? Were corruption committees set up by different railways? I came across a report in Calcutta that such corruption committees were set up but I do not know what they have done. What has been the result of the enquiries by those committees? Is the Railway Board aware of the results?

Next, Sir, I would say a word or two about the Railway Board's management of these grain shops. There is a lot of dissatisfaction among the employees of railways that these grain shops have not been of much use to them as it was intended to be. In the Railway Standing Finance Committee sanction was taken from us on the ground that these grain shops were intended for the employees who were drawing a small salary up to about Rs. 200 or Rs. 300. Advantage was taken of these shops by higher officers as well. It was also said that in the matter of purchase, the contractors supplied rotten grains which were not eatable, and in that way the contractors made a lot of money through the patronage of some of the big railway officials on E. I. and B. & A. Railways. The Railway Board stands condemned on this ground also. The Railway Board do not keep a watch, they do not call for any report of what was going on, what arrangements were made for the distribution of these grains which were being procured.

These are the few remarks which I want to make on the ground of which we want to say that the Railway Board has not done its duty and therefore it should be condemned and censured in the manner in which my Honourable friend has sought to do by moving his cut motion. I am not now prepared to traverse the different parts of the Board's administration but what little I have said will convince the House that the Railway Board stands condemned. With these words, I support the motion.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, we just now debated a motion in the House and on that motion, we defeated the Government. The Government do not seem to be satisfied with it and they are heading for another defeat. In the former cut motion the intention was to reduce the Budget by the amount which covered the 25 per cent. increase in railway fares. It was considered that that was not a direct censure motion in such a manner that they would not levy this fare and also return it to the reserve fund. Here is a direct censure motion in which supplies are refused, except one rupee. That would be certainly a direct method of censure in order to show that this raising of fares as well as many other acts of mismanagement and maladministration cannot be tolerated any longer by this side of the House. To begin with I should like to call the Honourable Member, Member for Railways, instead of the War Transport Member, because his main concern is with the railways in India, the war work connected with railways is, as it were, a carriage attached to the train to carry military people. I submit his main business should be that the railways are managed properly, that there is no maladministration, that there is no harassment of the travelling public, that no burden which they cannot bear is placed on them. The first item of maladministration which I would refer to is this. There is so much rise in receipts, as I will presently show, not from the military side but from the civil side; it does not stand to reason or commonsense that the fares should be increased still further. The working of the railways from the military side also is such that there is mismanagement there also. First of all it is admitted by the Honourable Member on page 5 of the speech:

"Separate statistics are not available of the number of military passengers, but an examination of the earnings from civilian traffic and of the military passengers other than those travelling in military specials shows that although military traffic has more than doubled, the bulk of the increase is in civilian travel."

It is, however, forgotten that in civilian travel also there is partly military travel. Labourers, for instance, who are taken through contractors, often travel



[Mr. Lalchand Navalrai.]

long distances; they may be thought to travel for social functions, like marriages or visits to friends, but it is not so; it is all military travel. Therefore you will find that there is more travel on the military side than on the civil. Then the Honourable Member has tried to prove by figures that civilian passengers have increased in number during the year, but the census does not include people like these labourers who travel on military work.

Then it is said that there is growing expense. I claim that that is also on the military side. For instance, a large number of special trains, about 2,000 a month, are run for the military. Then, the earning from military traffic is small compared with the civil traffic. If the carrying capacity of the carriage is 100 for the public, it is 33 for European military personnel and 66 for Indian military personnel. Therefore the earnings from this military traffic are not commensurate with the expenditure. Even in public trains when compartments are reserved for the military it is a common feature that the full carrying capacity is not used; some of them run empty or with an insufficient number of occupants. I have said that the civilian population, specially the lower class passengers, travel in overcrowded conditions, not like these military people. They go even on the foot-boards; in a carriage with a capacity of 40, more than 100 are taken, which gives thrice the ordinary income from the traffic. The excuse given that you are unable to give separate figures for military and civil traffic, as you have said in your report, is therefore easily understood. You do not want to give us your statistics because we might challenge the correctness of your figures.

Then it is also clear that your accounting is not thorough, specially in regard to the items debitable to the military, nor is it favourable to Indian finances. After the war when there will be adjustment of the war expenditure between Britain and India you will greatly suffer for not having included the proper items in the military expenditure. You must, therefore, have elaborate and thorough accounting. We know these things. During the last war joint expenses were incurred as they are done now. We say that all this in the Budget is not war expenditure for which India should be liable; it is the British Government which should be liable. These adjustments will have to be made; otherwise your exchequer will suffer and you will suffer. Therefore, this increase of fares is wrong. But what are the amenities you are giving to the travelling public? I find in these explanatory notes that you have provided only one thousand rupees for amenities on the North Western Railway.

**The Honourable Sir Edward Benthall:** No, Sir, we provided 10 crores.

**Mr. Lalchand Navalrai:** The statement on page 17 shows against each railway the expenditure proposed on this item, and against the North Western Railway the sum shown is one thousand. Therefore, it is futile to say that you are going to provide amenities; you have provided no amenities up till now; you have only taxed the people and done nothing. The Honourable Member has something to do with the war because he is the War Transport Member; he should, therefore, give better advice to the Finance Member as to the method of raising money for the war. It is not by this raising of fares and other things that wars are won; they are won with money and that money comes mostly by borrowing. You are not borrowing at all; only you are squeezing the people.

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

**Mr. Lalchand Navalrai:** The important amenities to be provided at once are many. The present proposal to increase fares should go, the railways should be made popular and that will make you also popular. We expected that when the Honourable Member came here from public life he would work for the public, but it is an irony of fate that by his association he has also been contaminated. Overcrowding should be removed. It is said that people should not travel. Are people in other civilised countries told not to travel? (Cries of "Yes".) How do you know that these people are travelling unnecessarily?

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

**Mr. Lalchand Navalrai:** It is not unnecessary travel. You are putting obstacles in the way of these people for which you will ultimately suffer.

**Mr. Muhammad Ashar Ali** (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, I have heard today the speech of the Honourable the War Transport Member and the replies that he gave. He asked Dr. Zia Uddin on this side to explain why there was too much of overcrowding and too much of travel last year. Sir Cowasjee and Mr. Jamnadas Mehta have explained that. My Honourable friend, the War Transport Member, when he travels in his saloon, cannot possibly know the conditions prevailing in the country itself. When he compares the income of Rs. 10 of the Indian farmer in the old days—whom he calls 'farmer', but which is the word which is not so very much applicable to India as it may be applicable with the idea of European with his present income of Rs. 40, he is obsessed with the idea of European farms. Our farmers, whom we know, are not generally very big farmers, but they are peasants. Their holdings are not so very large and their holdings are not so very paying as the Honourable Member perhaps seems to consider. Sir, he says that the income of the 'Indian farmer' has increased from Rs. 10 to Rs. 40. It may sound as income to him, but I would like to inform the Honourable Member that this income has a burden on it. He has debts which he has not been able to liquidate so far. Then, he is burdened by taxes, war loans; he is made to subscribe a certain percentage every year to war loans. He is made to pay cesses which are imposed by the Government. At the same time, it is a pity that the other Members on the Treasury Benches too do not realize the condition of the peasantry of India. They have to pay for litigation as well. If the Honourable the Finance Member and the Honourable the War Transport Member were to take all these items into consideration, they will realize that this is no income but a bare means of livelihood.

Now, Sir, I come to the list of demands made by the Honourable the War Transport Member. Demands No. 6A to H are so cleverly bungled that one cannot deduce the actual position of the general Railway Administration and their staff, as not a single number is given of their strength in the manner it is given in Demands Nos. 1 to 3. From a cursory reading of these documents within the short period at our disposal, Sir, you will wonder how the Railway Board has allowed the masquerading of the railway finances. When we see the Red Book, that is volume II of the Report of the Railway Board, we find that the statement showing the total number and cost of Gazetted and Non-Gazetted staff in Appendix C-III (pages 250 to 255) of the Volume, shows a nominal decrease in the number of the Gazetted Staff during 1942-43 on the East Indian Railway against the unparalleled increase in their pay and leave salary in comparison with the decrease in their pay and leave salary against the increase in number of the Gazetted Staff during 1942-43 on the Bombay, Baroda and Central India Railway. Similar is the case of non-Gazetted staff; that is the number of staff is increased but the pay and leave salary are decreased during the year 1942-43.

Sir, the summary of accidents and casualties, given in Appendix D (pages 272-273) of Volume II of the said report indicates the increase in some cases to cent per cent. in the year 1942-43 against the preceding four years. There is nothing to show what preventive measures were adopted by the Railway Administrations or by the Railway Board to minimise them. The General Manager of the East Indian Railway in a message dated the 29th December, 1942, which has been printed on the fly-page of the East Indian Railway Gazette No. 26 of 1943, has correctly described "that there has been a noticeable falling off in efficiency in our working". The causes for it may be known to the Honourable the Transport Member, but it appears to me that the first and the foremost cause is favouritism and nepotism encircled with corruption, which is so conspicuously

rampant all round, in addition to other causes. Abuse of position amongst the low paid staff below Rs. 25 p. m. at the present time is natural, as they are the persons who are hit hard by the rise in prices and due to the fact that Government have denied them a living wage. The boastful claim of distribution of grains and other foodstuff along with a meagre allowance for dearness is no remedy at all, but, on the contrary, this has imported more corruption amongst the purchasing and distributing staff.

Sir, abuse of power is another kind of corruption. There is no justification of corruption amongst the Gazetted staff. Had the Gazetted staff itself not indulged in abuse of their power, they would have been able to check, if not totally eradicate, corruption in the low-paid staff. But unfortunately this enthusiasm is lacking in them. In case the Honourable the Transport Member is inclined to differ from what I have said, I am prepared to quote particular instances on the floor of this House to prove the truth of these allegations. I will take the liberty of quoting just a few instances:

Increase in the tariff rates from 15 to 25 per cent., irrespective of whether it is rural or urban area, in the case of Messrs. Ballabhdas Eshwardas, Catering Contractors, East Indian Railway, (as stated in the reply to unstarred question No. 11 asked on the 22nd of September, 1942) and denial of the rates of dearness allowance admissible to Delhi City to the N. W. R. staff at Delhi Shahdara which is in the Imperial enclave.

Another case is of permitting Messrs. G. F. Kellner & Co., Ltd., to abolish second class tariff rates of refreshments on the East Indian Railway, whereas other Railways still retain second class tariff rates for European refreshments.

Then, permitting Mr. A. J. Doran, Superintendent, Commercial, Moradabad Division, the use of Inspection Carriage No. 4901 during his absence from duty on leave in May, June and July, 1943, and denying the same concession to others.

Again permission to return to duty from 1st May, 1941, given to Mr. Alfred John Doran on the East Indian Railway after he has retired from service on the 23rd November, 1940, and computing the period from 23rd November, 1940, to 30th April, 1941, into leave without allowance and paying him Rs. 1,300 per month in the old scales against the reply given by the Honourable the Finance Member to starred question No. 239 asked on the 6th August, 1943 (page 482 of the Debates). In that question the dates and particulars given will be found on page 219 of the History of Services of the Officers of the Indian State Railways corrected up to 1st July, 1941, relating to Mr. Alfred John Doran and denying the permission to return to duty to other officers.

Again, Sir, retaining in service the special ticket examiner No. DT228 after the frauds committed by him have been brought to the notice of the administration. The friendship was broken and the dealer has sued him for the supply of birds. The Court at Karnal has passed a decree against the special ticket examiner DT228 but the railway administration on being informed never asked him the manner in which he carried the birds and the particulars of the parcel way bills under which the freight was paid. He is given house accommodation at Moresarai, Delhi, whereas the other entitled staff is denied the accommodation.

The following staff have been removed from service against the assurance given in reply to unstarred question No. 408 asked on the 20th March, 1936 (page 2946 of the Debates).

Sir, I have given so many instances to the Honourable Member and if he is inclined to do justice to the public against the administration of the railway then he might look earnestly into these cases and then he will find how the administration is working.

Again, Mr. W. E. Millar instituted a suit on the 20th September, 1941, for the recovery of the difference in pay. While the suit was pending and awaiting the filing of the written statement, the Chief Operating Superintendent, East Indian Railway, Calcutta, by Notice No. AE 1174/192, dated the 21st October 1941, removed Mr. Millar from the Service.

Then, Sir, one Mr. Abdul Latif reported sick and submitted the certificates from medical attendant according to rules. The railway authorities were not satisfied with them and directed him to produce the certificate from the railway doctor to which he replied that as there is no railway doctor within the vicinity he is unable to produce one but if the railway authorities direct a railway doctor to visit him he is prepared to bear the expenses of his visit. Thereupon the Divisional Personnel Officer, Lahore, has removed him from service by Notice No. 921-E/2462, dated the 14th August, 1942, without making any enquiry.

If these instances that I have quoted are not enough, I do not know what the House wants nor what the Honourable Member wants. I have given substantial evidence to prove that the administration of the railways is bad.

**Mr. K. S. Gupta** (Ganjam cum Vizagapatani: Non-Muhammadian Rural): If the Railway War Lord is to be condemned, he stands self-condemned with regard to the overcrowding of trains. He can defend himself against any argument, against any complaint, but this stands so unique that it is impossible for him to say a word to defend himself because overcrowding is throughout all the railways a daily happening. Several accidents are due to this overcrowding. People are suffering. People have had contamination and have had epidemics which are prevalent in India on account of this overcrowding in the trains. I know, Sir, even in a compartment reserved for women—it was intended for 24—I saw 50 of them there. They could not have an inch of space to stand. They were so over-crowded that there were cries, there were appeals, there were screams from people. Still children were shoved in and shoved out through the windows. It was a horrible sight. It was a monstrous sight. It does not give you any solace. It does not add to your credit of being here for so many years. Now you say that you have handed over the Assam Bengal Railway or some other railway to the military authorities of America and that without any consultation of this House. You may do anything any day, at any moment. There is none to check you, and that is why I call you a war lord. You may ask this House to get away and you would even say that all of us should be militarised.

At the Waltair railway station people were so overcrowded that one military man, a sepoy, shoved in his big luggage through the window which fell on a woman who was carrying (seven months), and what happened? She was crushed and there was almost flickering life. She was removed out of the compartment through a window and was taken away to the hospital. Then the husband wanted to complain to the Station Master. What happened? As soon as he saw the military dress of the Station Master he began to shake. He could not speak to him. He could not make a complaint. That is why this war lord has militarised even the railway officials from the porter to the station master. That is what is happening on the Bengal Nagpur Railway and the Madras and

Then again, the lavatories of the third class compartments are not clean. Even the compartments are most unclean, because the children who cannot get into the compartments spoil the seats or the places where they ought to stand. Leave alone that, there is not even space to stretch their legs. Even for standing there is no place. When such is the case you say overcrowding is inevitable in a country where there is war! I tell you there is no war here. This war is forced upon us. It is unwanted and still you have imposed it upon us, and these difficulties, uncalled for and unjust.

If you had had a heart something could be done. But it is thoughtlessness and heartlessness on the part of the British Government to allow such a thing to be done. It is akin to the thick skin of a rhinoceros. The beast will only yield if its stomach is pierced. God alone knows who can do it. No man on earth could do it. The third class passenger would not bestow a benediction on your heads for the amenities promised in the land to come, the paradise to be created, after the war. Everything is to be after the war. Do you live after the war, we shall see; But how are we to live now? How are those people who are travelling third class to get on?

[Mr. K. S. Gupta.]

You know, Sir, years ago we raised a hue and cry with regard to your decision to remove the rails, to remove the locomotives, to remove the wagons out of the Indian borders. What have you done? You never care for the cries of the people. You never care for the advice of the representatives of the people here. Since you are most unrepresentative and irresponsible you would not hear a word of advice or heed a warning from us. You are not here to learn lessons by your failures, and you would not profit by the advice given by the elected representatives of the people. You care a tuppence for this House, it is absolutely true. Churchill has said that in the West the Americans who outnumber must have the lead and should issue directives for the war arrangements, similarly you say, because Americans are here at our invitation to save us, we hand over this or that railway to the American military. God won't save such people. God will certainly punish you. No benediction will be your lot, but condemnation you deserve to the greatest extent. You have encouraged one thing. You have succeeded in that one thing. I congratulate you on that, namely, ticketless travelling; if you deserve any congratulations. I put it on that account because in many trains you know for want of space third class booking is stopped in certain stations, intermediate class booking is stopped in certain other stations, second class booking is stopped in some stations; and even those who are prepared to pay higher rates for higher classes, or even prepared to pay anything to secure a ticket, cannot get any ticket, but they have got to travel and do so without tickets. In these days of stress and strain it is not for luxury, it is not for leisure that these people travel. It is sheer necessity and it is a question of 'must'. You have to understand it, or at least try to understand it.

**An Honourable Member:** If they can.

**Mr. K. S. Gupta:** I know they cannot.

**The Honourable Sir Edward Benthall:** How does the Honourable Member account for the ten per cent. of passengers out of the 13 lakhs whom we interrogated, who admitted that they were travelling for pleasure?

**Mr. K. S. Gupta:** I am not here to answer questions put by the Railway. The Railway interprets in its own manner, it has got its own mis-interpretation, and explanation and as well has its own way of questioning and answering things. But I am here to ventilate the grievances of the third class passengers. The blood, toil and sweat of the third class passengers will visit on you as a curse and see that your war effort will be good for nothing and will be nullified.

**Mr. Ananga Mohan Dam** (Surma Valley *cum* Shillong: Non-Muhammadan): Sir, in supporting the cut motion I shall briefly refer to the amenities of third class passengers. Fares have already been increased and the number of trains has been reduced, not to speak of any other area.—I speak of the Assam Bengal zone of the Bengal and Assam Railway. On that section there is so much overcrowding in the trains that people generally hang on outside and squat on the footboards. On other railways not only there is no light in bath-rooms, but there is no light in any compartment of the train on this section from start to finish. You can easily imagine the inconvenience of the passengers of the female compartments and owing to overcrowding accidents happen. I know of an old lady who tumbled upon a trunk without being able to see that it was on her way. These things are happening every day. In the Statement I see that nothing under the head amenities for passengers has been provided for the Bengal and Assam Railway. My Honourable friend of the European Group has just mentioned that they are so much in need of it on the Assam side of it. Sir, nothing, not a pie, has been provided for the Assam Bengal zone. The grievances of third class passengers are of long standing. There is inadequate water supply, there is inadequate food supply, there is inadequate waiting room accommodation not to speak of the insanitary condition of third class carriages. It is a very old question which was discussed by a committee in 1921-22, and they expressed the hope that these grievances would be redressed, but even now,

after about a quarter of a century, these amenities of the third class passengers have not been cared for. It shows that like a metaphysical abstraction, these amenities for third class passengers are ever to be approached but never to be attained. The difficulties on the Assam zone are due more to want of transport. The foodstuffs of the province of Assam come from Bihar and Bengal and they are always selling at a higher rate in Assam. Sugar, atta, flour, all these things which are controlled are sold there at higher rates, about 2 or 3 annas more per seer than in Bengal. This is all due to wagon difficulties. My Honourable friend, Mr. Nauman, referred to the cases of corruption on railways. Merchants are not getting wagons at the proper time or in the proper manner. The last committee also desired that these cases of corruption should be stopped. Sir, the bribes do not stick to the hands of the subordinates to whom they are paid but percolate much higher up through the railway service, and that is the reason why no drastic steps have been taken. I do not see why these things should not be stopped even now. The fact is that the railway administration do not realise the magnitude of the evil, the trouble that people are subjected to for want of wagon arrangement. I must ask the Railway Board to immediately put a stop to this evil so that the food difficulties of the people and other difficulties of our countrymen can be removed.

Assam is a place where there is oil mine and there is kerosene. But we do not get kerosene for want of proper transport. Kerosene was selling in the district of Sylhet at the rate of Rs. 3 per seer. Can you imagine that? In the harvesting season the ordinary agriculturists cannot do without light. These men have to work for long hours in the night, and therefore they had to procure kerosene at such a high rate.

Again there are other difficulties in the railways. My Honourable friend the mover of the cut motion has referred to the shortage of coal and shortage of other things, which is all due to the maladministration of the railway people. Crores of rupees are shown in the revenue side of the statement but the Government are not spending them in the proper manner for providing facilities to the people who are the contributors to the enormous profits of the railways. Again, railways are a public utility concern and money acquired by the Railway Board on this account should be spent properly for the benefit of the people. The Honourable the War Transport Member has given reasons for increasing the railway fares and said that the cultivator who was formerly selling his wheat at Rs. 10 per maund was now selling it at a higher rate, but the railway had been carrying that wheat at the same rate at which it used to do before the war. Sir, very few of these cultivators have profited by the war situation, only a few cultivators who have got surplus wheat or paddy to sell, sell in the market. But more than 85 per cent. of the cultivators have not got anything from these high prices because they have not got sufficient for their annual consumption. A few may have got some surplus but even supposing they have, it does not mean that they should give it lavishly to the transport authorities; the transport authorities are not there to profiteer. It has been said that because the prices of other commodities have risen and people are paying more for other things, they should pay more for transport also. This argument cannot hold good because a public utility concern is not meant for profiteering. Does the Honourable Member mean to say that such a concern should profiteer, like other merchants or trading concerns? No; it cannot be. Some agriculturists may have made a little money by selling their agricultural produce but the Government are not justified in asking them to give it to the transport authorities in order to enable them to show more profit in your books. My Honourable friend, Mr. Jamnadas Mehta, has shown that the railways are getting more on their capital than ordinary merchants do: in ordinary public companies the people are satisfied with 6 or 7 or even 8 per cent. profit; but the railways are making more than 12 per cent. That shows that they should spend more for the amenities of the people and for the development of the transport system. But they are taking more and reserving more but not giving us anything more; they say they will give after the war; but that is no argument; because we are paying now we must have the benefit now. If we go to a shop and pay

[Mr. Ananga Mohan Dam.]

the price we get the goods on a cash basis; what is the use of saying, 'you pay me now and I will repay you ten years later'. There is no attraction in that. We may have to trust each other; but you must give me a full meal before I can trust you; there is no getting over that.

**Mr. Lalchand Navalrai:** Die now and you will get it later!

**Mr. Ananga Mohan Dam:** That is not for the Railway administration to say so; but if it says so, it will stand condemned by its own words. The railway authorities have got all the mismanagements that any concern can have. It is very difficult for me to enumerate them all in the short time at my disposal; but in every department,—passenger traffic or coaching traffic or wagon allotment and every other—there is something wrong, there is some defect which must be removed and rectified. This railway administration is doing another injustice to us by giving extension to the officers higher up, because they are preventing thereby the promotion of its younger officers who are giving their ungrudging service in the hope that they will also rise to the higher ranks. I think this system must be stopped, it is against any reasonable method of administration. Any European or Indian officer, whoever he may be, I do not make any distinction—if he has attained the age of retirement, he should be retired and he should not stand in the way of the promotion of others. Moreover, these old people have lost their energy and their vigour; and if they stick to their posts they will do no work—rather they will merely pocket their salaries, for which there is no justification.

About the management of the railways, my friend, Mr. Gupta referred to it a few minutes ago. They say they have transferred a portion of the management of the Bengal and Assam Railway to the Americans. Why? If you are efficient and if you can manage, why did you call in the Americans to manage the railways? In this connection I must say this military management has so mismanaged our railways from our stand point.

**The Honourable Sir Edward Benthall:** They have not taken over?

**Mr. Ananga Mohan Dam:** Whatever rule it may be, military or American, our difficulties are there.

**Mr. Govind V. Deshmukh** (Nagpur Division: Non-Muhammadan): In spite of the Americans helping them?

**Mr. Ananga Mohan Dam:** The difficulties continue inspite of the American help, though they expected that everything would be set right with American help. In the Assam Bengal zone, every day, whenever you go to any railway station, you will always see one or two instances of the military ill-treating the civilian passengers. They are pushed back whenever they try to get in, by the military, even if they wish to travel for one or two stations only. He is not allowed to get in. I say these things should be stopped. The military there are simply lording it over the civilians.

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

**Mr. Ananga Mohan Dam:** Sir, I shall finish. There are other things also which I have no time to describe. I shall mention only one other matter. Mr. Stokes also mentioned it. The Government should try to give more amenities to the passengers of the Assam Bengal Zone where the trains are all overcrowded and there is great difficulty in transport of foodstuffs and other articles. If the Honourable the War Transport Member goes there and sees things personally, he will be convinced of all that I have said against the railways. With these few words, Sir, I support the cut motion.

**Honourable Members:** The question may now be put.

**The Honourable Sir Edward Benthall:** Sir, after listening to the catalogue of abuses which has fallen from my Honourable friends, I cannot help feeling that it is really remarkable that the wheels turn round at all; and yet, in spite of the abuses, the Railway Board and the administrations under them have succeeded in a remarkable extent in carrying a vastly increased number of passengers, in keeping the industries of the country going, in moving the

necessary foodstuffs, and above all in providing for the necessities of the war. With this record of achievement behind it, I cannot really believe that Honourable Members sincerely believe that the record of the Board is as bad as some of them make out.

**Dr. P. N. Banerjee:** The Members are very insincere?

**The Honourable Sir Edward Benthall:** I am afraid some of them, if not insincere, do not think very much about what they are saying. Such a large number of subjects have been covered that it is very difficult for me to go over the whole ground again, and I will just select a few of them. One Honourable Member said that foodstuffs were being held up at stations and he wanted to know what were the priorities arrangements made for the movement of food grains. Generally speaking, food grains are put in a category of railway priorities which ordinarily ensures their free movement. But if there is any hitch or urgency in the movement of foodgrains, a special priority is given. A great deal of the food that moves intra-provincially moves under the orders of the Central or the Provincial Governments and moves under programme. Generally speaking those programmes have progressed very satisfactorily. It is not correct to say that very large quantities of foodstuffs are piled up, awaiting rail transport.

Incidentally, our despatches from the 15th July to the 3rd of February to Bengal have been 304 thousand odd tons and the movements of rice into Bengal have been 66 thousand tons during that period. They are very substantial quantities. There are good stocks in Calcutta and it is incorrect to say that any deficiencies in Bengal are due to shortage of wagons for the movement of food into Bengal.

Another member mentioned the question of corruption and one member, I think it was Mr. Azhar Ali, said that there was no excuse for corruption among gazetted staff, which I thought was a remarkable statement, as if there was an excuse in other categories. We have had, as Honourable Members know, an Anti-Corruption Department operating and it operates over a number of departments. As far as the Railways are concerned 151 cases have been taken up, up to the end of 1943. 82 cases were sent up for trial. There were 45 convictions, 14 acquittals and 33 cases were referred to the Administrations for departmental action. 14 employees were discharged and among these cases there were 12 gazetted officers involved.

**Mr. Muhammad Nauman:** May I know if the Railway Board receives any weekly or monthly reports from each Administration regarding the activities of this Anti-Corruption Department?

**The Honourable Sir Edward Benthall:** There are quarterly progress reports. I do not know whether they are received more often.

The activities of the Central Advisory Council have been mentioned on several occasions and I have been asked what we are doing to meet their recommendations. As I said in the last debate, we are taking action on practically every one of their recommendations.

As regards the suggestion that flying squads of highly paid staff should be appointed to combat ticketless travel, letters were sent some time ago to all Class I Railways, suggesting the appointment of such squads and also suggesting that officers should work in conjunction with these squads in order to stop ticketless travel and so help to prevent overcrowding. On a number of Railways, there are Railway Magistrates who take summary action against ticketless travel and to my knowledge some of the railways are trying to increase the number.

So far as military travel is concerned, we have already taken this question up with the Military authorities. We are doing our best to get them to extend the principle of zoning leave travel and to alter the leave rules with the same objective and we have also suggested that instead of officers travelling long distances to hill stations we might instal a system of holiday camps. Generally

[Sir Edward Benthall.]

speaking, we are doing our best to curtail military travel but obviously, with increasing numbers of military in the country, it is difficult to cut down the total of military travel.

A suggestion has been made that we might instal a system of priorities for passengers. That is almost impossible in big cities. It is impossible administratively to introduce it. It is impossible, even in the upper classes, to decide, for instance, whether it is more important that an officer should travel or a business man and to decide, as between two business men, whose journey is the more important. However, in certain restricted areas, I am carrying the investigation a bit further.

Another suggestion made is that we might limit the booking from various stations, for instance, from Howrah. But the difficulty there is that the passengers will simply move out to the next station and board the train there. Or, they will get on the train as it is moving slowly. Taking steps to prevent that would mean an enormous army to police the railways and an enormous increase of the railway staff. In fact, I think it is administratively impossible. What we are doing is to carry out the intensive propaganda campaign which the Central Advisory Council mentioned and that is now in the hands of the Information and Broadcasting Department.

**An Honourable Member:** Have more trains.

**The Honourable Sir Edward Benthall:** One other question raised was about the percentage of ticketless travel. I wish I knew. But the percentage that is detected is about 5 per cent—I think under 5 per cent or about 2½ million passengers a year.

I must refer again to what Mr. Maitra referred to as the scandal of the cheap grain shops. I cannot make out what that scandal is—whether it is a scandal that 10 crores should be spent on alleviating the conditions of living of the railway men. I think what he really had in mind was that highly paid officers and men were entitled to this concession of cheap food. The concession, of course, amounts to Rs. 8 per month as I quoted in my Budget speech and if all the highly paid officers took their rations, which many of them don't, the total of the cost would be 3 lakhs. In other words, out of a thousand lakhs, 997 lakhs would go to categories other than officers. I do not think there is much in that complaint.

I should like to refer to a point made by Mr. Gupta about the locomotives going out of the country. About 200 metre gauge locomotives were sent out to the Middle East to help the war situation. They did extremely good work and they are now proceeding to come back. I think I am correct in saying that 84 are due to come back now and some of them have already been received in this country.

I would not touch on the question of Muslim percentages or of locomotive construction, as there are cut motions dealing with them.

Finally, one of the things which struck me most about these debates is the absence of reference to the fact that war is being carried on on India's frontiers and yet nobody seems to relate the present conditions seriously to the fact that we have an enemy at our very door steps. One Honourable Member—I think it was Mr. Navalrai—referred to the war as if that might be an extra carriage on the train, but I can assure you that the burden of moving this war traffic is a very heavy one indeed on the Railway Board and the Administrations. It takes up a great deal of our time. Mr. Dam complained of the conditions in Assam. Conditions are certainly bad there and we are fully aware of it. But I would point out to Mr. Dam that this cut motion has the effect of reducing the Railway Board grant to Rupee one. He suggested that all the things to which he had referred might be put to the Railway Board for correction. But if he supports this motion, there will, of course, be only such a Board as you can raise by spending one rupee. I personally shan't welcome that, because I have myself been very hard worked and with a one rupee Board only I would be even more hard worked, unless

I can get volunteers to assist! I suggest, therefore, that in spite of what the Honourable Members have said, the Board has achieved a very remarkable feat in the last year or so in moving the traffic which has been thrust upon it. As it is impossible for the country to do without a Railway Board, I appeal to the House to turn down this cut motion.

**Mr. President (The Honourable Sir Abdur Rahim):** The question is: "That the demand under the head 'Railway Board' be reduced to Re. 1."

The motion was negatived.

As there is no time for any further motion to be moved, the House is adjourned till 11 O'clock tomorrow.

The Assembly then adjourned till Eleven of the Clock on Friday, the 25th February, 1944.



# LEGISLATIVE ASSEMBLY

Friday, 25th February, 1944

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

## STARRED QUESTIONS AND ANSWERS.

### (a) ORAL ANSWERS.

#### TECHNICAL EXPERTS RECRUITED FOR TRAINING OF WAR TECHNICIANS.

222. \*Dr. Sir Zia Uddin Ahmad: (a) Will the Honourable the Labour Member please state the number of technical experts recruited by the Government of India for the training of War Technicians? What is their monthly emoluments including salary and other allowances?

(b) What is the total number of centres of War Technicians, and how many of these are in close association with Engineering Colleges and Railway Workshops?

(c) How many of these expert Instructors are posted in War Technician Centres associated with Engineering Colleges and Railway Workshops?

(d) Now that the Indians have already been trained, can these Instructors be more usefully employed elsewhere?

(e) Is it a fact that these expert Instructors have also been allotted a duty of inspecting other centres in addition to teaching work?

The Honourable Dr. B. R. Ambedkar: (a) Apparently the reference is to British Specialist Instructors.

100 British Specialist Instructors were recruited, of whom 87 are now in service. Their emoluments range between Rs. 620 and Rs. 872 per month with free furnished quarters or lodging allowance in lieu *plus* conveyance allowance, in suitable cases.

(b)

|                                                                      |     |
|----------------------------------------------------------------------|-----|
| Total number of training centres under the Technical Training Scheme | 270 |
| Centres in Engineering Colleges                                      | 12  |
| Centres in Railway Workshops                                         | 27  |

(c) 10 in each.

(d) In the opinion of Government they cannot be more usefully employed than in connection with the training of technicians.

(e) Yes, in a few cases.

Mr. Lalchand Navalrai: Has any centre been established in Karachi?

The Honourable Dr. B. R. Ambedkar: I want notice.

Dr. Sir Zia Uddin Ahmad: Is it not a fact that these expert instructors who are deputed to centres associated with Engineering Colleges or workshops have got additional duties of inspecting centres which have been established outside these institutions.

The Honourable Dr. B. R. Ambedkar: As I said, yes, in a few cases.

Dr. Sir Zia Uddin Ahmad: May I know if these experts who are associated with Engineering Colleges are subject to the discipline of Government or are associated with other members of the staff of the college concerned?

The Honourable Dr. B. R. Ambedkar: I want notice.

Dr. Sir Zia Uddin Ahmad: Are the Government aware of this fact that these experts who are associated with Engineering Colleges do not consider themselves to belong to the staff of the Engineering College and they do not consider that they are subject to the discipline to which members of the staff are subjected; are the Government aware of the fact that they spend a good deal of time in inspecting other institutions and they consider the teaching job to be unattractive, and they have no heart in their teaching work?

The Honourable Dr. B. R. Ambedkar: I will enquire into what my Honourable friend has said.

# INDIA'S REPRESENTATIVES AND THE UNITED NATIONS RELIEF AND REHABILITATION AGREEMENT.

225. \*Mr. T. T. Krishnamachari: Will the Honourable the Commerce Member please state:

(a) whether the Government of India's representative at Washington, before or after signing the United Nations Relief and Rehabilitation Agreement, or at the First Session of the Council of the United Nations Relief and Rehabilitation, proposed any amendment or made any attempts to amend the Articles of the Agreement so as to include in the functions of the Administration, the function of relief and rehabilitation in those countries or areas of the United Nations which, though not actually being theatres of war or war-torn, are stricken by conditions of starvation, privations and scarcity of food and other consumers' goods;

(b) if the answer to (a) is in the affirmative, the amendment proposed by the Government representative at Washington, or what attempts he made in this regard; and

(c) if the answer to (a) above is in the negative, whether the Government of India had conveyed to their representative at Washington that the conditions arising out of famine, food shortage and scarcity of consumers' goods in India should necessitate such an amendment in the Articles of the United Nations Relief and Rehabilitation Agreement?

**The Honourable Sir M. Azizul Huque:** (a) The Agent General was given full instructions as to the attitude which he should adopt at the deliberations leading to the signing of the United Nations Relief and Rehabilitation Administration Agreement. It is not considered in the public interest to disclose the precise directions given to him at any stage.

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

**Mr. T. T. Krishnamachari:** May I ask if those instructions that have been given to the Agent General are such that could not be disclosed for security reasons or merely because of public interest?

**The Honourable Sir M. Azizul Huque:** It is never the practice for discussions or instructions at this stage to be disclosed.

**Mr. T. T. Krishnamachari:** Is the Honourable Member aware that there has been a considerable amount of agitation in this country in regard to the participation of the Agent General in the U. N. R. R. A. affair?

**The Honourable Sir M. Azizul Huque:** I want notice.

## RESPONSIBILITY FOR SUPPLYING ACCURATE INFORMATION TO SECRETARY OF STATE ON INDIAN FOOD SITUATION.

226. \*Sir F. E. James: Will the Honourable the Leader of the House be pleased to state:

(a) which authority (or authorities) under the present constitution and during the present emergency is primarily responsible for keeping the Secretary of State constantly and accurately informed as to the food situation in British India and the Indian States generally, and in Bengal in particular, with special reference to mortality statistics, the availability of medical supplies, and any other matter arising out of food shortage or famine conditions;

(b) if he is aware of the importance of ensuring that the Secretary of State is accurately and constantly informed on these matters so that he may acquaint Parliament and the people of the United Kingdom who are so deeply interested, with the facts;

(c) the machinery, if any, available to the Central Government for the collection, tabulation and periodical dispatch of up-to-date and accurate information on these matters to the Secretary of State; and

(d) the action taken by the Central Government to ensure that accurate statistics are collected in the Provinces most concerned?

**The Honourable Sir Jwala Prasad Srivastava:** (a) The Food Department is responsible for informing the Secretary of State about all matters connected with the supply and distribution of food throughout India, and, therefore, of matters

arising out of food shortage or famine conditions generally, except in so far as these are the direct concern of other Departments, e.g., of Education, Health and Lands in the field of medical aid, public health or agriculture. Vital statistics and the availability of medical supplies are the responsibility of the Education, Health and Lands Department. To the extent that vital statistics can give an indication of deaths from starvation in any area, and, therefore, of development or improvement in famine conditions, Food Department is concerned, and in consultation with Education, Health and Lands Department have provided such provisional estimates as have so far been available to the Secretary of State.

(b) Yes.

(c) Statistical information of all kinds is collected from Provincial Governments and tabulated departmentally by the Government of India.

The Food Department sends a weekly report to the Secretary of State on the Food situation in India, generally supported by statistics of movement of food-grains.

The Government of India's Public Health Commissioner sends a fortnightly report to the Chief Medical Officer of the Ministry of Health of His Majesty's Government on the number of deaths due to cholera, small-pox and certain other epidemic diseases in the provinces; the Education, Health and Lands Department sends a weekly report on the health situation in Bengal to the Secretary of State.

(d) The Honourable Member is referred to the 2nd paragraph of the report on the progress of recommendations of the Foodgrains Policy Committee, which has been laid on the table of the House. On the urgent representation of the Government of India steps are being taken by certain Governments, where the need is most urgent, to improve their agricultural yield estimates. In Bengal, the Provincial Government have removed certain unnecessary links in the chain of reporting agencies for vital statistics, so that delays in compilation may be reduced.

**Mr. N. M. Joshi:** In view of the fact that the Government of India should hold themselves as much responsible to the legislature as to the Secretary of State, will they place on the table of the House the weekly reports which they send to the Secretary of State and the Ministry of Health?

**The Honourable Sir Jwala Prasad Srivastava:** I do not know whether I can do that, but I will look into the matter.

**Pandit Lakshmi Kanta Maitra:** Do I understand the Honourable Member to say that all statistics regarding deaths from starvation and food shortage are supplied by the Food Department in consultation with the Education, Health and Lands Department?

**The Honourable Sir Jwala Prasad Srivastava:** As I have stated, we have no separate figures for deaths from starvation. We have never been able to ascertain the exact number of deaths due to want of food.

**Pandit Lakshmi Kanta Maitra:** In view of the fact that there has been so much public clamour as to the accuracy of these statistics, do Government propose to keep separate statistics as to deaths from food shortage and famine conditions?

**The Honourable Sir Jwala Prasad Srivastava:** The main defect is in the reporting agency; they are not able to tell us who have died of starvation and who have died of disease.

**Pandit Lakshmi Kanta Maitra:** What steps are Government taking or propose to take to ensure the accurate reporting of these cases?

**The Honourable Sir Jwala Prasad Srivastava:** We have taken up the matter with the Provincial Governments but, as the Honourable Member will understand, the man who reports the deaths is not capable of finding out the cause of the death.

**Sir F. E. James:** With regard to part (a) of the question did I understand the Honourable Member to say that the Food Department, with regard to food shortage questions and the Education, Health and Lands Department in

**Sir F. E. James:** May I ask my Honourable friend whether in view of the increasing importance of this matter, the Government of India will consider the advisability of reappointing its own accredited representative to the Government of Burma.

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

#### STRIKE IN THE GOVERNMENT OF INDIA PRESS.

**†230. \*Qazi Muhammad Ahmad Kazmi:** (a) Will the Honourable Member for Labour please state if it is or it is not a fact that as a result of great discontent among the employees of the Government Press, a strike took place on the 1st December, 1942, which was pacified by the visits of the Labour Secretary and the Labour Welfare Officer, to whom the major grievances were given by the workers?

(b) What has been done by Government to remove their grievances especially about the following:

(i) the grant of dearness allowance to the Press employees on the lines of Railway rates;

(ii) the grant of casual leave to all the industrial employees;

(iii) the levy of a uniform rate of five per cent. house-rent on all the employees, irrespective of their date of occupation of Press quarters;

(iv) the revision of the numerous existing grades of pay of the employees of the Binding Branch into one time-scale of pay, so as to afford a living wage; and

(v) the grant of at least old scales of pay to all the employees of the Press?

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

(b) (i) and (iii). As the questions affected all services, the requests of the Press employees for separate treatment have not been acceded to. I may add that it was decided on the representation of the Press Workers that dearness allowance should not be included in calculating the rent payable by occupants of Government residences.

(ii) and (iv). Both the questions are at present under consideration. Steps are being taken to expedite a decision on them.

(v) This is not the opportune time to undertake a general revision of scales of pay. Such a revision can only be undertaken after the war in the light of post-war conditions.

#### PROMOTION OF QUALIFIED COPYHOLDERS AND REVISERS AS READERS IN THE GOVERNMENT OF INDIA PRESSES.

**†231. \*Qazi Muhammad Ahmad Kazmi:** Will the Honourable the Labour Member be pleased to state:

(a) whether it is a fact that the case of amending the rule regarding the promotion of qualified copyholders and revisers as readers in the Government of India Presses, is pending consideration in the office of the Controller of Printing and Stationery, India, for more than 1½ years;

(b) whether it is a fact that the views of all the Government of India Presses, their Works Committees and Workers Unions, were invited by the Controller of Printing and Stationery on the subject;

(c) whether it is a fact that the Controller of Printing and Stationery also suggested to postpone the Readership Examination for an indefinite period, i.e., till all the qualified men on the waiting list were absorbed as readers permanently;

(d) whether it is a fact that some qualified copyholders and revisers with more than fifteen years' service at credit have, according to the present rules, been rendered junior to those who have put in only four or five years' service, though all qualified together in the same examination;

(e) whether it is a fact that some who passed the Readership Examination in the year 1936, in the first attempt, have become junior to those who qualified after four years (in 1940), in the second attempt; and

(f) if the answers to parts (a) to (e) above be in the affirmative, whether the Honourable Member proposes to remove the anomalies of the rules, and to

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

expedite the final decision of the case, so that the Readership Examination, due in May, 1944, in the Government of India Press, New Delhi, may not be postponed for want of decision; if not, what advantage is in view in keeping the decision in abeyance for so long?

**The Honourable Dr. B. R. Ambedkar:** (a), (b) and (c). Yes. The delay in finalizing the decision of Government on the points raised is due to the widely divergent views expressed by the different parties whose opinions were invited.

(d) Certain anomalies involved in the application of the rules have been brought to the notice of Government. Proposals to remove them are at present under the consideration of Government.

(e) The question does not arise. Appointments to the posts of readers are made by seniority and not by merit on the results of a qualifying examination.

(f) As stated in reply to (d) above, proposals regarding the amendment of the rules on the subject have been received and are under examination. It is hoped to issue orders well before the next readership examination in the Government of India Press, New Delhi (due in May 1944), is held.

#### MALARIA EPIDEMIC IN BANIYACHUNG IN SYLHET.

**232. \*Mr. Ananga Mohan Dam:** Will the Secretary for Education, Health and Lands please state:

(a) if he is aware of the unprecedented virulent type of malaria epidemic which broke out in the village of Baniyachung in the district of Sylhet in Assam and killed about ten thousand people by the 30th December last;

(b) if he received any representation from the Government of Assam for the supply of quinine to meet the epidemic conditions;

(c) how much quinine and synthetic quinine substitutes have been sent to Assam;

(d) if he has received any mortality figure from the Government of Assam and what is the number of deaths in Baniyachung up to the 30th December last;

(e) if he is aware that this special type of malaria epidemic has been imported into the village by the war labourers who went for war works to Demapur, Lusai Hills and other War Fronts; and

(f) if the Government of India recognise their responsibility for the special measures necessary for the protection of the people whose disease and suffering are due to war conditions?

**Mr. J. D. Tyson:** (a), (d) and (e). No, but information has been called for from the Government of Assam and will be placed on the table of the House in due course.

(b) A request for quinine recently received from the Government of Assam does not refer to conditions in any particular village. The Provincial Government's request for further supplies of anti-malarial drugs has been met in full by the Government of India.

(c) The following allotments of anti-malarial drugs have been made to the Assam Government so far for the year 1943-44:

Quinine—11,050 lbs.

Cinchona Febrifuge—2,570 lbs.

Atebrine tablets—2,800,000.

(f) Measures for the protection of the people are primarily the responsibility of Provincial Governments.

**Pandit Lakshmi Kanta Maitra:** What is the usual allotment made by the Government of India to the province of Assam?

**Mr. J. D. Tyson:** I am not sure what the Honourable Member means by 'usual allotment' because in peace-time the provinces look after themselves, but it represents a definite increase on the original allotment given for this year.

**Mr. K. C. Neogy:** Is the Honourable Member in a position to indicate the allotment that was made in the previous year?

- Mr. J. D. Tyson:** I am afraid I have not got the figures of last year but **Mr. Ananga Mohan Dam:** Is the Government of India aware that Baniyachung is the biggest village in the whole of India?
- Mr. J. D. Tyson:** I understand that that is the fact.
- Mr. Govind V. Deshmukh:** May I know whether the Government of India supplied as much quinine as was needed, or as much as they could spare?
- Mr. J. D. Tyson:** We have complied with all the requests from Assam.
- Mr. Govind V. Deshmukh:** May I take it that as much as was demanded was sent?
- Mr. J. D. Tyson:** I believe that is a fact.
- Mr. K. C. Neogy:** With reference to part (a) of the question, may I know whether the facts of the situation were reported to the Government of India, or did the Government of India make an enquiry on the subject from the Government of Assam?
- Mr. J. D. Tyson:** The fact that there has been an outbreak was gathered from a request received from the Government of Assam for more quinine.
- Mr. K. C. Neogy:** When was that?
- Mr. J. D. Tyson:** Very recently; within the last fortnight.
- Mr. K. C. Neogy:** Is the Honourable Member aware that reference to the situation appeared in all the leading papers of Eastern India?
- Mr. J. D. Tyson:** No, Sir. I was not aware.
- Mr. K. C. Neogy:** Is it any part of the duty of the Honourable Member's Department to keep him informed about such serious matters which are reported regularly in the press?
- Mr. J. D. Tyson:** Yes. But even if a reference to an outbreak was made in the press, we would not take action in the matter here unless the Provincial Government concerned approached us.
- Mr. K. C. Neogy:** I did not want to know whether the Honourable Member had taken any action. My question is this. Was the Honourable Member's attention drawn to the press reports about the situation when these reports appeared?
- Mr. J. D. Tyson:** My personal attention was not drawn to it, but I do not handle the day to day distribution of quinine at all.
- Mr. K. C. Neogy:** But is the Honourable Member in a position to tell us whether the attention of any responsible officer attached to his Department was drawn to this matter?
- Mr. J. D. Tyson:** I require notice of that question.
- Pandit Lakshmi Kanta Mahtia:** With reference to part (e) of the question, do the Government of India propose to disclaim all responsibility for the outbreak of disease due to war conditions?
- Mr. J. D. Tyson:** The primary responsibility must fall on the Government in whose area the outbreak takes place, but we will certainly help that Government in any way that we can.
- Mr. H. A. Sathar H. Essak Salt:** May I ask whether Honourable Member's attention has been drawn to a letter which appeared in today's *Dawn* and in which it is stated that it is not malaria which is taking a heavy toll of life in Baniyachung but some other very serious epidemic called cerebrospinal fever? It is feared that the epidemic may spread very soon all over the province.
- Mr. J. D. Tyson:** I regret I have not seen today's edition of that paper: I left my house before my copy of *Dawn* was delivered.
- Mr. Ananga Mohan Dam:** I visited the locality and from the doctors there I learnt that it is feared that after the advent of rains the epidemic will become of such a virulent type that it will be very difficult to prevent deaths even with all the possible efforts of the Government of Assam. In that case do the Government of India propose to help the province in getting out of this epidemic?
- Mr. J. D. Tyson:** We will certainly help the Government of Assam to the best of our ability and my impression is that when, in this connection apparently, they recently addressed us for additional quinine, we supplied it almost by return of post.

**Mr. K. C. Neogy:** As the attention of Government has been prominently drawn to the very serious situation that prevails in that part of the country, will the Honourable Member consider the possibility of deputing the Public Health Commissioner to that area without any further delay?

**Mr. J. D. Tyson:** We will consider that in the light of the information already stated under (a), we have made a reference.

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

#### CONSUMERS' GOODS IMPORTED FROM THE UNITED KINGDOM.

233. **\*Mr. K. C. Neogy** (on behalf of **Mr. B. E. Gupta**): (a) Will the Honourable the Commerce Member be pleased to state the major categories of consumers' goods which have been imported into India, month by month, from October, 1943, to January, 1944?
- (b) Is it a fact that India Office secures all the shipping space required by exporters in the United Kingdom for the export of certain classes of consumers' goods to India?
- (c) Is it a fact that importers of certain classes of consumers' goods, such as whisky, razor blades and bicycles, etc., from the United Kingdom, are simply to apply for and are granted import licence on the basis of bills of lading and other shipping documents at the importing centres in India?
- (d) Is it a fact that the Government of India have no discretion in the matter of allotment of the available shipping space for importing into India of goods other than those directly concerned with the war efforts?
- (e) If the answer to part (d) be in the affirmative, do the Government of India propose to consider the desirability of having effective voice in determining the imports into the country and allotting the available shipping space in consonance with India's needs? If so, (i) what categories of consumers' goods Government consider essential for purposes of imports; and (ii) what ratio do Government propose fixing for the allocation of the available shipping space between these categories of imported goods?
- The Honourable Sir M. Azizul Huque:** (a) A list showing the major categories of consumer goods which are being imported is placed on the table. I regret that exact information concerning the categories imported from October 1943 to January 1944 is not yet available, but it may be assumed that most of the categories mentioned in the statement were imported in each month of that period.
- (b) As the Honourable Member will observe from the reply I shall give to part (d) of his question, shipping space for consumer goods from the United Kingdom is allocated by the India Office in accordance with the desires of the Government of India. Owing to that Government's desire for increased imports of consumer goods and to the recent improvement in the shipping situation, it is possible that shipping space may have been made available of late for the full amounts of some categories of consumer goods which exporters in the United Kingdom were able to offer.
- (c) A sudden improvement recently occurred in the shipping situation and the Government of India accordingly made arrangements to increase the scale on which import licences are issued. The effect of such an expansion in licensing, however, takes some time to be felt, and as an interim measure it was arranged with the India Office that consumer goods would be shipped from the United Kingdom without an import licence being previously obtained in India, and the import licence would be granted on the receipt of advices of shipment. This arrangement, which applies to all categories of consumer goods, ceases to operate at the end of this month.
- (d) No, Sir. Shipping space for civil imports is allocated for each half year by the shipping authorities in the United Kingdom on the basis of a programme of requirements drawn up by the Government of India. In the case of the United Kingdom, the shipping space actually available month by month is then filled in accordance with a directive issued by the Government of India after a

consideration of the cargoes offering, details of which are supplied to them by the India Office. Shipments are confined to goods covered by import licences issued in India, full particulars of which are made available to the India Office.

(e) Does not arise.

*Statement showing the main items of consumer goods (other than foodgrains) actually imported during the period October, 1943 to January, 1944.*

Books.  
Clothing and wearing apparel.  
Cutlery including razor blades.  
Cycles and cycle parts.  
Electric bulbs and lamps.  
Electric fans.  
Radio apparatus and parts.  
Tinned provisions.  
Glass and glass ware.  
Metal lamps.  
Agricultural implements.  
Other implements and tools.  
Other miscellaneous hardware.  
Liquors.  
Medical stores.  
Chemicals.  
Paints.  
Packing and wrapping paper.  
Printing paper.  
Tissue paper.  
Writing paper.  
Miscellaneous paper.  
Photographic apparatus and appliances.  
Stationery.  
Toilet requisites.  
Cotton thread.  
Other cotton manufactures.  
Haberdashery.  
Wool yarn and knitting wool.  
Woollen manufactures.  
Artificial silk thread.  
Other miscellaneous civilian requirements.  
Earthenware.  
Sewing machines.  
Motor Car spares.  
Typewriters.

**Mr. T. T. Krishnamachari:** May I ask the Honourable Member, arising out of the answer to part (b), whether the Government have made a specific request for supplies of whisky?

**The Honourable Sir M. Azizul Huque:** I do not think the Government of India specialises in that. All I can say is that if there have been demands for the different kinds of consumers' goods they might include whisky and other commodities. We have merely issued the import licence.

**Mr. K. C. Neogy:** Is the Honourable Member prepared to state the proportion of the shipping space occupied by whisky?

**The Honourable Sir M. Azizul Huque:** I think it must be a very small quantity. All I can say that these articles of consumer goods include books, clothing and wearing apparel, cutlery including razor blades, cycles and cycle parts, electric bulbs and lamps, electric fans, radio apparatus and parts, tinned provisions, glass and glassware, metal lamps, agricultural implements, other implements and tools, other miscellaneous hardware, liquors, medical stores, chemicals, paints, packing and wrapping paper, printing paper, tissue paper, writing paper, miscellaneous paper, photographic apparatus and appliances, stationery and so on. Liquor is one of the items.

**Mr. K. C. Neogy:** What portion of the available space is occupied by whisky?

**The Honourable Sir M. Azizul Huque:** As I said, I am totally ignorant of that.

**Mr. T. T. Krishnamachari:** Has the Honourable Member been advised that the importation of whisky is a definite anti-inflationary measure?

**The Honourable Sir Jeremy Raisman:** He has not but it is.

**Rao Bahadur N. Siva Raj:** On a point of order. When a Member of the House who has tabled a question is present in the House . . . . .

**Mr. President (The Honourable Sir Abdur Rahim):** Order, order. That question does not arise. Next question.

#### STEEL RELEASED FOR USE OF CIVILIANS.

**234. \*Mr. T. T. Krishnamachari:** Will the Honourable Member for Industries and Civil Supplies please state:

(a) what quantity of steel has been released for the use of the civilian consumption in the first quarter of 1944; and

(b) whether Government have fixed any definite proportion of the total supplies of steel available in the country to be released for civilian consumption; if so, what the proportion is, and whether it is to be increased by stages, and at what rate?

**The Honourable Sir M. Azizul Huque:** (a) 39,000 tons.

(b) Government are doing all they can to release a greater quantity of steel for civilian consumption during 1944.

#### COMMODITIES RELEASED FOR CIVILIAN CONSUMPTION.

**235. \*Mr. T. T. Krishnamachari:** Will the Honourable Member for Industries and Civil Supplies, please state:

(a) the commodities which the Government of India have released in increasing quantities for civilian consumption;

(b) whether he proposes to place on the table the figures as to the quantities released in case of each article since this policy has been put into practice; and

(c) whether Government have fixed any quantity of each commodity which they will release from time to time; if so, the percentage of the quotas so allotted in respect of each article to the average annual consumption by the civilian population during the last three years?

**The Honourable Sir M. Azizul Huque:** The quantum of relief given to the civil consumer as a result of the measures taken by Government cannot be assessed by way of question and answer. In the case of organised industries like Woollens, Cotton Textiles, Leather, Cement, etc., additional quantities made available in terms of percentage of the total production can be given but they would not give the whole picture; for apart from such releases relief to the civil consumer is being given in increasing measure by the encouragement of indigenous production of consumer goods, greater imports of goods not produced in sufficient quantities in India, reduction in the demands for the Defence Services, the dehoarding of stocks and the control of prices.

**Mr. T. T. Krishnamachari:** May I ask the Honourable Member if he has devised any other means of letting the public know what releases are made by the Government in regard to civilian requirements?

**The Honourable Sir M. Azizul Huque:** I take it that answers to these questions are always given due publicity.

#### PADDY GONE WORSE AT STATIONS ON BENGAL AND ASSAM RAILWAY.

**236. \*Mr. K. C. Neogy:** (a) Has the attention of the Honourable the Food Member been drawn to recent discussions in the Bengal Legislative Assembly, and in the Bengal Press, regarding very large quantities of paddy which had long been awaiting despatch from several stations of the Bengal and Assam Railway in the district of Jessore, and had seriously deteriorated due to exposure and negligence?

(b) If the answer to (a) be in the affirmative, what is the correct account of the position, particularly indicating (i) the quantity of paddy involved; (ii) the length of time the paddy was left at the stations; (iii) the extent of deterioration of the paddy; (iv) the degree of responsibility of different parties for the situation; and (v) the steps proposed to be taken to prevent a recurrence of such cases in future?



**The Honourable Sir Jwala Prasad Srivastava:** (a) Yes, Sir.

(b) From information supplied by the Bengal Government, it appears that about 3,700 tons of paddy mostly purchased at the end of November, was kept on railway platforms in Jessore district, for sometime, awaiting wagons. About three quarters of this stock was uncovered, but the damage done is reported to be negligible. The entire quantity has since been sold to the Calcutta rice mill.

**Mr. K. O. Neogy:** Is the Honourable Member in a position to state whether all the paddy that was stored on the different railway platforms had actually been booked by the railways, or they were awaiting booking facilities?

**The Honourable Sir Jwala Prasad Srivastava:** Well, Sir, I am not able to answer that straightaway.

**Mr. K. O. Neogy:** Is the Honourable Member in a position to assure the House that necessary booking facilities are available and that the wagon supplies allotted for the purpose of moving these grains by the railways within the province of Bengal are sufficient?

**The Honourable Sir Jwala Prasad Srivastava:** Well, Sir, the question of transport has been engaging our very serious attention and I can assure the Honourable Member that although there are temporary difficulties, we are trying to do our best.

#### CONFERENCE HELD FOR FIXATION OF ACREAGE FOR JUTE CULTIVATION.

237. **\*Mr. K. O. Neogy:** (a) Will the Honourable Member for Commerce be pleased to state the conclusions arrived at by the Conference which was held at New Delhi on the 10th and 11th January last under his chairmanship to consider the question of fixation of acreage for jute cultivation?

(b) Who constituted the personnel of this Conference and what opinions were expressed on behalf of the different interests represented on the various aspects of the question?

(c) What effect is going to be given to the conclusions of the Conference by the Provincial Governments concerned?

**The Honourable Sir M. Azizul Huque:** (a), (b) and (c). The Conference alluded to by the Honourable Member was between the representatives of the Government of India and of the Government of Bengal. It is not in the public interest to disclose what transpired at the Conference, but the Honourable Member's attention is invited to a Press Note, of which I lay a copy on the table, issued by the Bengal Government on the 7th February, 1944, on the subject of the restriction of jute acreage in that Province in 1944-45.

#### Press Note.

The question of acreage to be sown with jute this year and its probable effect on prices has been under consideration of the Government of Bengal for some time. The matter was recently discussed in a Conference with representatives of the Government of India at New Delhi and as a result certain decisions have been reached which are now announced for information of those concerned.

(a) The Government of Bengal will issue orders for licensing of an acreage of 8 annas of the basic acreage of 1940, and will advise and encourage the agriculturists to plant fully up to this acreage in their own interests.

(b) The Government of India will guarantee a minimum price of raw jute on the basis of Rs. 15 per maund of Indian Jat Middles at Calcutta (other qualities or grades of raw jute to be in parity with this price).

(c) The Government of India will undertake to buy all crop offering, old and new Up-country or at Calcutta in order to maintain prices at the above level at Calcutta and at parity levels Up-country.

(d) A maximum price of raw jute will be fixed on the basis of Rs. 17 for Indian Jat Middles at Calcutta (other qualities or grades of raw jute to be in parity with this price) with the right of the Government of India to requisition on the basis of the maximum price. The Government of Bengal will assist in such requisitioning from middlemen if necessary.

(e) Both the minimum and the maximum prices will be fixed under statutory orders to be issued by the Government of India. The Government of India will also under statutory orders simultaneously fix the maximum prices for manufactured goods.

The prices so fixed come into operation from a date to be notified shortly and will remain in force up to and including June 30th 1945.

The Government of Bengal are taking the necessary steps to give the growers the full benefit of these arrangements and to ensure to the cultivator the highest price possible in parity with the prices so fixed.

**Mr. K. O. Neogy:** What is the secrecy due to?

**The Honourable Sir M. Azizul Huque:** It is due to the fact that it was a discussion between the Government of Bengal and the Government of India as to what should be the nature of restrictions this year, and obviously it is nature of discussion which cannot be disclosed because various points of view were considered.

**Mr. K. O. Neogy:** Is the Honourable Member in a position to give us an idea of the acreage fixed for jute as the result of these discussions?

**The Honourable Sir M. Azizul Huque:** The Government of Bengal will issue orders for licensing of an acreage of 8 annas of the basic acreage of 1940 and will advise and encourage the agriculturists to plant fully up to this acreage.

**Mr. K. O. Neogy:** May I know if this matter is primarily the concern of the Provincial Government, why was it necessary for the Government of India to have a conference in Delhi?

**The Honourable Sir M. Azizul Huque:** It is not only in the interest of the Government of Bengal and the Government of India but also in the interest of world trade. After all the Government of India, in the Commerce Department, is responsible to see that in the post-war reconstruction jute receives proper attention.

**Mr. K. O. Neogy:** Is the Honourable Member prepared to say to what extent the interest of world trade determines the acreage of jute in jute producing provinces?

**The Honourable Sir M. Azizul Huque:** It is the consideration of all the relevant factors—world trade, the nature of food production, the nature of the crops, the seasons—that determine the question of acreage.

**Mr. K. O. Neogy:** Is the opinion of the cultivator taken into consideration?

**The Honourable Sir M. Azizul Huque:** I consider that this year's position is the greatest boon to the cultivators, which has been pressed by everybody for the last 30 years.

**Mr. K. O. Neogy:** Is the Honourable Member in a position to assure this House that the 'Grow More Food' campaign would not be prejudiced in any manner by the acreage that may have been fixed?

**The Honourable Sir M. Azizul Huque:** I can assure the House that it would not be so in any circumstance, and I think we are fully aware of the food situation not only this year, but last year and in the future in order to find out what should be the proper acreage.

**Mr. Govind V. Deshmukh:** Is the acreage reduced or increased in comparison with last year?

**The Honourable Sir M. Azizul Huque:** It is near about the same, though I am not sure.

#### APPOINTMENT OF BRIGADIER WHEELER AS DIRECTOR GENERAL OF ARCHÆOLOGY.

238. **\*Mr. K. O. Neogy:** (a) Will the Secretary for Education, Health and Lands be pleased to state whether one Dr. Mortimer Wheeler has been selected for appointment as Director-General of Archæology in India? If so, when is he due to take over charge? What is his age, and for what period and on what pay and allowances, etc., is he being appointed?

(b) When is the present Director-General due to retire? Has he applied for leave preparatory to retirement? What will be Dr. Mortimer's position till the present Director-General retires?

(c) Did Government consult the Federal Public Service Commission regarding this appointment? Otherwise, who selected him? Is it not the ordinary rule or practice to consult the Federal Public Service Commission in such matters when an outsider is to be appointed to a departmental cadre, ignoring the claims of the existing officers of the department?

(d) Were the claims of the Indian officers in the department considered before this selection was made? If so, by whom and when?

(e) Was the Director-General ever asked to nominate his successor, or was he otherwise consulted?

(f) Is it a fact that Indian Archaeology entails a study of Indian subjects like Indian languages, Indian epigraphy, Indian numismatics, Indian art, etc.? In what way has Dr. Wheeler qualified himself in any of these subjects?

(g) To what extent have the activities of the department been affected by war conditions? Are they allowed to publish any of their reports, monographs, journals, periodicals, etc.? What activities are the museums under the Government of India, such as the Delhi and Calcutta museums, pursuing at the present moment?

(h) How long has the post of Deputy Director General of Archaeology been held by the present incumbent? What extension has been granted to him, if any? Do Government intend to keep him on after the new Director-General takes over charge? Otherwise, whom do they propose to appoint in his place?

**Mr. J. D. Tyson:** (a) The reply to the first part of the question is in the affirmative. Dr. Mortimer Wheeler is due to take charge about the end of April. He is 53 years of age. He has been appointed for four years on a pay of Rs. 2,250 plus £13-6-8 overseas pay.

(b) The present Director General is due to retire on the 21st October, 1944. He has not yet formally applied for leave preparatory to retirement but has stated that he proposes to go on leave preparatory to retirement at the end of April. Until the present Director General goes on leave preparatory to retirement Dr. Mortimer Wheeler will be on special duty.

(c) The Federal Public Service Commission was not consulted regarding the appointment of Dr. Mortimer Wheeler. He was selected by the Government of India. It is not the practice to consult the Federal Public Service Commission as regards candidates selected through the High Commissioner.

(d) Yes, by the Government of India in 1943.

(e) No.

(f) A knowledge of the subjects mentioned is an advantage in the study of Indian archaeology. Dr. Mortimer Wheeler has no special qualifications in these subjects but he has other qualifications which the Government of India regard as necessary in existing conditions.

(g) Owing to paper shortage the publications of the Archaeological Department have been temporarily curtailed. The museums under the Government of India at Delhi and Calcutta are closed; other museums under the Government of India are still open.

(h) The post of Deputy Director General has been held by the present incumbent since the 2nd September, 1940. His period of tenure has been extended up to the end of March 1944. Government have reached no decision on the question whether his tenure should be further extended.

**Mr. Muhammad Azhar Ali:** Is it the policy of the Government of India to select non-experts in places where experts are required? If not, then why has this selection been made?

**Mr. J. D. Tyson:** No; it is not their policy.

**Mr. Govind V. Deshmukh:** What are those special qualifications that are referred to by the Honourable Member?

**Pandit Lakshmi Kanta Maitra:** A white skin!

**Mr. J. D. Tyson:** A knowledge of modern archaeological methods.

**Mr. T. T. Krishnamachari:** Arising out of the answer to part (d), what is the view of the Government about the efficiency of the senior officers who are now employed by the department, and will the Government consider whether it is worth while retaining them if they are not efficient?

**Mr. J. D. Tyson:** Certainly it is worth while retaining them. It was not, however, our view that any of them has the particular qualifications required at the present time for the post of Director General.

**Mr. T. T. Krishnamachari:** Does not the Honourable Member think that the particular qualifications include a knowledge of Indian languages, Indian epigraphy, Indian numismatics and Indian art?

**Mr. J. D. Tyson:** I have to some extent answered that already. These are qualifications which it is an advantage for the Director General to have; but they are not the only qualifications and some of them are not essential for certain branches of archaeology. In any case no single person can possibly have all these qualifications and the Department already has specialist officers to advise the Director General on most of these subjects.

#### FACILITATING INCREASED IMPORT OF CERTAIN COMMODITIES AS AN ANTI-INFLATIONARY MEASURE.

**239. \*Mr. K. C. Neogy:** Will the Honourable Member for Commerce please state:

(a) whether the Government of India have adopted a policy of facilitating increased imports of certain commodities into the country as an anti-inflationary measure;

(b) the names of commodities in regard to which increased imports are being or will be encouraged by the Government;

(c) whether Government have satisfied themselves as regards the extent to which the said commodities are locally manufactured, or their production could be increased locally; and

(d) whether the Government of India consulted any representative of industry in order to find out (i) if the supply of the said commodities could be increased through local manufacture, and (ii) what steps, including Government help, were necessary in order to increase supplies of the same through local manufacture?

**The Honourable Sir M. Azizul Huque:** (a) Yes.

(b) A list of such commodities is placed on the table.

(c) Yes. Government are satisfied that local production is not adequate and cannot be sufficiently stepped up in the near future to meet present day demands.

(d) No special consultations were held in this behalf but, as the Honourable Member is no doubt aware, Government are in almost continuous contact with representatives of all Branches of Indian industry and every assistance possible in war time conditions is being afforded to them.

#### List of important items of consumers goods imports of which are being encouraged.

Artificial silk fabrics.  
Artificial silk yarn thread.  
Books.  
Chemicals household.  
Cotton piecegoods—others.  
Cotton sewing thread.  
Crockery.  
Cutlery including razor blades.  
Cycle and parts.  
Domestic sewing machines and parts.  
Drugs and medicines.  
Electrical lamps of all kinds.  
Essential oils.  
Glassware.  
Handknitting wool.  
Hardware.  
Hosiery.  
Hurricane lamps.  
Light Motor cycles.  
Liquors.  
Newsprint.  
Oil cloth and floor cloth.  
Optical instrument, apparatus and equipment.  
Paints.  
Paper of all kinds.  
Pipe tobacco.  
Photographic apparatus.  
Photographic negative and printing paper.  
Polish and compositions.  
Professional and scientific instruments.  
Second hand clothing.  
Stationery.

Toilet requisites.  
Torches and components.  
Typewriters.

**Mr. K. O. Neogy:** Is the Honourable Member sure that he can satisfy himself about the capacity for the expansion of Indian industries without consulting the industries concerned?

**The Honourable Sir M. Azizul Huque:** Yes; we have been in constant consultation with the industries on this point.

**Mr. Frank R. Anthony:** Is the Honourable Member aware that certain articles are being imported which were originally manufactured in India before, for instance, armour plating; which was bought from Tatas before, but which is now being purchased from America?

**The Honourable Sir M. Azizul Huque:** I do not think that comes within my list.

#### PROGRESS IN THE ADOPTION OF REHABILITATION SCHEMES IN BENGAL.

**240. \*Mr. K. O. Neogy:** (a) Does the Honourable the Food Member propose to make a statement about the latest position in Bengal regarding the adoption of rehabilitation schemes, if any, for the benefit of (i) landless labourers, (ii) small cultivators who used to depend upon subsidiary occupations for their livelihood and have sold their holdings and lost their subsidiary occupations, and (iii) others among the poorer classes following non-agricultural occupations, such as fishermen, potters, boatmen etc., respectively?

(b) Does the Honourable Member propose to make a statement on any relief works that may have been opened in famine affected areas of Bengal, indicating the localities in which they may have been opened and the number of men and women employed therein?

(c) Have any works been started at the instance of (i) the Provincial Government, (ii) District Boards, and (iii) private landholders, in Bengal, so as to find employment for the unemployed among the destitute population? If so, will the Honourable Member give such particulars thereof as may be available?

**The Honourable Sir Jwala Prasad Srivastava:** An enquiry has been made from the Bengal Government and the information, if available, before the end of the Session, will be placed on the table of the House.

**Mr. K. O. Neogy:** Does the Honourable Member expect to be consulted in regard to the drawing up of such rehabilitation schemes, or is it simply when he is asked to furnish information in this House, that he communicates to the Government of Bengal for information?

**The Honourable Sir Jwala Prasad Srivastava:** I do not know whether we have been officially consulted; but when I was in Calcutta last December I had a long discussion with the Bengal Government on this matter.

**Mr. K. O. Neogy:** I want to know whether the Government of Bengal is expected to consult the Government of India formally in regard to the drawing up of rehabilitation schemes.

**The Honourable Sir Jwala Prasad Srivastava:** I do not think so; formally they are not; but if they want our assistance in any matter then they will come to us; but we have been taking an interest in the matter and I suppose they will let us know what they are doing.

**Mr. Kailash Bihari Lall:** Sir, I have been authorised by Mr. Chattopadhyaya to put the questions in his name.

**Mr. President (The Honourable Sir Abdur Rahim):** Very well.

#### NON-AVAILABILITY OF RICE AT CONTROLLED RATES OUTSIDE CALCUTTA.

**241. \*Mr. Kailash Bihari Lall** (on behalf of **Mr. Amarendra Nath Chattopadhyaya**): (a) Will the Honourable Member for Food be pleased to state if he is aware of the fact that outside Calcutta and the area under rationing, rice is not available in the open market at the statutory price or the ceiling price either and only it is available in black market at Rs. 25 per maund?

#### STARRED QUESTIONS AND ANSWERS

(b) Is the Honourable Member in a position to state if procurement of Aus and Aman crops by the agents of the Provincial Government has been completed, and, if so, what tonnage of paddy and rice has been procured up till the 31st January, 1944?

**The Honourable Sir Jwala Prasad Srivastava:** (a) No, Sir, that is not in accordance with my information. The Honourable Member is invited to refer to the figures quoted in the *Calcutta Gazette*.

(b) The total quantity of Aus crop purchased was about 12 lakh maunds of paddy. It is not in the public interest to disclose the purchase figures for the Aman crop at this stage.

#### JURISDICTION FOR PURCHASE OF AMAN CROP OF THE FOUR CHIEF AGENTS IN BENGAL.

**242. \*Mr. Kailash Bihari Lall** (on behalf of **Mr. Amarendra Nath Chattopadhyaya**): (a) Will the Honourable Member for Food be pleased to state the respective jurisdiction for the purchase of Aman crop of the four chief agents in Bengal?

(b) What quantity of rice or paddy each of the chief agents have procured up to the 31st January and at what price?

**The Honourable Sir Jwala Prasad Srivastava:** (a) A statement is laid on the table.

(b) It is not in the public interest to disclose the information.

#### Statement showing the allocation of districts among the Chief Agents.

| Name of the Chief Agent.                        | Districts allotted.                                                                                                                                                                                                                                                                                                                                                    |
|-------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Messrs. M. M. Isphani, Ltd.                  | Howrah.<br>Midnapore.<br>Bankura.<br>Burdwan.<br>24 Parganas (jointly with Messrs. Shaw Wallace & Co.)<br>Khulna.<br>Faridpur (only as agents for receiving and storing purchases made by Chief Agents in other Districts.)<br>Dinajpur (jointly with Messrs. Daulat Ram Rawatmull.)<br>Jessore.<br>Birbhum.<br>24 Parganas (jointly with Messrs. M. M. Isphani, Ltd.) |
| 2. Messrs. Shaw Wallace & Co.                   | Hooghly.<br>Darjeeling (purchases mostly in Siliguri sub-division.)<br>Jalpaiguri.<br>Rajshahi.<br>Dinajpur (jointly with Messrs. M. M. Isphani, Ltd.)                                                                                                                                                                                                                 |
| 3. Messrs. Daulat Ram Rawatmull                 | Malda.<br>Bogra.<br>Pabna.<br>Nadia.<br>Rangpur.<br>Murshidabad.<br>Mymensingh.<br>Dacca.                                                                                                                                                                                                                                                                              |
| 4. Messrs. Raja Sreenath Raja Janaki Nath & Co. | Bakarganj.                                                                                                                                                                                                                                                                                                                                                             |

**NOTE:**—The District Magistrates of Chittagong and Faridpur have been authorised to make purchases in their districts. The District Magistrate, Noakhali, has been authorised to make purchases in certain islands of that district. It is proposed to authorise the Deputy/Additional Deputy Director to make purchases in Dacca and Tippera and (the remainder of) the Noakhali districts. In Dacca the Chief Agent will, therefore, only undertake the reception and storage of Government stocks as and when required.

#### RICE PURCHASED FOR EXPORT TO CEYLON FROM BENGAL.

**243. \*Mr. Kailash Bihari Lall** (on behalf of **Mr. Amarendra Nath Chattopadhyaya**): (a) Will the Honourable Member for Food be pleased to state what quantity of rice has been purchased for export to Ceylon from Bengal?

(b) Has the Regional Commissioner any right to control the distribution of rice in Bengal which would enable him to see that edible rice could be distributed and not such rice as would not be fit for human consumption? If not, who is in charge of examining the rice ready for distribution?

**The Honourable Sir Jwala Prasad Srivastava:** (a) No rice has been purchased for export to Ceylon from Bengal during the years 1943 and 1944.

(b) No. The responsibility for arranging for the inspection of distributed foodgrains is that of the Bengal Government.

**Sardar Mangal Singh:** From what part of the country has rice been purchased for export to Ceylon?

**The Honourable Sir Jwala Prasad Srivastava:** I would like to have notice of that question. This question related to Bengal and I have given the information as far as Bengal is concerned.

#### MEASURES FOR RATIONING, ETC., IN BENGAL.

244. \***Mr. Kailash Bihari Lall** (on behalf of **Mr. Amarendra Nath Chatterpadyaya**): (a) Will the Honourable Member for Food be pleased to state if the deficit districts of Bengal have been getting ample rice for their consumption? If so, at what price, and what quantity per head? Is this supply available in open market? Which are the deficit districts in Bengal?

(b) Has any step been taken for the rehabilitation of the destitute people who were sent back home from Calcutta last December on the initiative taken by Lord Wavell?

(c) Is the relief work in Bengal still going and who are supplying essential foodstuff to the relief committees?

(d) Has the Honourable Member taken into his consideration the rationing of all municipal areas in Bengal? If so, when does he intend to start it?

**The Honourable Sir Jwala Prasad Srivastava:** (a), (b) and (c). The Honourable Member is invited to refer to the answer given to Mr. K. C. Neogy's starred question No. 11 of 7th February, 1944. A further enquiry has been made from the Government of Bengal and if the information is available before the end of the Session it will be placed on the table.

(d) No, Sir. The Government of India have asked Provincial Governments to introduce rationing progressively in all large cities beginning with those of a population of 1 lakh and over.

#### RE-PUBLICATION OF THE "RIYASAT."

245. \***Bhai Parma Nand:** (a) Will the Honourable Member for Industries and Civil Supplies be pleased to state if it is a fact that the security deposited by *Riyasat*, a weekly of Delhi, was once forfeited, and when its proprietor applied for another declaration, he was ordered to deposit a further security of Rs. 2,500?

(b) Is it a fact that when Sardar Sant Singh put a question in the Assembly, the Honourable the Home Member replied "There is nothing to prevent the publisher from restarting the paper, provided he deposited the requisite security"?

(c) Is it a fact that the requisite security was deposited and the declaration filed, but a few days after the publisher was required to obtain the sanction of the Central Government?

(d) Is it a fact that he applied to the Secretary, Department of Industries and Civil Supplies, for the requisite sanction, but the permission was refused on account of the irregularity in the publication of the paper?

(e) Is it not a fact that the irregularity was not due to any wilful fault on his part?

(f) Under the circumstances, do Government propose to grant him permission?

**The Honourable Sir M. Azizul Huque:** (a) and (b). The Honourable Member's attention is invited to the answer given in this House on the 9th March, 1943, to starred question No. 270 by Sardar Sant Singh.

(c) and (d). Yes.

#### STARRED QUESTIONS AND ANSWERS

(e) There was nothing to prevent the newspaper from commencing publication immediately after the 23rd January, 1943, but before the 10th July, 1943, when the Paper Control Order was amended to prohibit the publication of any newspaper which was not being regularly published during the period immediately preceding the 7th November, 1942, without the special permission of the Central Government.

(f) Yes, Government propose to grant permission.

**Mr. Kailash Bihari Lall:** Was the irregularity in publication due to the fact that it was not given permission to publish?

**The Honourable Sir M. Azizul Huque:** The Honourable Member might get that information from the paper itself.

#### SHORTAGE OF SALT IN BENGAL.

246. \* { **Pandit Lakshmi Kanta Maitra:**  
**Dr. Habibar Rahman:**  
**Mr. Muhammad Hussain Choudhury:**

Will the Honourable the Food Member be pleased to state:

(a) if he is aware: (i) that there has been acute shortage of salt in Bengal since January last; and (ii) that the price of ordinary salt has gone up enormously, and that in some districts of Bengal the price varies from Re. 1 to Rs. 2 per seer; and

(b) the steps, if any, he proposes to take to relieve this shortage?

**The Honourable Sir Jwala Prasad Srivastava:** I am aware that there have been local shortages and have already taken steps to remedy the position in consultation with the Provincial Government. I have seen reports of a rise in the price of salt in the Districts but not to the levels mentioned by the Honourable Member. Recently for various reasons stocks in Calcutta declined, although they are still adequate, and steps have been taken to increase shipments and improve stocks. The Provincial Government have already taken up with the Regional Controller of Priorities special arrangements to speed up supplies to the mofussil and relieve any local shortages.

**Mr. K. C. Neogy:** The Honourable Member referred to various causes which led to the depletion of stocks of salt in Calcutta. Will the Honourable Member indicate the principal among these causes?

**The Honourable Sir Jwala Prasad Srivastava:** I believe that there was some falling off in the shipments of imports.

#### PROSECUTION OF INDIANS IN THE UNITED KINGDOM UNDER THE NATIONAL SERVICE ACT.

247. \***Sardar Mangal Singh:** Will the Honourable Member for Indians Overseas please state:

(a) whether Government are aware that certain Indians are being prosecuted in the United Kingdom under the National Service Act for refusing call-up orders;

(b) whether Government have made any representations to His Majesty's Government for the exemption of Indians from the application of the National Service Act; and

(c) whether the attention of Government has been drawn to the "Swraj House Statement" published in the Indian press on the 11th February, 1944?

**The Honourable Dr. N. B. Khare:** (a) Only one case of such prosecution has come to Government's notice so far.

(b) No.

(c) Yes.

#### UNSTARRED QUESTIONS AND ANSWERS.

##### CIVIL SUPPLIES FOR SHAHDARA, DELHI.

70. **Mr. Kailash Bihari Lall:** Will the Honourable Member for Industries and Civil Supplies please state the arrangements made for supplies of day to day necessities of life of the civil population of Shahdara Town, Delhi Province?

**The Honourable Sir M. Azizul Huque:** Shahdara town derives its supplies day to day necessities of life from two sources *viz.*, the surrounding rural area and Delhi city. The commodities obtained from the latter source are provided under permits issued by the Commodity Control Office, under the Chief Commissioner of Delhi.

#### CIVIL SUPPLIES FOR SHAHDARA, DELHI.

**71. Mr. Kailash Bihari Lal:** Will the Honourable Member for Industries and Civil Supplies please state if it is a fact that the civil population of Shahdara Town, Delhi Province, is dependent for the supplies upon Delhi City; if not, the reasons therefor?

**The Honourable Sir M. Azizul Huque:** So far as foodgrains are concerned Shahdara derives its supplies partly from the surrounding rural area and partly from Delhi. As regards other commodities, the bulk of these are obtained from Delhi.

#### MUNICIPAL COMMITTEE, SHAHDARA, DELHI.

**72. Mr. Kailash Bihari Lal:** Will the Secretary for Education, Health and Lands please state;

(a) the notification under which the Notified Area Committee, Shahdara, Delhi Province, was constituted, and the local laws applicable to it (*i.e.* United Provinces Municipal Act or Punjab Municipal Act);

(b) the notification under which its constitution has been changed into a Municipal Committee;

(c) the description of its present constitution, *i.e.*, the number of elected and nominated members with the qualifications prescribed for them;

(d) the qualifications prescribed for voters;

(e) the number of the divisions of the town into wards together with the boundaries of each ward;

(f) whether Government servants, who are debarred under Rule 23(4) of the Government Servants' Conduct Rules, are eligible for election or nomination with the permission of the Government; if so, under which rule or regulation; and

(g) the date from which the constitution of a municipal committee is in operation?

**Mr. J. D. Tyson:** (a) The Chief Commissioner's notification No. 5096-Education, dated the 25th July, 1916: the Punjab Municipal Act, 1911.

(b) The Shahdara Notified Area was raised to the status of a second class municipality by the Chief Commissioner's notification No. F. 4(57)/43(1)-L.S.G., dated the 6th July, 1943.

(c), (d) and (g). The conversion of the old Notified Area into a municipality has effect from the 1st September, 1943. Proceedings to form a committee under the new system are in progress. In the meantime, the former notified area committee continues to function and is deemed to be the Municipal Committee by virtue of sub-section (7a) of section 4 of the Punjab Municipal Act, 1911. The proposed composition of the new municipal committee is (i) nominated members six, and (ii) elected members four. No qualifications have been prescribed for nominated members. Qualifications of voters are given in the Shahdara Municipality Electoral Rules, 1943, published with the Chief Commissioner's notification No. F.4(57)/48 L.S.G., dated the 27th December, 1943.

(e) The Shahdara Municipality has been divided into four wards. The boundaries of these are defined in the Shahdara Municipality Electoral Rules, 1943.

(f) Government servants are not eligible for election to a municipal committee. There is no restriction on their being nominated to such a body.

#### DISQUALIFICATION ON THE GROUND OF NEPOTISM FOR MUNICIPAL COMMISSIONERS SHAHDARA, DELHI.

**73. Mr. Kailash Bihari Lal:** Will the Secretary for Education, Health and Lands please state if there is any disqualification for Municipal Commissioners

of Shahdara in regard to the employment of their relatives in the Shahdara Municipal Committee; if so, what?

**Mr. J. D. Tyson:** Yes. One of the rules under-section 240 of the Punjab Municipal Act, 1911, promulgated by the Chief Commissioner, Delhi, on the 15th October, 1940, prohibits, in general, the appointment in the service of any municipal committee in the Delhi Province of any relative of a member of the Committee without the previous sanction of the Deputy Commissioner.

#### LAND REQUISITIONED BY GOVERNMENT NEAR SHAHDARA RAILWAY STATION.

**74. Mr. Kailash Bihari Lal:** Will the Secretary for Education, Health and Lands please refer to the information given on the 7th February, 1944, in reply to parts (b) to (e) of starred question No. 287, asked on the 12th August, 1943, regarding contemplated return of certain land near Shahdara Railway Station Bridge to former owners and state:

(a) the notification under which the said land has been requisitioned by Government; with the date of its publication in the *Gazette of India*;

(b) the description and boundaries of the said land;

(c) the names of the former owners;

(d) whether the trees which were cut down were planted by the former owners; if so, when; and

(e) whether all the other trees were planted on both sides of the road by the former owners; if so, when?

**Mr. J. D. Tyson:** The information has been called for and a reply will be furnished to the House when it is received.

#### EXCLUSION OF SHAHDARA, DELHI, FROM RATIONING SCHEME.

**75. Mr. Kailash Bihari Lal:** Will the Honourable Member for Food please state if it is a fact that the civil population of Shahdara Town, Delhi Province, have been excluded from the Rationing Scheme under preparation for Delhi City; if so, the reasons therefor?

**The Honourable Sir Jwala Prasad Srivastava:** Yes. Shahdara town has a population of 12,000 and is situated outside the Delhi urban area to which the Rationing Scheme applies. Having regard to its size and situation it is not considered necessary to apply full scale rationing to this town at present.

#### FACILITIES FOR EDUCATION IN SHAHDARA, DELHI.

**76. Mr. Kailash Bihari Lal:** Will the Secretary for Education, Health and Lands please state the arrangements made for the education of children of the civil population of Shahdara, Delhi Province, together with the number of children receiving education in each standard?

**Mr. J. D. Tyson:** The following are the six schools in Shahdara recognized by the Education Department of the Delhi Province for the education of the civil population at Shahdara:

1. D. B. A. V. Middle School.
2. Lokamanya Tilak Vidya Mandir A. V. Middle School.
3. Baptist Mission Primary School.
4. Catholic Mission Primary School.
5. D. B. Girls' Hindi Primary School.
6. D. B. Girls' Urdu Primary School.

The numbers of children receiving instruction in each standard in these schools are as follows:

| Standard | Boys | Girls | Total |
|----------|------|-------|-------|
| I        | 151  | 105   | 256   |
| II       | 67   | 26    | 93    |
| III      | 56   | 34    | 90    |
| IV       | 58   | 22    | 80    |
| V        | 78   | 15    | 93    |
| VI       | 62   | ..    | 62    |
| VII      | 28   | ..    | 28    |
| VIII     | 27   | ..    | 27    |
| Total    | 527  | 202   | 729   |



## CUTTING OF WATER SUPPLY IN SHAHDARA, DELHI.

**77. Mr. Kailash Bihari Lal:** Will the Secretary for Education, Health and Lands please state the reason for cutting the water supply from consumers' connections at Shahdara, Delhi Province, from the 12th February, 1944, without any warning or notice? What action has been taken against the person responsible for the inconvenience caused to the public? If no action has been taken, why?

**Mr. J. D. Tyson:** In order to carry out certain urgent repairs to the overhead tank at Shahdara the water supply had to be cut off from 10 A.M. on the 12th February till noon on the 13th February. The public of Shahdara were informed by beat of drum on the 11th February of what was proposed to be done.

THE RAILWAY BUDGET—DEMANDS FOR GRANTS—contd.  
SECOND STAGE—contd.

## DEMAND NO. 1—RAILWAY BOARD—contd.

**Mr. President** (The Honourable Sir Abdur Rahim): The House will now proceed with the discussion of the demands for grants for Railways.

**Mr. N. M. Joshi** (Nominated Non-Official): May I rise to a point of order?

**Mr. President** (The Honourable Sir Abdur Rahim): With reference to what?

**Mr. N. M. Joshi:** To the answer to question No. 226. Question No. 226 was addressed to the Honourable the Leader of the House and was replied to by the Honourable the Food Member without any word of explanation or apology. In this connection...

**Mr. President** (The Honourable Sir Abdur Rahim): This is not a point of order. The European Group will now move their cut motions.

**Pandit Lakshmi Kanta Maitra** (Presidency Division: Non-Muhammadan Rural): What about our Party's time?

**Mr. President** (The Honourable Sir Abdur Rahim): It was subject to questions being finished by 11-30.

**Pandit Lakshmi Kanta Maitra:** But we rose yesterday ten minutes to five. If the Assembly had continued we would have moved our token motion. Ten minutes were lost.

**Mr. President** (The Honourable Sir Abdur Rahim): That makes no difference.

**Pandit Lakshmi Kanta Maitra:** Why not?

**Mr. President** (The Honourable Sir Abdur Rahim): It does not.

**Dr. P. N. Banerjee** (Calcutta Suburbs: Non-Muhammadan Urban): May I point out that the time which was allotted to us has not been exhausted. We were allowed two hours time and we have not taken up that time.

**Pandit Lakshmi Kanta Maitra:** What is the meaning of this agreement then?

**Mr. President** (The Honourable Sir Abdur Rahim): The Party was allotted time from 3-45 P.M. to 5 P.M. yesterday, and from 11-30 to 11-45, today, subject to questions being finished by 11-30.

**Pandit Lakshmi Kanta Maitra:** Yesterday we could have moved a cut in those ten minutes and we could have drawn the attention of the Government to our points.

**Mr. President** (The Honourable Sir Abdur Rahim): I think it was five minutes before 5.

**Pandit Lakshmi Kanta Maitra:** It was ten minutes. Still, I could have moved a cut in five minutes' time.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member could have got up and tried to move a motion.

**Pandit Lakshmi Kanta Maitra:** As a matter of fact I stood up, and you said no purpose would be served and you adjourned the House. You can easily understand that in this way we have lost an opportunity.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member could still have moved, but he did not do it.

**Pandit Lakshmi Kanta Maitra:** The question hour is over.

**Mr. President** (The Honourable Sir Abdur Rahim): The European Group—Sir Frederick James.

**Pandit Lakshmi Kanta Maitra:** We have been greatly prejudiced.

**Mr. President** (The Honourable Sir Abdur Rahim): I have given my ruling.

**Pandit Lakshmi Kanta Maitra:** I am not going to challenge the ruling of the Chair, but Chair for a moment. I do not want to challenge the ruling of the Chair, but what I am placing before the Chair is my grievance.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member has placed his grievance before the Chair and I have given my ruling.

**Pandit Lakshmi Kanta Maitra:** The Honourable Member feels that his grievance has not been attended to.

**Mr. President** (The Honourable Sir Abdur Rahim): I rule that it is now the turn for the European Group to move their cut motions.

**Pandit Lakshmi Kanta Maitra:** It is extremely unfair.

*Financial Position of Railways with special reference to Post-War Developments.*

**Sir F. E. James** (Madras European): Sir, I beg to move:

"That the demand under the head 'Railway Board', be reduced by Rs. 100."

The purpose of this cut motion is to discuss the general financial position of the Railways with special reference to post-war developments.

**Pandit Lakshmi Kanta Maitra:** Every time our Party has been prejudicially affected by the rulings of the Chair.

**Sir F. E. James:** Last year we moved our cut in order to discuss four points relating to the reconstruction and rehabilitation of railways after the war. Two of those points dealt with reconstruction and betterment of railways and a comprehensive housing programme for labour. The Honourable the Railway Member has indicated in his speech that some progress has been made departmentally in planning for betterment developments, but he also referred to the very heavy cost of rehabilitation or renewals alone without taking into consideration expenditure upon additional betterments. It is our intention in this debate to take stock of the position, as far as possible unaffected by the controversy over the proposal to increase fares which was the centre of our discussions yesterday.

I want to ask three questions. First of all, what will be the position after the war confronting the railways; secondly, what will be, as far as we can judge, the resources in the hands of the railways, and thirdly, will those resources be enough to meet the demands which will be placed upon the railways? As far as one can foresee the position after the war, the following elements will greatly affect it. First of all, the probable dwindling income as a result of the cessation or reduction of military movements of traffic, and yet high working expenses as a result of additional staff, dearness allowance, the cost of coal, and other items, reduction in which cannot be effected immediately. Secondly, the high cost of materials, even for renewals. My Honourable friend, Sir Cowasjee Jehangir, in a communication which he addressed to the Convention Committee, suggested that in any case it would be most unlikely that post-war prices will be less than 30 per cent. above pre-war even on the most optimistic basis. Thirdly, after the war, there will be a drive on the part of the administration in the direction of betterment conditions which is bound to have its effect upon the working expenses of the railways. Fourthly, during the war there have been new inventions, some of which are of a very important nature, providing new uses for light metals which, if the Indian railways are in any way to be modernised, will make a great deal of difference to the cost of replacement and also to lives of the assets which may be purchased. Fifthly, after the war railways will be faced with the need for the renewal of workshop plant, rolling stock and track on a very large scale. They will be faced with the need for expenditure on amenities for lower class travel, and we hope that there will be a programme not only for the improvement of open lines but also for the development of new lines in undeveloped areas. I observe that the authors of what is called the Bombay Plan have suggested a development programme

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[Sir F. E. James.] of 21,000 miles costing Rs. 434 crores. These are some of the factors in the situation which will confront the railways after the war.

What are likely to be the railway resources? Assuming a war of two years from the year now under review, I have estimated the following. The depreciation fund will probably total something in the neighbourhood of 70 crores. Honourable Members will have noticed that there is a reduction in the amount estimated as available in the depreciation fund at the end of 1944-45 for the simple reason that large programmes of renewals will necessitate larger withdrawals from that fund, and my estimate is that a larger programme will land us in two or three years' time with a balance of only 70 crores in the depreciation fund. Secondly, in our general reserve fund, there will probably be 50 crores of rupees; and, thirdly, assuming that the recommendation of the Legislature yesterday is not taken at its face value

**Nawabzada Muhammad Liaquat Ali Khan** (Rohilkund and Kumaun Divisions: Muhammadan Rural): It never is.

**Sir F. E. James:** there may be a special amenities fund of 30 crores of rupees. Therefore in all, to deal with reserves, expenditure on amenities and renewals, there will be a total of 150 crores of rupees.

Now, Sir, I do not think for a moment that even the Honourable the Finance Member would say that that is enough. In the first place, the provision of the depreciation fund is in any case inadequate, even assuming that that fund is wholly utilised for renewals. The House must realise the extent and magnitude of the Railways, with a capital value of 800 crores of rupees. Secondly, the House will also realise that no provision for depreciation was made until 1924 and that therefore there were at that time large arrears which have never been made good. It may interest the House to know that there were 270 crores of rupees worth assets in existence before 1924, falling due for renewal in the near future which have never been provided for. Thirdly, there is increased wear and tear of existing assets as a result of the strain of the war. Fourthly, there are the increased costs of replacement which I have already referred to. Rails alone are today 95 per cent. above their pre-war price. This realisation of the inadequacy of the depreciation fund was emphasized by the Convention Committee, and I am glad that the emphasis was accepted by Government, as a result of which they increased the allocation to the depreciation fund for the current year, and made provision for increased allocation for the coming year. I maintain also that the reserve fund of 50 crores of rupees, covering less than two years' interest charges, is wholly inadequate for a railway system of the magnitude of the Indian Railway system. And who can claim for one single meeting the great demands upon the railways by the travelling public after the war.

My conclusion, therefore, is this—that railway finances are today in a thoroughly unsound position. It is true that the Honourable the Railway Member has said that the profits are illusory. But I am definitely disturbed, as the end of the war approaches, by the present situation. The Convention of 1924 with its one per cent contribution to General Revenues is a contributory cause of the unsatisfactory position. The present allocation of the surplus as 75 per cent. General Revenues and 25 per cent. Reserves is not really helpful to Railways on a long term view, though one appreciates the over-riding considerations of war time finance.

Railways after the war will need the assistance of general revenues to a far greater extent than they have received today. They have during the war contributed up to date, including the year which is now under review, no less than 116 crores of rupees to general revenues. The railway system is too important both for industrial and for military purposes to be allowed to collapse when conditions change. The inadequacy of railway funds to meet the situation which is likely to arise after the war is very largely due to our past policy, in which this Legislature has shared some responsibility of starving railway development and of building up railway reserves. Sir, on the whole the Railways

have done excellent service during this war under the most gallant conditions.

**Pandit Lakshmi Kanta Maitra:** What service?

**Sir F. E. James:** We have cursed them for delays but we owe them more than we at present know.

**Pandit Lakshmi Kanta Maitra:** If it is personal, it is a different matter.

**Sir F. E. James:** My Honourable friend has, like the cuckoo, the distressing habit of laying eggs

**Pandit Lakshmi Kanta Maitra:** Yours is a parrot cry.

**Sir F. E. James:** in somebody else's nest. I would ask him to lay his intellectual eggs in his own nest and leave my nest to my own eggs.

After the war, the public will demand better, more efficient and more comfortable services. They will be right in doing so. But this will cost a great deal of money and the present financial position of the Railways *vis-a-vis* that demand is thoroughly unsatisfactory. Railway rehabilitation and reconstruction are an indispensable element in any programme for India's development, whether in agriculture or in industry. I suggest to my Honourable friend the Railway Member that it is not wise to postpone all investigations and enquiries into these matters until after the war. I would also suggest to him that although the efforts of his department in planning for the future are appreciated by this party, it is not a purely departmental matter. It affects the whole policy of the Government of India. This administration has the responsibility and duty to the legatees of the future to leave a national system of Railways with resources adequate for their maintenance and improvement and a policy which will give them a proper and more suitable place in the national economy of the country. Sir, I move.

**Mr. President** (The Honourable Sir Abdur Rahim): Cut motion moved: "That the demand under the head 'Railway Board' be reduced by Rs. 100."

**Shrimati K. Radha Bai Subbarayan** (Madura and Ramnad *cum* Tinnevely: Non-Muhammadan Rural): Mr. President, ever since I was elected to the Assembly, I have considered it a real farce when the non-official members of our alien ruling race asked questions or intervened in a debate and the official benches replied to them. Anybody with the slightest knowledge of the political conditions in India understands that it is the British commercial community that are our rulers and the so-called Government of India are only its paid employees. (An Honourable Member: "Shame, shame"). This farce becomes more real when they indulge in talks of planning reconstruction after the war amidst all the havoc that is happening around us today in this country. It becomes more cruel when people have been dying and still continue to die in lakhs due to starvation and preventable diseases. When a powerful aggressor is at our door, we are not only denied the help and guidance of our trusted national leaders but we have to bear the torture of seeing them slowly die due to the persecution of our rulers.

The optimism and complacency of the British are remarkably astounding. No matter what has happened in the recent past regarding the war and whatever may happen during the present, they hope to continue to dominate the great Empire, over which the sun is never supposed to set. In the guise of war effort or post-war reconstruction, they endeavour to continue the exploitation of their subject countries. The ex-Governor of Burma, sitting on the cool heights of Simla, is planning reconstruction in Burma when it is re-conquered with the help of gallant Indian, American and East African troops! The British-ers are so busy in planning about their exploitation now and in the future that the thought of the feelings of the people of their subject countries never enters into their minds. They do not care to consider whether the people of Burma want to shape the destinies of their own country without the assistance of any foreign ruler. They do not consider what the feelings of the Indian people are—whether they want to shape the future of their own country and whether they want the full freedom that is necessary for building up a healthy nation in their country, a nation which will be contented and happy at home and respected and honoured abroad.

Today the two vital problems before the Indian people are—how to live and how to secure their political freedom, a freedom which will give them every

[Shrimati K. Radha Bai Sabbarayan.]

power to look after their own affairs and to save themselves from starvation and untimely death. The spokesman of the British commercial community, my Honourable friend, Sir Frederick James, asked certain questions, but we are not interested in those questions just now. They pale into insignificance before these two vital problems, how to live and how to secure the freedom to shape our own destiny and to make our country peaceful and happy. It is these two problems that we would like our rulers to pay attention to and defer talk of increasing taxation for reserve funds, for post-war reconstruction and glorious amenities for the third class passengers in the dim and distant future especially when we cannot yet be sure who will then be guiding the destinies of this country. Our whole time and thought have to be directed towards these two immediate problems. And it is because of this great task we are not prepared to discuss now post-war reconstruction in our country. We do want reconstruction in our country but not in the manner in which our present rulers would like to plan and would like to carry out. It is because these two problems are of vital importance that I felt impelled to attend this Session of the Legislative Assembly and to raise my voice here after a silence of nearly four years.

Sir, before I sit down I would like to refer to the remark that fell from my Honourable friend, the Transport Member, yesterday just before the division took place on the question of the increase of railway fares. He remarked about the severity of the language of my Honourable colleagues on these benches. May I point out to him that perhaps he is not aware of the torturing anxiety of a subject people whose fate is hanging in the balance? It is the intense anguish of our hearts and minds that finds some relief if we try to impress it on the Government in as strong terms as possible on the floor of this House. It is not because we want to be rude or unkind or cruel. It is simply to give relief to our own suppressed feelings of pain at the conditions that exist in our country today and to endeavour to improve them. Yesterday our minds and hearts were particularly heavy with sorrow at the loss of a cherished friend and patriot, the symbol of all that is pure and best in womanhood. Our hearts and minds were full of deep sympathy for her husband, our great national leader, in his bereavement. It may be that that sad event may not mean anything to the Members of Government except that there is one less person to bother about; but it means a great deal to us. It was for this reason that I refrained from speaking yesterday. I felt that no language would be strong enough to express our pain and sorrow and the resentment that we feel at the Government, due to whose persecution this sad occurrence took place so soon. Even today I find it difficult to speak with restraint and moderation.

My Honourable friend, the Transport Member, also said yesterday that perhaps the severity of language showed that our case was weak. But what did the House show? Did not the House emphatically and clearly prove that our case was strong and was well supported by the country? My Honourable friends on the Opposite Benches will forgive me if I point out that we, on this side, felt that there was a guilty look on our compatriots when they meekly followed their rulers into the lobby. It looked as if they had a guilty conscience that they had let down their country.

**Mr. President** (The Honourable Sir Abdur Rahim): Yesterday's motion has been disposed of and I do not want that further discussion should be revived on it.

**Shrimati K. Radha Bai Sabbarayan**: I accept your ruling, Sir, but this is the earliest occasion when we can reply to that remark as it was made only last evening.

**Mr. President** (The Honourable Sir Abdur Rahim): That motion is over and there should be no more discussion on it.

**Shrimati K. Radha Bai Subbarayan**: May I ask, Sir, that when the British Government refer to the atrocities of Hitler and use strong language, do they do so because their case is weak? Hitler is a Frankenstein of their own creation. How much more strongly should we feel when alien rulers are responsible for

the sad condition that prevails in our country today, including on the railways as my Honourable friend here reminds me.

In obedience to your Ruling, Sir, I shall not refer any further to the debate of yesterday. May I on the subject of railways make a few suggestions to the Honourable Member with regard to railway administration? The Honourable Member said yesterday that the Opposition had not made constructive criticisms. I would respectfully state that it was an erroneous remark. I would supplement the suggestions that were made yesterday with a few more just now.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member should make those remarks relevant to the motion now before the House.

**Shrimati K. Radha Bai Subbarayan**: These, Sir, will help reconstruction now. In the existing passenger traffic only a portion is available for civilian needs. The whole strain is borne by third class passengers, while the upper class passengers can have almost the pre-war level of comfort if they are lucky to reserve accommodation.

**An Honourable Member**: No, no.

**Shrimati K. Radha Bai Subbarayan**: I speak from personal experience. In the third class compartments, where it is intended to accommodate 74 passengers, between 200 and 250 are huddled together. If some modification could be made in the provision of berths in the upper class carriages, the numbers of those carriages could be decreased and more third class carriages could be attached.

The use of free passes by railway gazetted officers and families should be severely restricted and absolutely forbidden for pleasure trips.

The use of saloons should be completely stopped. Similarly the running of air-conditioned and restaurant coaches for upper classes should be stopped.

The Railway administration should seek the co-operation of railway workers to economise coal consumption, to make the necessary improvements in railway carriages and wagons and to decrease the cost of repair and production.

Sir, I have discussed this subject with several railway workers and their general complaint is that the administration do not realise that the workers have not only hands but also heads with brains and if their co-operation could be appreciated by the administration much improvement could be introduced in the railway traffic and a good deal of economy could also be effected.

**Dr. Sir Zia Uddin Ahmad** (United Provinces Southern Divisions: Muhammadan Rural): Sir, before I develop my argument, I should like the Honourable Member to tell me whether in the figures he has supplied to us he has included the 25 per cent. increase in railway fares?

**The Honourable Sir Edward Benthall** (Member for Railways and War Transport): In Budget figures they are included.

**Dr. Sir Zia Uddin Ahmad**: There are three points on which I don't entirely agree with Sir Frederick James. In the first place, he will agree with me that all this post-war reconstruction in every Department will be met by loan, but in the case of railways, we have made a differentiation and we are going to collect funds by fresh taxation. Have we imposed fresh taxation for post-war reconstruction in any other Department? Then why make a distinction in the case of railways? I do not believe that we should collect any fund by fresh taxation for post-war reconstruction. The second point is this. I wish I may be wrong and my Honourable friend may be right. He said that the war will conclude within two years. My calculation is that it will take five years more from now for decisive end of the war. Therefore my figures are based on the supposition of five years. The third point is this. I have been pressing the Railway Board to admit that their theory of depreciation fund is financially wrong. They must adopt a simple formula that every expenditure which yields revenue should be debited to the capital fund and every expenditure which does not bring in revenue should come out of revenue, and expenditure which yields no revenue should be met by fresh loan. On this point my Honourable friend did not agree with me, and in the arguments which he advanced he practically supported that the depreciation fund may be spent away without definite requirements. Most of the expenditure which is now being

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incurred under depreciation fund according to the established theory of the Railway Board could not have been debited to depreciation fund. A greater portion of it ought to have been transferred to the capital fund and some of it should be charged to revenue. The expenditure under the depreciation fund is of the nature of the expenditure which I incurred on one occasion, I invested £1,000 in marks in 1921. When I went to Germany, my friend who was the Director of a Bank in Germany advised me to convert the marks in the shape of goods, or I lose the entire amount. Acting on his advice, I purchased goods indiscriminately right and left, no matter whether I required them or not. The Railway Board appears to have been adopting a similar policy. They would like to squander the entire amount put down under depreciation fund.

Now, I want to examine the figures which Sir Frederick James has given. According to his estimate 150 crores from reserve will be available. I put down 270 crores. I will tell him where he and I differ. The Honourable Member estimates that 25 per cent. increase in railway fares will bring ten crores. I believe it will yield 15 crores. If you look into the figures on page 26 supplied to us in this Explanatory memorandum, you will find expansion of traffic from 1940 to 1945. In 1939-40, just before the war, the income from passenger traffic was 27.78 crores, in 1941-42, it rose to 36 crores, in 1942-43, to 44 crores, this year it will be 58 crores. Keeping this expansion in mind, it is reasonable to suppose that there will be an income of over 58 crores. Had there been no increase in railway fares 60 crores will be the minimum income under passengers traffic in 1944-45. I am positive in my mind that the figure 68.14 you have put down for 1944-45 will rise to 75 crores. The income under your Reserve C will be 15 crores. Then in six years your total income will be 90 crores allowing the normal rate of expansion. I believe the savings under this reserve C, allowing interest on Reserve, to be 100 crores. The second thing is that I do not calculate for three years but for six years.

Now, coming to reserve B, the same argument applies here also. Unless the Railway Member and the Finance Member agree that they will give a larger share to the general revenues in order to avoid fresh taxation,—and I entirely agree with this view,—I doubt very much whether the Finance Member will have the courage to say 'No' to the Railway Member in spite of the fact that he is cheating him right and left by not paying income-tax, super-tax and all the other taxes which a business concern has to pay. If he is following the same principle I think my Honourable friend's reserve fund will be not 50 crores, but it will be 128 crores if we follow the existing principle. Unless the principles are changed and you give a larger share to the general revenues than hitherto the position will be different. But following the normal practice which is being followed in connection with the reserve fund, and calculating for six years, the reserve B will be 128 crores. The same thing applies to the depreciation Reserve fund. Therefore the figures of my Honourable friend, which will be available for expansion will be much greater and will be in the neighbourhood of 250 crores. I do not grudge this accumulation, but one principle should be followed in all the departments. In other departments no accumulation is being made for future expansion by taxing the present generation, but why should you in this department tax the present generation in order to build up a big reserve to be utilised for reconstruction work.

You could not do any renewals because on account of war conditions you could not get materials. I have been pressing time after time that this amount which you should have spent but could not spend because the materials were not available should be set apart in a special fund and used immediately after the war for the renewal of those things which could not be renewed during war-time. That has nothing to do with the depreciation fund or reserve fund or C fund, whatever you may call it. This requires very serious consideration and it cannot be discussed in 15 minutes. The Railway Member has given us these figures but they require very close scrutiny. Therefore all these things clearly show that we are not very much in need of building up a big reserve during war-time. As I said yesterday, if you keep a big reserve for the railways the

other two competitors will always demand that either a portion of that reserve should be given to road and rail or they should be provided with funds from the general revenues. And this will be very difficult to meet. Therefore I think it is not wise to build up a big reserve and I request Sir Frederick James to follow the principle which he himself enunciated some time ago that the correct amount of reserve should be 10 per cent. of the capital at charge. Now I give him 15 per cent. of the capital at charge. Now 800 crores is the capital at charge and 15 per cent. of that is 120 crores and anything above that should go to the general revenues for the relief of the taxpayer. That is a point which I emphasised yesterday and I emphasise it today.

The other thing is that we should have some kind of programme for post-war reconstruction. We have got a programme for every other department, where some require 2 units and some 5 units, etc., a unit being 1000 crores. But we have no programme for the railways; and we should know the plans for their development after the war. We should have programme of additional track, workshops, and other requirements. We can then say how much should be paid out of loans and how much out of the revenues of the railways. Failing this programme we should not talk in a general way about amenities for third class passengers. I know they will not come. It is only an excuse for fresh taxation and it does not impress us. Therefore, I say that we should have a definite programme as to what Government intend to do after the war, specially when there is a proposal for fresh taxation. There is no indication whether this extra income will also be spent for improving the conditions of service of the lower paid staff. They are very hard hit and should be helped at the present time, but they have not been given relief properly. The grain shops, for instance, are not working satisfactorily; we want their salaries and dearness allowance to be increased. My friends from Bombay will probably bear me out when I say that in Ahmedabad a worker getting Rs. 12 or 14 a month is given about 70 as dearness allowance.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

**Mr. Jamnadas M. Mehta** (Bombay Central Division: Non-Muhammadan Rural): Sir, I rise to support the cut motion of my Honourable friend, Sir Frederick James but for quite different reasons; his reasons and my reasons are not the same. In fact it is strange that in the name of rehabilitation of railway finance and in the interests of its soundness propositions have been made by my Honourable friend which will have a result in the contrary direction. Railway finances are today both sound and also unsound. They are entirely sound in the sense that railways pay their own way. My thesis is that the railways can pay their own way even with smaller fares. By the back door the railways are made to pay for interests which are not railway interests. The first thing that rehabilitation of sound finance in railways requires is that this back door must be closed. Many cousins and nephews and nieces of the white race are receiving jam from the back-door of the Railways to which they are not entitled. Railways are today serving the interests which are non-railways to a very substantial extent. After twenty years of the Railway Convention there are still nearly 2,000 foreigners controlling our Railways—to be exact about 1800 and odd. All of them need not stay in this country as railway officers. (Interruption.) Why should they not go?

**The Honourable Sir Edward Benthall**: On a point of fact, the officers are about 600.

**Mr. Jamnadas M. Mehta**: Your annual Report shows that the number of Europeans is not less than 1800.

**The Honourable Sir Edward Benthall**: Not all officers.

**Mr. Jamnadas M. Mehta**: You tell me their average wage bill. It was admitted by more than one predecessor of the present Financial Commissioner for Railways that the average rate of salary for a European in the Railways works out to an average of a thousand rupees per month. You may deny it, if you like. It does not matter whether you call them officers or not—in fact, you call them temporary officers, and you give them all sorts of names—but

[Mr. Jamnadas M. Mehta.]

the fact remains that there are 1800 Europeans in the Railways. If you are right in what you say, give me the wage bills of these 1800 employees, and then if necessary I will be willing to consider a modification of my statement. Therefore, I maintain that the Railways have to pay for the colour of their employees, not for their services. Is this sound finance? Is there any soundness of finance of a commercial organisation where remuneration is based not on merits but on the colour of the skin of its employees? That is the most unsound feature in the Railway Administration.

**An Honourable Member:** Repugnant.

**Mr. Jamnadas M. Mehta:** And although I naturally sympathize with my Honourable friend, Mr. Frank Anthony—I was almost going to say Mark Anthony, because he sometimes justly rebukes the Honourable the War Transport Member; although I have great sympathy for what my Honourable friend stands for, he knows that in this country by Parliamentary Statute 8 per cent. of certain jobs in Railways are reserved also for another kind of colour. Is this sound finance? The Anglo-Indian is by Statute entitled to 8 per cent. of certain railway jobs. I don't grudge it. When the European gets 1800 jobs without reference to merit—only on the ground of colour—8 per cent. for the Anglo-Indian is not too much. But it is not sound finance, that is my point.

Then, Sir, the strategic railways have taken crores upon crores from the earnings of the Railways which should have been debited to the military. Is this sound finance to take by the backdoor every year—although once or twice they have not taken—a crore or crore and a half out of the Railways' earnings? Is it sound finance to pay interest on construction of new lines during construction out of revenues? The Finance Member was shocked—now he is not shocked because he has got *quid pro quo*—when he learnt for the first time, a few months ago, in the Convention Committee that interest on new construction during construction stage, instead of being charged to the capital and thereby giving the correct cost of the construction of that railway was being paid from revenue.

The Depreciation Fund, on which my Honourable friend, Dr. Sir Zia Uddin Ahmed, lays so much stress is another wrong done to railway revenues. I can give other instances where the same principle is at work, namely that non-railway requirements are met out of railway funds to the extent of many crores per year. This is the fundamental unsoundness of the railway finance and unless my European friends come forward to combat it, their proposition about soundness can only result in paying less to the wage-earner and charging more to the traveller. In a nutshell the whole theory of the Government Benches and the European Benches about soundness of railway finance is this: Pay less to the worker, charge more to the traveller, show big surpluses and call it sound finance. I think, if the railway finance were sound in this country and if it were left under my control, I can assure you, Sir, that the third class passenger will travel two miles for every pie. That is really the economic cost of transport in this country, that for one pie—one-third of a pice—a man should be able to travel two miles. If economic costs were charged, if the actual genuine and honest cost of transport was charged to the traveller, the real cost would be one pie per two miles. (Interruption.) I shall pay the lower paid staff more than you pay; the worker will get the minimum decent wage. They will get compulsory provident fund. Their working hours will be reduced and they will get free passes for their families.

**An Honourable Member:** It is Utopia.

**Mr. Jamnadas M. Mehta:** It is Utopia because you have other interests in the country to serve and I have only to watch the interests of the traveller and the worker. That is the fact of the matter. The proposal of my Honourable friend, Sir Frederick James, came to this: That for rehabilitation, impose more taxation, go on imposing more tax and asking more for depreciation fund and taking more from the earnings of railways, asking for this, that and

the other from railway revenues—pay less to the worker and charge more to the traveller. Is that fair and just?

What is happening even about this sharing of the surplus between the Government and the Railways? The Honourable the War Transport Member and the Finance Member have illegally decided that three-fourths of the railway surplus will go to the general revenue. Where is the authority for this? Under what authority has he done that?

**Mr. K. S. Gupta** (Ganjam cum Vizagapatam: Non-Muhammadan Rural): Zoolum!

**Mr. Jamnadas M. Mehta:** My Honourable friend will find the Resolution of last year quoted on page 35 of Volume I of his Report. That entitled them to get three-fourths share of the surplus for the current year only. But nothing prevents him from doing what he likes. He has misappropriated without any authority, changed the Convention of 1924 by a stroke of the pen and given to the General Revenue three-fourths of the surplus for 1944-45. Under what authority?

**The Honourable Sir Edward Benthall:** With the consent of the Convention Committee.

**Mr. Jamnadas M. Mehta:** Convention Committee is not the final authority; it is this Assembly which is the final authority.

**The Honourable Sir Edward Benthall:** I may point out that my Honourable friend also gave his consent.

**Mr. Jamnadas M. Mehta:** It was only for last year. The Resolution itself says so. I must read it.

The resolution for the year 1943-44 says: "For subsequent years the railway reserve shall be decided each year on the consideration of the needs of the railways and general revenues." That is the resolution. Who has to consider? The authority which gave you three-fourths in the current year is the authority which alone can give you for the future. You need a resolution of this House for continuing three-fourths payments, but you have misappropriated already! It shows the contempt they have got for this Assembly. They take its consent for granted. I assure you, Sir, that it is quite wrong to allocate in advance three-fourths of the surplus to General Revenues for the next year. You have no right. It is illegal, unconstitutional and against the Convention of 1924, which has not yet been varied, except for the current year. Remember you are taking away 32 crores without any authority. As you have taken away the whole of my country, I do not mind. The Honourable the War Transport Member said during the debate yesterday that it does not matter "whether you adopt this cut or not. I hope you won't, but if you do I am not going to reduce the fare. I am going to treat your vote with contempt."

**Mr. N. M. Joshi:** He did not say so.

**Mr. Jamnadas M. Mehta:** What is the effect of it? When a man says to me that no matter what you do this 10 crores will be earned by them, what else can it mean. Mr. Joshi, you should understand what he said!

**The Honourable Sir Edward Benthall:** Read the record.

**Mr. Jamnadas M. Mehta:** He said this 10 crores will go to the General Revenues, which means that the fares remain high. I think that that is the only meaning. You are trying to flatter him!

**The Honourable Sir Edward Benthall:** That is the meaning of the resolution for which my Honourable friend voted for yesterday.

**Nawabzada Muhammad Liaquat Ali Khan:** Nothing of the kind.

**The Honourable Sir Edward Benthall:** It is that in effect.

**Mr. Jamnadas M. Mehta:** Not in effect at all, unless you wish to treat our vote with contempt. We do not want the fares to be raised.

**The Honourable Sir Edward Benthall:** Why did not the Honourable Member move a proper motion?

**Mr. Jamnadas M. Mehta:** It was not so simple. There was no time.



**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

**Mr. Jamnadas M. Mehta:** All right, Sir.

You do not want to obey us. You want to pile taxation upon taxation upon Railways in the hope that they remain sound, but at the same time you will bleed the traveller and the worker. That is not the way to have sound railway finance.

I support the cut for my own reasons.

**The Honourable Sir Edward Benthall:** My Honourable friend, Sir Zia Uddin Ahmad, asked why railway finance should be treated in a somewhat different way to other finances of Government, and I think the answer is clear. The Railway Department is a commercial undertaking contrary to, for instance, expenditure for medical purposes. What I shall be saying about railway finance, with particular reference to post-war conditions, will, I hope, be based on sound business principles of finance.

**Sir Muhammad Yamin Khan** (Agra Division: Muhammadan Rural): But the Honourable Member said something else yesterday. You said yesterday that you are a Member of the Government and not only the custodian. . . .

**The Honourable Sir Edward Benthall:** That is so, but nevertheless this undertaking is a commercial one.

The second point which Sir Zia Uddin Ahmad made is that he is calculating on the war continuing for five years and that results in some optimistic financial figures. I am not trying to make a debating point, but I do feel, as I said last year also, that sooner or later, and sooner now rather than later, we must reach the maximum of our earning capacity by reason of the limitation imposed by our equipment. But it is quite clear from some of my Honourable friends that we have not yet reached the maximum of our expenditure especially if my friends, Mr. Jamnadas Mehta's and Dr. Sir Zia Uddin's proposals are put through. It is quite impossible, and I am sure my friend realises it, greatly to increase the cost of the staff and at the same time reduce the fares six times, as was suggested.

We have made considerable progress in our preparation of plans since last year and I would like to deal with them under five or six heads, e.g., rehabilitation, locomotive manufacture, improvements both operative and on account of staff welfare, amenities and construction of new lines.

As regards rehabilitation, it is obvious that as a result of the heavy wear and tear on the railways, the lack of repairs and renewals, and also owing to the fact that our asset is ageing, we shall have to spend a great deal of money on rehabilitation after the war. We have a programme of spending in the first seven years after the war a figure of Rs. 125 crores. I have the details of how that is allocated under different heads of workshops machinery, rolling stock, track, bridges, signalling and inter-locking and so on.

**Sir F. E. James:** That is on rehabilitation?

**The Honourable Sir Edward Benthall:** Yes.

**Sir Cowasjee Jehangir** (Bombay City: Non-Muhammadan Urban): At what prices?

**The Honourable Sir Edward Benthall:** Somewhat lower than present-day prices.

I will just touch on the building of locomotives as my Honourable friend failed to move his cut motion. I would like to stress once again to this House that the decision has been made to build locomotives in this country at Kanchrapara. We are finalising the blue prints for this, we shall order the machinery as soon as the blue prints are finalised and we shall then get the works started as soon as we can.

**Babu Baijnath Bajoria** (Marwari Association: Indian Commerce): When are you going to start?

**The Honourable Sir Edward Benthall:** We are trying to build boilers elsewhere in collaboration with private enterprise during the war. We are considering setting up another locomotive works, probably in South India. We are quite prepared to consider any other proposals from private enterprise that

may be put forward. We want these works to be first class and up-to-date works and that is why we have spent more time than the House or we ourselves would have wished in getting out these blue prints. We do not want to put up second-rate works. We want to make Kanchrapara into a good show. We have difficulties at present. It is not as if we were trying to do this in peace time. About 80 per cent. of the shops in Kanchrapara are engaged on loco repairs and as you can well understand, loco repairs in that area are a vital war necessity, especially in view of the additional locomotives coming on to that particular railway. Also there is a certain difficulty in getting the priority from overseas for the machinery, because even if we started today, we could not possibly have the first engines on the lines until two years hence, and projects which come into fruition two years hence do not have the same war priority as those which come into fruition earlier. But that does not stop us going ahead. We are determined to finalise these blue prints

1 P.M. as soon as possible, and to get the machinery into the country and to get the works started as soon as possible.

Passing on to improvements, there is no question that our railways are not entirely up to date in their operational efficiency, and we have a great deal of work to do in technical improvements. I do not think I need schedule them all but I have a list of 11 headings, such as electrification of stations, signalling and inter-locking, additional equipment in goods yards and transhipment sheds and so on—a number of things for the improvement of operation on the railways; and in parenthesis I may add that one of our main difficulties in operating the railways is the difficulty we have in communications between different stations. That is a serious handicap to operation. On operative improvements we have a seven year programme of 45 crores.

On staff welfare we have a figure of 48 crores for the seven years. To take one item, a large item, I would mention housing. We have 139,200 subordinates and about 65,600 of them or 47 per cent. have already been provided with quarters. In addition to them we have on the clerical and inferior staff 516,000 of whom 190,000 or 37 per cent. have been housed. The increased housing for the balance of these people is the largest item under the heading of Staff Welfare.

Under the heading of Third Class Passengers amenities, we have a programme for the seven years of 45 crores; but I will not say anything more about it.

Under the heading of Construction of New Lines, we have altogether 14,000 miles of new lines surveyed or proposed, and if we were to go ahead at the rate of 500 miles per annum for 10 years, that will be a hundred crores; but actually in our seven year programme we have put down a figure of 56 crores. With regard to the construction of new lines I must point out that everything that we plan in that direction must be dependent on Governments road-rail plans. Government are considering a programme of widespread road development and that, of course, has to be considered in consultation with the Provincial Governments. This question has been under careful examination; very useful preliminary work has been done on it by a technical committee. Sooner or later, and the sooner the better, these conclusions will be laid before the Post-war Transport Policy Committee; and on that committee there are representatives of the Central Government, the provinces and of the public who are concerned in transport. On this committee will be representatives of all those bodies who are concerned with transport, whether they are road, railways or river steamers.

The total of that expenditure in the first seven years comes to 319 crores. A part of that expenditure is remunerative, ultimately we hope that the new lines will be, although in the initial stages many of those new lines must undoubtedly result in a temporary loss; and that loss will either be a burden on revenue or will have to be carried by the reserves. But if you look at this programme you will find that most of it is unremunerative, except indirectly in that it will increase the operating efficiency and help in retaining traffic.

[Sir Edward Benthall.]

Most of these improvements such as staff welfare, amenities and rehabilitation are directly unremunerative, nevertheless necessary.

My Honourable friend said, how do we propose to finance these and what resources have we got? I think the Honourable Member will agree that new lines should be paid for out of capital; that covers 56 crores out of 819. Now we pass on to the thorny subject of the depreciation fund.

**Sir F. E. James:** Would that not be financed by borrowing?

**The Honourable Sir Edward Benthall:** It would probably be borrowed capital though there might also be accumulated reserves to borrow from. We then pass on to rehabilitation and that will largely be paid for out of the depreciation fund. I should perhaps say that there are certain items, such as writing down stocks which have been purchased at high prices during the war and delayed repairs and renewals, which would normally be a charge against revenue; and these items are included under the general heading of rehabilitation for which we are contemplating an expenditure of about 125 crores. To meet that, we shall have on the 31st of March next year, in the depreciation fund, about 82 crores. Sir F. E. James has calculated that at the end of his two years, there will be 70 crores in the depreciation fund. He has also pointed out, quoting Sir Cowasjee Jehangir, that when we come to replace our assets after the war against this depreciation fund, we shall have to pay a price at least 30 per cent. above the cost at which the assets were installed. I would like to carry that a little further and quote the graphs which were put before the Convention Committee, which show that even if we only take into account the replacement cost at the same price at which the assets were installed, the depreciation fund will be exhausted in 1966—yesterday I quoted offhand 1960. So the depreciation fund will be exhausted, even if prices are not higher than they were before the war, by 1966. That shows the necessity for building up this fund to a much higher figure.

**An Honourable Member:** But additions will be made year after year.

**The Honourable Sir Edward Benthall:** Additions will be made; after allowing for the additions and deductions and assuming that prices are the same as in the years before the war, it will be exhausted in 1966. How then can Sir Zia Uddin Ahmad say that it is excessive? I will take Sir Zia Uddin Ahmad's own figures and accept that there should be a reserve of 15 per cent. i.e., of 120 crores; if the depreciation fund is exhausted you have got there to have, at his own figure, 120 crores in the reserve fund.

**Mr. T. T. Krishnamachari** (Tanjore cum Trichinopoly: Non-Muhammadan Rural): What would be the possible loss in working?

**The Honourable Sir Edward Benthall:** All these subjects, the adequacy of depreciation fund, obsolescence, and the increased cost of replacements will be the subject of further examination the result of which will be laid before the House in due course. I have shown that 56 crores out of 819 will come out of capital and 125 out of depreciation fund, and that leaves a balance of 138 crores. Two years hence, on Sir Frederick James' calculation we shall have a figure of 50 crores in the reserve fund. Personally, I think that is somewhat speculative because I am not at all sure that the previous high level of surpluses will continue when expenses rise and income does not rise correspondingly. But in any case it will be seen that we have a deficit of about 100 crores if this programme is to be adopted and if the railways are to be brought up to modern standards. Hence my desire to try to build up funds. I have tried to give to the House a picture of what we in the railway department are trying to work to. Although the figures are set out in detail in our own plans they are really only at a very early stage. The figures are large judged by old standards and for that reason it will not be possible to put through a programme of this sort unless we make an effort to finance it. As I said in my budget speech it is fairly easy to make these plans but it is not easy to find the finance for them.

**Pandit Lakshmi Kanta Maitra:** On a point of order, Sir. The Honourable Member has already exceeded his time-limit.

**Mr. President** (The Honourable Sir Abdur Rahim): No, he has not.

# THE RAILWAY BUDGET—DEMANDS FOR GRANTS

**The Honourable Sir Edward Benthall:** I will conclude, to satisfy my Honourable friend, by saying two things. First, I will repeat what I have just said, that these figures must not be taken as in any way more than a general guide to what we have in mind. I should not like the House to hold the department to any particular figures, but I have given the general order of the preparations that we are making. Secondly, I should like to reiterate the point which I made last year, that the timing of such a programme as this is of great importance.

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

**The Honourable Sir Edward Benthall:** We contemplate 16 crores in the first year, 38 crores in the second, and thereafter 50 crores a year. It may be desirable to delay these programmes until there are times of recession or slump, when the expenditure incurred on these projects may be of real benefit to the country in evening out post-war economic fluctuations.

I must express my regret that my Honourable and very esteemed friend who spoke from the Congress Benches, expressed the feeling that my Honourable friends opposite are not prepared to discuss these matters at the present time. I appreciate her sincerity, and in return I would express the sincere hope that even though they may not be prepared to discuss these things at the present time, the work that we are putting in may yet be of value to India in the future. In view of what I have said, I hope the European Group will agree that we are getting on with this work and making the financial preparations for the same, and that they will withdraw this cut motion.

**Some Honourable Members:** Let the question be now put.

**The Honourable Sir Edward Benthall:** If they do not, I oppose the motion.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That the demand under the head 'Railway Board', be reduced by Rs. 100."

The Assembly divided:

AYES—17.

Abdul Qaiyum, Mr.  
Choudhury, Mr. Abdur Rasheed.  
Dam, Mr. Ananga Mohan.  
Das, Mr. B.  
Deshmukh, Mr. Govind V.  
Gupta, Mr. K. S.  
Hegde, Sri K. B. Jinaraja.  
Kailash Bihari Lal, Mr.  
Krishnamachari, Mr. T. T.

Lahiri Chaudhury, Mr. D. K.  
Maitra, Pandit Lakshmi Kanta.  
Mehta, Mr. Jammadas M.  
Neogy, Mr. K. C.  
Pande, Mr. Badri Dutt.  
Sham Lal, Lala.  
Srivastava, Mr. Hari Sharan Prasad.  
Subbarayan, Shrimati K. Radha Bai.

NOES—38.

Ahmad Nawaz Khan, Major Nawab Sir.  
Ambedkar, The Honourable Dr. B. R.  
Banerjee, Dr. P. N.  
Benthall, The Honourable Sir Edward.  
Bhowar, Sir Gurunath.  
Bhagchand Soni, Rai Bahadur Seth.  
Caroe, Sir Olaf.  
Chatterji, Mr. S. C.  
Daga, Seth Sunder Lal.  
Dalal, Dr. Sir Ratanji Dinshaw.  
Dalpat Singh, Sardar Bahadur Captain.  
Habibur-Rahman, Khan Bahadur Sheikh.  
Haidar, Khan Bahadur Shamsuddin.  
Imam, Mr. Saiyid Haidar.  
Ismael Alikhan, Kunwar Hajee.  
Jawahar Singh, Sardar Bahadur Sardar Sir.  
Jehangir, Sir Cowasjee.  
Khare, The Honourable Dr. N. B.  
Krishnamoorthy, Mr. E. S. A.  
Kushal Pal Singh, Raja Bahadur.

Maxwell, The Honourable Sir Reginald.  
Muazzam Sahib Bahadur, Mr. Muhammad.  
Mudaliar, The Honourable Dewan Bahadur Sir A. Ramaswami.  
Ogilvie, Sir Charles.  
Piare Lal Kureel, Mr.  
Raisman, The Honourable Sir Jeremy.  
Roy, The Honourable Sir Asoka.  
Shahban, Khan Bahadur Mian Ghulam Kadir Muhammad.  
Siva Raj Rao Bahadur N.  
Spence, Sir George.  
Srivastava, The Honourable Sir Jwala Prasad.  
Sultan Ahmed, The Honourable Sir.  
Thakur Singh, Capt.  
Trivedi, Mr. C. M.  
Tyson, Mr. J. D.  
Wagstaff, Col. H. W.  
Zahid Husain, Mr.  
Zaman, Mr. S. R.

The motion was negatived.

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 Dutta) in the Chair.

*Non-representation of Scheduled Castes in Railway Services.*

**Mr. Deputy President (Mr. Akhil Chandra Dutta):** Mr. Siva Raj.

**Rao Bahadur N. Siva Raj (Nominated Non-Official):** Sir, I move:

"That the demand under the head 'Railway Board', be reduced by Rs. 100."

The object in moving this cut motion is to raise the question of the representation of the scheduled castes in the railway services. Sir, the Government last year by its August Resolution

**The Honourable Sir Edward Benthall:** August?

**Rao Bahadur N. Siva Raj:** Yes, August and August both. The Government by its August, 1943 Resolution has fixed a percentage for the scheduled castes in respect of recruitment in all central services. In that Resolution they say that the Administrations of all the company-managed railways have also been asked to adopt similar rules for the services in those railways. One finds, Sir, that in spite of the attempts that have been made from time to time from the floor of this House to secure for the scheduled castes a recognition and a representation in the services of the Government, the Government have not moved in the matter at all, as will be evident from the statements giving figures which they themselves have supplied to us. For instance, on page 25 of Volume I of the Report of the Railway Board one finds a statement of figures at the sight of which I am sure the heart of any scheduled caste man will leap with joy. The total number of scheduled caste employees, permanent and temporary, on all Indian Railways is given in column four; there are 1,23,277 depressed class employees in the railway services. As one gets on to the next page, he is at once given a clear picture of what is the actual fact. On page 26 of Volume I, you find the figures of direct recruitment by the State-managed and Company-managed Railways. This statement shows that so far as the engineering line is concerned for 12 Hindus, 6 Muslims, 1 Anglo-Indian, 1 Sikh, one Indian Christian there is not even one scheduled caste man. Similarly you will find the column empty against other services—Accounts, Transportation and so on. Then, Sir, in the hope of finding that situation may be better in inferior services, I went to Volume II of the Report. On page 246 in the volume you see the position quite clearly: You will find that in 1942-43 the same figure is repeated in the statement showing the number of all races—I like the word races—employed on each Railway and under the Railway Board at the close of year 1941-42 and 1942-43. 123,277 Depressed classes, 180,862 Muslims and so on and so forth. Then, immediately coming to the next page, which gives the classification of servants of all races employed on Class I Railways, you at once see how the percentage falls from practically 3 to 1—a very low figure. In Column 4 on page 248, you find the figures given for depressed classes. So far as the State-managed Railways are concerned, for 67,442 Hindus there are only 1,916 depressed class men. Under the Company-managed Railways for 97,999 Hindus you find 2,384 depressed class men.

As you proceed further, you find how the percentage of scheduled castes are being gradually dropped. In fact, you can see this as you go from page to page till in the final page you find that the scheduled castes have been reserved for, or they have got a monopoly of, lower and menial services.

Again, on page 28 of the Report Volume I, figures are given of gazetted officers on Class I Railways on the 31st March, 1934, 31st March, 1942, and 31st March, 1943. The column under 'Depressed Classes' is empty throughout, which shows that practically there is no recruitment of scheduled castes at all. Very often we find that the answer is that, in the first place, scheduled caste candidates are not available, and, in the second place, if they are available they are not suitable. Sir, it has also been stated in the Government Resolution of August 1943—whatever the reason may be—it is stated:

"While the Government of India recognize that this is mainly due to the difficulty of getting suitably qualified candidates they now consider that the reservation of a definite

percentage of vacancies might provide the necessary stimulus to candidates of these castes to obtain better qualifications and thus make themselves eligible for various Government posts and services."

I do not agree with the statement that is made therein. I can illustrate it in this way. I know that so far as my Presidency is concerned—and I am perfectly sure it is the case in other provinces also—when a scheduled caste man takes care to hide his identity and gets his education in colleges and is called upon to compete along with other people, he has been able to get appointed in the past. I dare say, this House knows that some years ago some of the educated scheduled caste men had necessarily to hide their identity in order to live their daily lives as normal human beings in this country. I know instances, Sir, where people occupied very high positions. In the Madras Presidency, I know one gentleman who was the Health Officer of the Corporation of Madras and who later on was appointed Honorary Physician to the then Viceroy, Lord Dufferin. Then there was another gentleman who was the Senior Surgeon in the Government of Mysore. There was yet another gentleman who was the District Registrar in the Madras Presidency. I can quote the instances of a number of people who occupied high places there. Or again, when the scheduled classes went to foreign countries like Burma, Malaya, South Africa, Singapore and other places, where neither the Government of India nor even the Congress, nor anybody existed to give protection to us, nor even make a show of sympathy towards us, we find members of the scheduled class have come up in large numbers and have occupied very high positions. There is no time for me to give details of those instances. I merely say that in this country we have not been able to secure positions the moment we declared ourselves scheduled castes. I do not know the psychological reason for that, but I certainly feel that it is often due to a feeling of abhorrence, if not actual resentment at the thought of scheduled classes trying to occupy and acquire a certain share in the administration of the country. I will also prove how this statement is one which I cannot support, namely, that suitable candidates are not available and it has happened only recently. Whereas it was not possible for the Government of India in any Department to find suitable candidates and recruit men from the scheduled castes to the Departments, it was however possible for the Labour Department which is in charge of a Member belonging to scheduled caste to recruit quite a good percentage in the last eighteen months that he has been in office to so many important posts. So far as the report goes, every one of them is doing quite well. So, I suggest that the lack of recruitment of the scheduled classes in the Government service and also in the Railway Board consequently is due in the first place to the lack of interest in the Departments generally, if not as I suggested to positive abhorrence of entertaining the scheduled castes in the various services and also due to the fact that there is no provision made by the higher authorities so far as this recruitment of scheduled castes are concerned. So, I feel that the Railway Board has been lacking in interest. In fact it has been forgetting its duty in the matter of securing representation to scheduled castes in the services. I have already reported once or twice to Col. Wagstaff on the behaviour of M. and S. M. and S. I. Railways where scheduled castes with necessary qualifications apply but they are turned down on some pretext or other.

I suggest that the Railway Board should particularly take care to see that they keep an eye on the various railways in the matter of recruitment of depressed classes. I also suggest that the Railway Board should in the first place, as they have tried in N. W. Railway, set up a service commission for recruitment so that they can take care of the interest of scheduled classes fully. Secondly, with regard to the allegation that qualified candidates do not come forward, I suggest the Railway Board should reserve some three lakhs for giving scholarships for training scheduled caste men in the railway schools and for recruitment to special services. It will also be better that the Railway Board should have an Administrative Officer to look after the scheduled castes. I suppose Col. Wagstaff would look into this question of examining recruitment to all railways and find out whether they have been following the rules laid down for the recruitment of scheduled castes. Sir, I move.

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

"That the demand under the head 'Railway Board', be reduced by Rs. 100."

**Mr. Kailash Bihari Lal (Bhagalpur, Purnea and the Sonthal Parganas Non-Muhammadian):** Sir, I rise to support this motion. Before I speak in support of this motion, I want to make my position quite clear as regards the question of this cut motion which seeks to discuss the non-representation of the scheduled castes in railway services. I am against anything that seeks to perpetuate castes. I am an uncompromising nationalist and I give my support to this motion only because by this measure justice will be done to the down-trodden people and they will be brought to our level. I was, therefore, tempted to speak on this subject even when the cut motion regarding post-war reconstruction was under discussion. But as it is, very few of us sitting on the Nationalist Benches, specially back benches, who are attached to the Nationalist Party get an opportunity to speak. If I had an opportunity to speak on the post-war reconstruction scheme, I would have given the suggestion on nationalist lines. I may remind the House here that I tabled a question suggesting that the railway services should be distributed on territorial or provincial basis and not on caste or communal basis, based on religion, as the Government recognise today. I got an answer from the Honourable Member for Railways that the Government could not recognise that principle but only the communal principle, based on religious denominational lines. I had to bow down as the temper of the country was not opportune. I am certain that in order to regenerate the country, we must act on right lines. (Interruption.) My friend the Pandit is too much steeped in caste to come out of it to regenerate the country. But I think there are others to do so. It is the misfortune of this country that the Government think otherwise when it is a question of building up the nation in this country. I cannot think that those who are running the government of the country are so simple as not to understand the implication of dividing the country on religious or communal basis. They know full well. If they are sincere in this regard they can bring about a state of affairs in the country which will redound to their credit. I wanted to suggest in the post-war reconstruction scheme that once for all they should start on territorial nationalism, a thing that has built up the whole world today and a thing that is the motive power behind all nations of the world today. Without that, we cannot expect to build up any scheme of nationalism in this country. And it is on that line that I would suggest it. It may seem strange that I am supporting the demand of a particular caste. My scheduled caste friends may take a lesson from the state of affairs obtaining in the country. They may have the consolation of forming another group in the country like the Muslim group. In this unfortunate country encouragement is given to the people to form into groups on the religious denominational basis and in course of time these may be Arya Group, Sikh Group and other groups. Our scheduled caste friends are going to be made a party in the triangular shape which the nation is now taking.

**Seth Yusuf Abdoola Haroon (Sind: Muhammadan Rural):** The Honourable Member should remember that Muslims are not a group but a nation.

**Mr. Kailash Bihari Lal:** Yes, and I hope you will soon wake up to find yourself a part of the Hindu nation.

**An Honourable Member:** Also Sir Edward Benthall.

**Mr. Kailash Bihari Lal:** He may adopt this country and become a Hindu. The European Superintendent of Police in my district told me, "I am a Hindu". Anyway, the scheduled caste people are a part and parcel of the Hindu nation and I feel that they have been suppressed and their rights have been suppressed and we owe a duty to them to raise their status. I do not support them because they are a separate caste but because they as Hindus deserve our support. I suggest that Government should have some convention or instrument of instructions under which people who are responsible for making appointments should help them. Sir, I support the motion.

**Sir F. E. James:** Sir, I should like to support the plea of my Honourable friend, Rao Bahadur Siva Raj. I know from personal experience how difficult it is to secure employment for a member of the scheduled castes even when that person has the requisite qualifications. I know that young men belonging to these castes who appear before Public Service Commissions, on which their community is not generally represented, go into the room where they are to be interviewed with the feeling that the scales are weighted against them. That is a fact; I have been told of that by young men whose cases I know individually. I also know that even on railways where advertisements have been issued for appointments which may be reserved for members of the scheduled castes, applications have been received and then a statement made that no suitable candidates are forthcoming. In two cases I know suitable candidates were actually forthcoming and did apply. I do not want to say too much about it, but I do want to ask the Railway Member what steps his administration can take,—I realise it is very difficult for him,—to ensure that these applicants are treated just as other applicants are treated for similar posts. I am afraid it is a disagreeable fact that in many circles, not excluding my own community, there is an almost inherent prejudice against applications coming from this particular community. The scales are weighted against them, and it is no use our blinking the fact that they are definitely weighted against them. Therefore it requires all the more special care that every possible hindrance should be removed from their way when they do have the requisite qualifications. There are certain departments of railways, just as there are certain departments of other sections of Government service, which are of course dominated by Hindus of a very much higher status in the Hindu hierarchy. I have been told,—and I am now speaking specially of South India,—that in many cases it is useless for any member of the scheduled castes to apply for a particular post even though it may be reserved for that community, because the officer responsible for the appointment to that post will take every step to indicate that the applicants do not come up to the requisite standard.

**Mr. Jamnadas M. Mehta:** Just as Englishmen do about Indians.

**Sir F. E. James:** Yes; I am not suggesting for a moment that we are not guilty of the same sort of thing. But I am merely urging that what my Honourable friend, Rao Bahadur Siva Raj, has said is, in fact, perfectly true, as I can testify from personal experience. I do put it to the Honourable the Railway Member that the members of the scheduled castes not only deserve on humanitarian grounds every possible consideration in this matter but also deserve that consideration for the services which they have rendered in the past and are rendering today, particularly in connection with the war effort.

I was glad to see the other day that His Excellency the Viceroy and the Governor of Madras visited a camp in South India, not far from Coimbatore, a camp I had the pleasure of visiting not long ago. Between 60 and 70 per cent. of this camp are drawn from the community which my Honourable friend is representing in this House. That is just one indication of the willing and glad services which this community has been rendering to India in the war effort.

On these grounds I suggest that very special consideration is due to these people and I hope my Honourable friend, the Railway Member, will do all he possibly can to meet the complaints brought forward by my Honourable colleague in front of me.

**Mr. Hooseinbhooy A. Laljee (Bombay Central Division: Muhammadan Rural):** Sir, I rise to support the cut motion that my Honourable friend, the Rao Bahadur, has moved. From the facts that he has placed before the House it is clear that it is definitely a case which requires a very serious consideration. The facts which my friend, Sir Frederick James, has placed before the House make the position still worse. In fact, according to Sir Frederick James, we find that even in the case of the highest Selection Board there is a prejudice prevailing against this community or there prevails communal outlook. It cannot be denied that not only in India but even outside there is an element in the human mentality which favours its own community. We have often seen that amongst the European gentlemen, at least in India and sometimes even in

[Mr. Hooseinbhoy A. Lalljee.]

England, there is a class known as Bara Sahibs and there is an ordinary labouring class and some differences do exist between the two but they are nothing so acute as or of the kind that often exists in India. Sir, it is very rare that I get up for communal or caste representation. I know that it is human for everybody, including myself and the other Honourable Members in this House, to do something first for our own community. Nobody can deny that, such a fact does exist.

**Dr. P. N. Banerjee:** Not always.

**Mr. Hooseinbhoy A. Lalljee:** Please admit that it does exist, although the extent to which it exists is a different matter. So, we ought not to be satisfied by merely saying that we shall look after so-and-so. There must be a responsible body of people or the Government whose duty it should be to treat all the classes of people alike. We often hear in these days that the rights of minorities belonging to various castes and creeds are not looked after and this is often trotted out. For what purpose this is done? Many people have great doubt that it is done in the interests of Indians or of India as a whole. All the same, when such things are being trotted out, it is but fair and equitable that the Government of the country should look after the interests of all people alike and it is the bounden duty of the Government to help those who are in poor circumstances or who are handicapped by the fact that they have not got sufficient representation in the higher quarters which will help them to come up. So far as the scheduled classes are concerned, both these facts do exist. Because they are poor, they have not been able to get proper education. Furthermore, as it has been said, in the Selection Boards, unfortunately for them, there are persons who would naturally and humanly look to their own people in the first instance. The only independent party must be Government of the country, whether it is the Congress Government or the League Government or the British Government. I would not say, the same about all European Governments, although my British friends always like to call themselves Europeans. They often say and act as representing every European. Every European, therefore, is their partner or their own people so far as the Asiatics are concerned or so far as, if I may say so, this country and its people are concerned. As somebody said the other day, this Government consists of firstly, those who come to do business in this country and then of all the Europeans. Be that as it may, it is the bounden duty of the authority in power, so long as they claim to tax the people, to look after the interests of all those who also are poor and, therefore, are entitled to and require most help. That is the bounden duty of every good Government.

I hope, Sir, from the facts that my Honourable friend, Rao Bahadur Siva Raj, has placed before us it is amply clear that neither the Government nor these benches . . . . .

**Dr. P. N. Banerjee:** Except these benches.

**Mr. Hooseinbhoy A. Lalljee:** I include these benches also. Who can take the credit for the fact that in all the services and more particularly in important services, from the stage of clerks upwards, there are very few or practically none of the depressed classes, remembering that their number is not less than 5 or 6 crores? My friend was telling us that we should arrange on territorial and provincial basis. But the fact is 90 per cent. people of a province remain in a province and serve or get services in the same province, whether it be Government service or private service. Very few go outside their province. Besides the Government, as regards the Railways, the Municipalities and other employing agencies, the complaint is there and it is a right one and we have got therefore to see that those in authority, whether they are local boards, municipalities, Local Governments, the Railways or the Government as a whole, do look after the interests of all classes and particulars of these persons. If you like, let them be not called scheduled classes. Let them be known as Muslims or Europeans. But they are the people who do require the help of the State, just as a sick man needs medical relief. From that point of view, which is the

strict humanitarian point of view, it is the duty of every Government to help them and we find that for long they have not done so. We are all to blame for it and I hope the Honourable the Railway Member will kindly make it one of his important duties to see that this injustice is put right as soon as possible, and class difference is done away with.

**Mr. Piare Lal Kureel** (Nominated Non-Official): Mr. Deputy President, I did not like to speak today as I am not feeling well, but when I heard the speech of my honourable friend, Mr. Kailash Bihari Lal, I thought it my duty to say a few words.

It is a well known fact that the representation of the scheduled castes in the Government services is notoriously inadequate. I can say that it is almost negligible. Everybody knows that and I do not want to explain that more elaborately. My Honourable friend, Rao Bahadur Siva Raj, has given ample proof that their representation in Government services is very inadequate. Their cases are often rejected. They are not given due representation in Government services. I can give many instances where the cases of the depressed class candidates are rejected under the made-up excuse of incompetence. The Government often say that suitable scheduled caste candidates are not available. That is a lame excuse. There are many suitable candidates who are rejected on one ground or the other, and in fact it is very easy for the Government to reject the candidates belonging to the scheduled castes because they have no voice of their own. The people around them either belong to the caste Hindus, or the Muslims or other communities.

Let me quote the instance of my brother, Mr. Nand Lal. He graduated from the Forman Christian College, Lahore and secured a high position throughout the whole province. He applied for an Emergency Commission just after the outbreak of the war. He had worked in the U.T.C. for more than 2 years. He was awarded a medal for efficiency and for cent per cent. attendance in camps and in parades. He was a member of the War Propaganda Committee of his district. He was also a member of the recruiting committee and was awarded certificates of meritorious war services. He was a member of the Civic Guard (order division). He has a very good physique. But when he applied for a commission, the reply he received was that if he wanted a Viceroy's Commission, the Government were ready to consider his application, otherwise not. He has many qualifications, and if I give those qualifications one by one it will take much time.

Sir, the candidate whose father served the British Government for 33 years in the Military Department and was awarded many war medals and was given a title for gallant and distinguished services in the field, and one of whose brothers is still a prisoner in Japanese hands, is not allowed an Emergency Commission. Now he is 2nd Lieutenant in the Civil Pioneer Force.

I can quote many instances to the effect that the scheduled caste candidates receive no consideration from the Government. They are rejected on the made up excuse of incompetence and physical unfitness. They have already suffered a lot at the hands of the caste Hindus and now if the Government are going to adopt the same repressive policy and is not going to consider their cases, I think their condition can never be improved and the Government will be accused of gross negligence by the future generations.

Now, here is my Honourable friend, Mr. Kailash Behari Lal, who says that the Hindus are doing a lot: who says that we are members of the Hindu society? They always say that. But let us test it and see whether we are members of the Hindu society. He says that we are members of the Hindu society but at the same time we are denied the most elementary rights of being members of the Hindu society.

**Pandit Lakshmi Kanta Maitra:** Who denies it?

**Mr. Piare Lal Kureel:** You deny it. You say we are members of the Hindu society and are equal. How many of you have given your daughters to the untouchables in marriage—I mean the literate untouchables, and how many of you have the courage to do so now? If you think we are mentally weak, let



[Mr. Piare Lall Kureel.]

there be a competitive examination. If you think we are physically weak, let there be a medical examination. We are equal, why any hesitation in doing so?

**Pandit Lakshmi Kanta Maitra:** Does my Honourable friend want jobs or daughters?

**Mr. Piare Lall Kureel:** What is the use of saying that we are members of the Hindu society when you are acting like this.

**Mr. Deputy President (Mr. Akhil Chandra Datta):** Please address the Chair.

**Mr. Piare Lall Kureel:** Sir, there is no animosity or personal remark. Rao Bahadur Siva Raj has given enough figures and I will say only this much that the Government should consider their cases and that they should be given due representation in Government services. I support the motion moved by my Honourable friend, Rao Bahadur Siva Raj.

(Babu Baijnath Bajoria, at this stage, rose in his seat.)

**Mr. Deputy President (Mr. Akhil Chandra Datta):** I think it is almost time for the Honourable Member.

**The Honourable Sir Edward Benthall:** Up to 4.15 p.m.

**Mr. Deputy President (Mr. Akhil Chandra Datta):** Mr. Bajoria.

(Babu Baijnath Bajoria rose and resumed his seat and rose again without speaking.)

I am afraid Mr. Bajoria has lost his right to speak. I call upon Mr. Qaiyum.

**Mr. Abdul Qaiyum (North-West Frontier Province: General):** I wish to say this much on behalf of my Party that we are in the fullest sympathy with the cut motion which has been moved by Rao Bahadur Siva Raj. At the same time there are one or two things to which I wish to draw pointed attention. I was rather amused to listen to the speech of my learned friend, Sir Frederick James.

**Mr. Jamnadas M. Mehta:** He is not learned but rich.

**Mr. Abdul Qaiyum:** He is both learned and rich. He made a very learned speech in which he tried to sympathise with the scheduled classes. For some years we have seen a sort of change coming over the European elements in India and they have suddenly taken to like and have great regard and affection for the scheduled classes. They have been living in this country for quite a long time—about 200 years—and it is really a very interesting historical fact that throughout these 200 years they were parties to the exploitation and suppression of the scheduled classes in India. Not only that, but their conduct in India is proof positive of the fact that they are as much guilty as any caste Hindu as far as representation of the scheduled classes is concerned.

It is all very well to say take this much from the caste Hindus and that much from the Muslims and give it to the scheduled classes. But is Sir Frederick James conscious of the fact that his community which can be counted on one's fingers' tips—and a drop in the ocean as far as the Indian population goes—has monopolised all the best jobs in India? Why does he not set an example by advising his community to forego all the jobs they are holding at the expense of the people of this country? Let him set an example.

There is another thing. There are so many European firms in India. Let us see what these European firms have done for the scheduled classes. Will they look at the list of scheduled class men they have employed? Have they not got a weakness for the caste Hindus? All this shows that this sympathy with the scheduled classes has got a political motive. You are out to create another class in India; it is your duty to divide the people in this country. Therefore your words of sympathy will have no effect. I hope, on Rao Bahadur Siva Raj and those representing the scheduled classes in this House. You are out to divide and rule. The thing is absolutely clear to anyone. I want to know from the Government Member who is responsible for the fact that the scheduled classes have been denied all the facilities for proper education and uplift throughout these two hundred years of British rule in India? Who is responsible for the under-representation of these classes in the Government services? Certainly the Government of India, who firstly did not educate them,

and secondly, did not give them jobs. They are out simply to give the best jobs to their own kinsmen, namely, the Europeans, who monopolise all the higher jobs. Our sympathy is the sympathy of one Indian towards another Indian. We are very sorry for the deplorable condition of the scheduled classes in India and we wish them the best of luck in the efforts which many honest and public-spirited people are making in this country to raise them, so that they may become useful and helpful members of the Indian nation now in the making. But as far as the sympathy of the Europeans is concerned, we know that their conduct gives the lie direct to the words which are uttered by them on the floor of the House.

**Mr. Jamnadas M. Mehta:** Quite right.

**Mr. Abdul Qaiyum:** I support the motion.

**Mr. Deputy President (Mr. Akhil Chandra Datta):** Sir Cowasjee Jehangir.

**Babu Baijnath Bajoria:** On a point of order, Sir: I understand that you ruled that I had lost my right of speech probably because I understand that you called me and I did not stand up to speak.

**Mr. Deputy President (Mr. Akhil Chandra Datta):** Quite.

**Babu Baijnath Bajoria:** But I could not hear. Another point was that when Mr. Abdul Qaiyum, who is the Leader of the Congress Party, stood up at the same time when I did, I thought it was the convention of the House that when the Leader of any Party stands up, he gets the first chance to speak, and so I sat down. So I think I do not lose the right to speak.

**Mr. Deputy President (Mr. Akhil Chandra Datta):** I am afraid all this is academic discussion now. Having regard to the time-limit given to his party, I am afraid it is time for the Honourable the War Transport Member, if he agrees to get up; but there is still time.

**The Honourable Sir Edward Benthall:** The Government member is prepared to reply at 4 O'clock.

**Sir Cowasjee Jehangir:** I will only speak for five minutes.

**Mr. Deputy President (Mr. Akhil Chandra Datta):** All right Mr. Bajoria.

**Babu Baijnath Bajoria:** Sir, I thank you for giving me this chance of speaking. I had no intention whatever of intervening in this debate, but for the fanatical speech of the member, Mr. Piare Lall, who spoke before the Deputy Leader of the Congress Party. He had no business whatsoever to abuse the Hindu religion in the way in which he did; and he had no business whatsoever to abuse the caste Hindus in the way in which he did. The question before the House was a very simple one. Rao Bahadur Siva Raj wants some loaves and fishes; I on my part would never grudge him that. But I find Mr. Piare Lall in his speech is not satisfied with loaves and fishes, but he wants the daughters of caste Hindus. I would ask the Railway Member whether he can provide him with those daughters.

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

I am very sorry that this contagion of communal and caste representation in the services has also affected my friends of the scheduled castes. In the services, in my opinion, we should have a fair field and no favour. First of all, you must deserve and then desire. Even if the scheduled castes and our Muslim friends get all the posts in the services I would not object if they are fit for it. But if they are not fit, if they want these posts only by virtue of their being members of the depressed classes or members of this community or that community, I will certainly object to that. If deserving members of the scheduled castes can stand their own in competitive examinations, I have got no objection that they should be given posts; their caste should not be a barrier to their getting posts; but it should not also be a privilege to get posts.

**Mr. N. M. Joshi:** The question may now be put.

**Col. H. W. Wagstaff (Government of India: Nominated Official):** Sir, my Honourable friend, Rao Bahadur Siva Raj, when he was moving this motion quoted two documents; one was the annual report for 1942-43 and the other

[Col. H. W. Wagstaff.]

was the Resolution of the Government of India of August, 1943. The document detailed what the Government proposed to do in this matter of reservation for scheduled castes in the future, and therefore nothing in that resolution can be reflected in the first document which pertains to 1942-43. But the annual report shows what the present position is. The present position is roughly this: in the railway service,—state-owned railways,—roughly 14.8 per cent. railway servants come from the scheduled castes. Now, the population ratio is in the neighbourhood of 12.75 per cent.; so that it cannot be said as far as numbers are concerned that the scheduled castes do not have a fair share of railway service. (Interruption.) My friends ask and ask rightly, what about the higher appointments? It is naturally a very pertinent question. The figures are these. In inferior service, the percentage is 17.5 while in regard to the subordinates it is only 1.4. As inferior servants are very much more numerous than the subordinates, naturally they have more effect on the overall percentage: very roughly an inferior servant is one who is on a scale of pay of less than Rs. 30 per month.

**Sir Syed Raza Ali** (Cities of the United Provinces: Muhammadan Urban): I take it mostly they are sweepers.

**Col. H. W. Wagstaff:** No. There are many inferior servants, yard staff, for instance, who are not sweepers, and sweepers are really only an inconsiderable number of the total of inferior servants. Now, that is the position as reflected in the present annual return. The position as we hope it will be eventually is foreshadowed in the Resolution of August, 1943 to which my Honourable friend drew attention. In that Resolution Government decided to make a specific reservation of 8½ per cent., in, as far as railways are concerned, subordinate as well as gazetted service. That was issued in August and it was necessary for the Railway Board to decide upon individual percentages which would be applicable to each railway so that railways as a whole should fill an overall 8 1/3 per cent. of the vacancies so long as qualified candidates were forthcoming. In order to do that, the varying population ratios in various parts of the country have to be scrutinised and co-related with the mileage of individual railways in various provinces in order to arrive at a specific reservation ratio for each railway. That has been done and instructions have been issued that railways in recruitment to subordinate grades shall work to that ratio and reserve that percentage of posts for the scheduled castes, which will, on railways as a whole, if qualified candidates are available, amount to 8 1/3 per cent. of the total intake of candidates to fill the vacancies in subordinate ranks. These subordinate ranks include apprentice mechanics where the railway provides the technical education. These orders will only be reflected in the figures for 1944-45, but the Railway Board will endeavour to ensure that the actual percentage is achieved—I say, will endeavour to see that it is achieved, because fundamentally it must depend upon qualified candidates being available. Now, Sir, the mere allocation of a specific percentage to this community, it is hoped, will stimulate the scheduled castes so that they will be able to present the requisite number of candidates. In the Resolution to which I have referred the age limit has been extended in regard to scheduled castes by three years to give an opportunity for those scheduled castes members to achieve the requisite academic qualifications when such are laid down. Also as far as their financial position is concerned, any fees which are chargeable are to be reduced to a quarter. I can only say that the Railway Board will do their best to see that the principles laid down by Government in this Resolution of August, 1943 are as far as railway labour is concerned implemented.

**Rao Bahadur N. Siva Raj:** What about my suggestion regarding the giving of scholarships to at least sons of railway servants?

**Col. H. W. Wagstaff:** As I have said, in regard to certain technical grades the railways already provide the education at a very small cost, and although it will be considered, I am doubtful whether at the moment we could go beyond

what is laid down in this Resolution. But the mere presence of this specific reservation should stimulate the scheduled castes to acquire the requisite qualifications. I hope in view of what I have said the Honourable Member will be pleased to withdraw his cut motion.

**Rao Bahadur N. Siva Raj:** In view of what my Honourable friend, Col. Wagstaff, has said with reference to my cut motion, I beg leave of the House to withdraw that motion.

**Mr. President** (The Honourable Sir Abdur Rahim): Has the Honourable Member leave of the Assembly to withdraw his cut motion?

**Some Honourable Members:** No.

**Mr. President** (The Honourable Sir Abdur Rahim): I understand there is objection. The question is:

"That the demand under the head 'Railway Board', be reduced by Rs. 100."

The motion was negatived.

**Mr. President** (The Honourable Sir Abdur Rahim): If Honourable Members will not carry on conversation loudly while I am putting the question, business will be better transacted. Have the Independent Party any more motions?

**Mr. Hossainbhai A. Lalljee:** We have no more motions.

**Mr. President** (The Honourable Sir Abdur Rahim): I take it, then, that unattached Members will move their cut motions.

*Extension of Compulsory Provident Fund to all Railway Employees.*

**Mr. N. M. Joshi:** Sir, I move cut motion No. 18.

"That the demand under the head 'Railway Board', be reduced by Rs. 100." The object of this cut motion is to demand the extension of the Compulsory Provident Fund for all railway employees. Sir, the policy which the Government of India has been following in the matter of the treatment given to their lowest class of employees has been described by me on various occasions as being topsy-turvy, unfair and unjust. The Government of India try to protect the interests of their better class employees or those classes of employees who are better able to protect their interests and neglect the interests of those who are poorest and who are the least able to protect their interests themselves. This is illustrated by what the Government of India does in the matter of providing provident funds for their employees. I do not know why the Government of India should make any discrimination, least of all discrimination against their poorest class of employees in this matter. The Honourable the War Transport Member was good enough to say that all classes of railway employees had worked during the period quite efficiently and loyally and I expect him to be loyal to all classes of railway employees, not only loyal to the better classes of employees, who are in a better position. In the matter of the provident fund, the Government of India has provided for a compulsory provident fund for all those railway employees who get more than Rs. 20 per month. The Government of India at present is employing more than 700,000 employees and those who are given the benefit of the compulsory provident fund, I think, number about 160,000 or between 160,000 and 200,000. I do not know the exact figures. That is nearly one-fourth of them get the benefit of the compulsory provident fund and 75 per cent. are not given the benefit of the compulsory provident fund. After a good deal of agitation, the Government of India have recently altered their rules for the provident fund twice, once in 1941 and again in 1942, with the result that the poorest classes of employees are given the option of being members of the provident fund. In giving even that option, they have not given option to all. The Government of India rule, if I understand it rightly, is that those who get less than Rs. 20 and Rs. 15 have the option—all of them—to be members of the provident fund but those employees who get less than Rs. 15 cannot get even the option of being members of the provident fund unless they have put in ten years' service. I do not know why the Government of India have made this discrimination in the case of those employees who get less than Rs. 15. In the first place, those who get less than Rs. 15 and have not put in ten years service do not get the benefit at all and in the second place those who get less than 20 and have put in ten years service get only the option. In the matter of this option, I must state

**Mr. President** (The Honourable Sir Abdur Rahim): I made a mistake because I had not then seen Mr. Jamnadas Mehta rise in his seat.

**Mr. Jamnadas M. Mehta:** I was also standing.

**Mr. Lalchand Navalrai:** If you had asked me, I would have resumed my seat. Sir, I am one of the senior Members of this House . . . . .

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

**Mr. Lalchand Navalrai:** Under the circumstances, I do not want to speak on this cut motion.

**Sardar Mangal Singh (East Punjab: Sikh):** Sir, I wholeheartedly support the motion so ably moved by my Honourable friend, Mr. Joshi. He has made out a very strong case for this small mercy for the low-paid railway employees. It is no political controversy. It is simply a human question, and this time at least I hope that the Railway Member, or as he is anxious to call himself, the War Transport Member . . . . .

**Mr. Jamnadas M. Mehta:** He is not anxious; the Viceroy is anxious.

**Sardar Mangal Singh:** . . . . . he will at least get up this evening and say that he accepts Mr. Joshi's amendment.

Sir, the position is that all railway employees who are paid Rs. 20 or more get the benefit of the provident fund. But the railway employees who get Rs. 15 to Rs. 20 only get the option to contribute to the railway provident fund, and that again if they have put in 10 years previous service. Those employees who are paid less than Rs. 15 do not even get the benefit of this optional contribution to the provident fund. Sir, as my Honourable friend, Mr. Joshi, has rightly pointed out, if any protection is needed it is needed for the low paid employees and not for highly paid officers who get thousands and thousands every month. It is necessary for these poor people to get a few rupees a month so that they can feed and clothe their wives and children. I, therefore, support the motion. At this stage I want to say a few words about my Honourable friend, Mr. Joshi, how very ably and efficiently he is representing his constituency in this House. I invite the attention of other Nominated Members to his conduct in this House, how he represents his interest, while other Nominated Members who are brought to this House particularly to represent certain interests, they sit here with their mouth shut, they do not even open their eyes, but they walk blindfold to the official lobby.

**Mr. President (The Honourable Sir Abdur Rahim):** I do not think the Honourable Member should make such reflections.

**Sardar Mangal Singh:** All right, Sir. I hope, that this motion which does not raise any political controversy will get the support of all sections of the House. If the Honourable the Railway Member does not see his way to accept the motion, I hope the House will pass it by a large majority. Sir, I support the motion.

**Col. H. W. Wagstaff:** Sir, in the first instance, I should like to make it quite clear that the Railway Board regards this liberalisation of the provident fund with very great sympathy and have always done so.

**Mr. N. M. Joshi:** What is the use of sympathy? Action is necessary.

**Col. H. W. Wagstaff:** It is not only sympathy; as I will show later on, they have shown practical sympathy as well. It is a very generous provident fund, it is a contributory provident fund and the bonus is 100 per cent. The worker puts in so much and the Government pays an equal amount and the interest which accrues also goes to the worker at the end of his service. The original rules as they stood in 1941—roughly speaking—made it compulsory for subordinates and optional for workshop staff after three years service; while inferior servants were not allowed to join the fund, although they had a gratuity. Now, my Honourable friend, Mr. Mehta, is quite right in saying that the Railwaymen's Federation have, from time to time, discussed this matter with the Railway Board and when liberalisation was decided upon after discussion with organised labour, it was decided that that liberalisation should take the form other than what was then provided for in the rules, that is, it was decided that all workers with a certain number of years of service should be given the option of joining the

fund. At that time, the question of compulsion had arisen and, of course, my Honourable friend, Mr. Joshi, sees the difficulty in regard to making it compulsory for all inferior servants and, therefore, changes his suggestion into a suggestion for an increase in pay, not of making the provident fund compulsory.

**Mr. N. M. Joshi:** I said both.

**Col. H. W. Wagstaff:** We are discussing subscriptions to the provident fund. To make it compulsory for all those railway servants who did not then have the option, it would cost 72 lakhs. Now, Sir, I readily admit that in these days when my Honourable friend, Dr. Sir Zia Uddin Ahmad, is thinking in thousands of crores as he was the other day, a sum of 72 lakhs may appear a very small sum. But when it was worked out some years ago, it did not seem a small sum, and I am sure, Sir, that a time will come again when 72 lakhs will not appear to be a very small sum. This is a permanent liability. It is not a question of giving a war allowance or anything like that, it is a permanent liability which will always be a debit against railway revenues.

**Sir F. E. James:** Make it voluntary for all.

**Col. H. W. Wagstaff:** Therefore, as I say, at the time when the question was being discussed with the All-India Railwaymen's Federation, although the Federation did press for compulsory subscription the Government was not able to accept that particular facet of the scheme, but in 1941, they issued orders that all railway servants with over 16 years service, who were not under the old rules forced to subscribe or already had the option, should be given the option. That gave 63,000 men the option of joining the fund.

**Sir F. E. James:** Only after 16 years of service.

**Col. H. W. Wagstaff:** Yes, all those who had at least 16 years of service. Now, Sir, the matter was again discussed with the Federation only one year after that, in 1942 and again the Railway Board was able to make an advance. They made an advance in the same direction of using the years of service as the yard-stick and they reduced the years of service which gave the worker the option of joining the fund. They reduced the number of years to ten years. That brought in another 186,000 men.

**Mr. N. M. Joshi:** How many actually joined?

**Col. H. W. Wagstaff:** In the first nine months after the first advance was made, we know that 22,000 men joined out of 63,000. But you must remember that those 63,000 men always have the option. They can join at any future date. It is not surprising that just at the present time no great number of workers will exercise that option, but it does not say that they will not exercise the option in the future when they are in a better position to do so.

**Sir Cowasjee Jehangir:** The later they join, the less advantage they derive. Is it not so? You make them join after 16 years of service. The benefit has already lapsed for ten years. There is not much advantage in joining after 10 or 16 years. The advantage comes in immediately on joining.

**Col. H. W. Wagstaff:** I think, not, Sir, because when a man has short service, he is drawing small pay and the percentage he pays to the provident fund will be small. As a matter of fact a man reaps the greatest benefit from the provident fund during the last years of his service. If he is drawing small pay, very little accrues in the provident fund. That, Sir, is the position. As far as action has been taken, there have been these two liberalisations of this fund so that whatever the category of worker, if he has got more than ten years of service, he has the option of joining this very generous provident fund.

Now a short time ago the question was further discussed again with the All-India Railwaymen's Federation. The first liberalisation was in 1941, the second in 1942, and it was last year, in 1943, that this question was again discussed with the Federation. I am authorised to say that Government feel that they can make a further advance. First it was 16 years, then it was brought down to 10 and now another advance will be made. I cannot at present say exactly what that advance will be, but having regard to the history of this question in the last three or four years I do not think it can be said that

[Col. H. W. Wagstaff.]

the Railway Board and Government have not listened to the representations of organised labour and considered this question in a sympathetic manner.

**Mr. Jamnadas M. Mehta:** Too slow.

**Col. H. W. Wagstaff:** My Honourable friend may think it is too slow but in the last two years we have made an enormous advance and somewhat over 2,00,000 men have been given the option. I do not think it can be said that Government's attitude has been unsympathetic.

**Sir Cowasjee Jehangir:** Will my Honourable friend explain what gratuity they get?

**Col. H. W. Wagstaff:** The gratuity depends on their pay at the time they leave service; it is half a months pay for each year of service.

**Mr. N. M. Joshi:** Others get that gratuity also.

**Col. H. W. Wagstaff:** Yes. I hope in the circumstances Mr. Joshi will agree to withdraw his motion.

**Mr. N. M. Joshi:** No, Sir; I consider this reply to be entirely unsatisfactory and I should like the House to declare it unsatisfactory.

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

"That the demand under the head 'Railway Board', be reduced by Rs. 100."

The Assembly divided:

AYES—43.

Abdul Ghani, Maulvi Muhammad.  
Abdul Qaiyum, Mr.  
Abdullah, Mr. H. M.  
Anthony, Mr. Frank R.  
Azhar Ali, Mr. Muhammad.  
Bajoria, Babu Baijnath.  
Choudhury, Mr. Abdur Rasheed.  
Choudhury, Mr. Muhammad Hussain.  
Dam, Mr. Ananga Mohan.  
Das, Mr. B.  
Deshmukh, Mr. Govind V.  
Essak-Sait, Mr. H. A. Sathar H.  
Gupta, Mr. K. S.  
Habibar Rahman, Dr.  
Hegde, Sri K. B. Jinara.  
Hoamani, Mr. S. K.  
Imail Khan, Hajee Chowdhury Muhammad.  
Joshi, Mr. N. M.  
Kailash Bihari Lall, Mr.  
Krishnamachari, Mr. T. T.  
Lahiri Chaudhury, Mr. D. K.

Lalchand Navalrai, Mr.  
Lalljee, Mr. Hooseinbhoi A.  
Liaquat Ali Khan, Nawabzada Muhammad.  
Mangal Singh, Sardar.  
Mehta, Mr. Jamnadas M.  
Misra, Pandit Shambhudayal.  
Naidu, Mr. G. Raggiiah.  
Nairang, Syed Ghulam Bhik.  
Nauman, Mr. Muhammad.  
Neogy, Mr. K. C.  
Pande, Mr. Badri Dutt.  
Piare Lal Kureel, Mr.  
Raza Ali, Sir Syed.  
Sham Lal, Lala.  
Siddique Ali Khan, Nawab.  
Siva Raj, Rao Bahadur N.  
Srivastava, Mr. Hari Sharan Prasad.  
Subbarayan, Shrimati K. Radha Bai.  
Umar Ali Shah, Mr.  
Yamin Khan, Sir Muhammad.  
Yusuf Abdoola Haroon, Seth.  
Zafar Ali Khan, Maulana.

NOES—42.

Ahmad Nawaz Khan, Major Nawab Sir.  
Ambedkar, The Honourable Dr. B. R.  
Benthall, The Honourable Sir Edward.  
Bewoor, Sir Gurunath.  
Bhagchand Soni, Rai Bahadur Seth.  
Caroe, Sir Olaf.  
Chapman-Mortimer, Mr. T.  
Chatterji, Mr. S. C.  
Daga, Seth Sunder Lall.  
Dalal, Dr. Sir Ratanji Dinshaw.  
Dalpat Singh, Sardar Bahadur Captain.  
Gwillt, Mr. E. L. C.  
Habibur-Rahman, Khan Bahadur Sheikh.  
Haidar, Khan Bahadur Shamsuddin.  
Imam, Mr. Saiyid Haidar.  
Inskip, Mr. A. C.  
Imaiel Ali Khan, Kunwer Hajee.  
James, Sir F. E.  
Jawahar Singh, Sardar Bahadur Sardar Sir.  
Jehangir, Sir Cowasjee.  
Khare, The Honourable Dr. N. B.  
Krishnamoorthy, Mr. E. S. A.  
The motion was adopted.

Kushal Pal Singh, Raja Bahadur.  
Lawson, Mr. C. P.  
Maxwell, The Honourable Sir Reginald.  
Miller, Mr. C. C.  
Muazzam Sahib Bahadur, Mr. Muhammad.  
Mudaliar, The Honourable Dewan Bahadur Sir A. Ramaswami.  
Ogilvie, Sir Charles.  
Raisman, The Honourable Sir Jeremy.  
Richardson, Sir Henry.  
Roy, The Honourable Sir Asoka.  
Shahban, Khan Bahadur Mian Ghulam Kadir Muhammad.  
Spencer, Sir George.  
Srivastava, The Honourable Sir Jwala Prasad.  
Stokes, Mr. H. G.  
Thakur Singh, Capt.  
Trivedi, Mr. C. M.  
Tyson, Mr. J. D.  
Wagstaff, Col. H. W.  
Zahid Hussain, Mr.  
Zaman, Mr. S. R.

### Meagre Dearness Allowance to Railway Workers.

**Mr. Jamnadas M. Mehta:** Sir, I beg to move:

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

I am making a plea to the Railway Board for a substantial increment in the payment of the dearness allowance to the railway workers. We have left the big controversies behind and now I call upon the humanity, justice and the fairness of the Railway Board to look after the workers who have loyally served them during the last 4½ years of war and many more. Sir, if you will go through the speeches of the Honourable the War Transport Member in this House and the speeches made in the Council of State by Sir Leonard Wilson, you will find that these speeches are punctuated off and on with a generous tribute to the work of railwaymen. In closing his speech in the Council of State, Sir Leonard Wilson said:

"I trust that Honourable Members of this House will agree with the way in which railwaymen have stuck to their work and the way in which most of their unions have encouraged them to do so are commendable."

This is coming from the Chief Commissioner of Railways. The Honourable the Railway and War Transport Member goes even further and he has given us compliments after compliments and has looked to us for further effort in the years to come. We have responded with alacrity. During the last 4½ years the railway workers have worked hard for several hours a day. But I am sorry to say that whenever the question of giving them something which will meet the necessities of life for the railwaymen, their wives and children has been brought forward, the recognition given to their claims has been very tardy. It is now 4½ years. Everybody knows that the cost of living has increased somewhere between 300 to 400 per cent. I will take the moderate figure of 300 per cent. Supposing a humble railway worker was getting Rs. 50 in the year 1939 and was able to carry on with a very poor standard of life on Rs. 50 a month in that year. At today's prices for living that low standard, he will require at least Rs. 150. I say this because in the budget of the railway worker none of these consumption goods, about which we have heard so much, enter into the consideration. Nearly 60 per cent. of his family budget consists of food and the rest consists of a house, clothing and a few miscellaneous articles. Therefore, the standard of the railway worker does not include any of the consumption goods about which we heard so much. The standard is so low that all that he really gets, even in better times, is the barest necessities of life. Therefore, when prices rise, his cost automatically rises. It is not that he wants goods which are not to be had. He wants goods which are available. There is nothing in the budget of the poor railway worker which requires any costly imported goods. The Railway Board has made a list of 18 articles, every one of which is very necessary, very meagre and a very poor item of expenditure. Every one of those items is obtainable in India. It is a mere question of cost and not a question of shipping difficulties or import difficulties. Nothing of the kind. He wants salt, he wants chillies, he wants vegetables, he wants milk, he wants soap, he wants sugar, he wants cloth, he wants kerosene, he wants fuel and he wants food. There is no item of luxury there. It is the difficulty of having no money in his pocket that prevents him buying these articles. Therefore, the Railways themselves undertook that they will supply these 18 articles at the cheap rates. This was promised more than 12 months ago, and we know to our cost that except 6 or 7 articles, in spite of the shops having gone up to 500, the major portion of the barest necessities of life are not supplied. They are to be purchased in the black market or at the market rate in the city of Delhi, Bombay, Madras or any other place.

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

The Assembly then adjourned till Eleven of the Clock on Saturday, the 26th February, 1944.



# LEGISLATIVE ASSEMBLY.

Saturday, 26th February, 1944.

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

## STARRED QUESTIONS AND ANSWERS.

### (a) ORAL ANSWERS.

#### UNFILLED VACANCIES RESERVED FOR MINORITY COMMUNITIES.

248. \*Mr. Lalchand Navalrai: (a) Will the Honourable the Home Member be pleased to state whether it is a fact that on or about the 15th July, 1938, the Government of India were pleased to make clear by a circular letter how the balance of unfilled vacancies reserved for minority communities is to be carried over to the subsequent years?

(b) Is it a fact that the posts were divided into two classes, i.e.,

(i) those to which recruitment is made on the result of a competitive examination; and

(ii) those to which recruitment was made by selection?

(c) Is it a fact that the balance of unfilled reserved vacancies under part (b) (i) above is to be carried over for one year only, and that the vacancies coming under part (b) (ii) above, were to be filled temporarily? If so, why was no time limit laid down?

(d) Is the Honourable Member aware that the process of filling up posts temporarily has continued for very long terms in several Government Departments to the great detriment of the officiating employees?

(e) Do Government propose to fix the same common limit of one year for the balance of unfilled reserved vacancies for minority communities being carried over in both cases referred to in part (b) above? If not, what other relief do Government propose to give to employees of other than minority communities officiating for very long terms? If not, why not?

The Honourable Sir Reginald Maxwell: (a) Yes.

(b) Yes.

(c) The reply to the first paragraph is in the affirmative. It was not then considered necessary to impose any time-limit in regard to posts, recruitment to which is made by selection.

(d) I have no information on the point.

(e) The question is under consideration and orders will be issued shortly.

#### POLICE VERIFICATION REPORTS IN CASE OF BENGALI RECRUITS TO DEFENCE FORCES.

249. \*Seth Sunder Lal Daga: (a) Will the War Secretary please state whether it is a fact that, generally speaking, Bengali recruits for most of the categories in the Indian Defence Forces, even if otherwise satisfactory, cannot be enrolled unless there is a satisfactory Police Verification Report as a condition precedent thereto?

(b) Is it a fact that it ordinarily takes two months or more before a Police Verification Report is available?

(c) Is it not a fact that such delay is adversely affecting the recruitment of Bengalis?

(d) Has any action already been taken to expedite the receipt of the Police Verification Report? If not, does he propose to take early steps in that behalf?

Mr. C. M. Trivedi: (a) and (b) Yes, Sir.

(c) No, Sir, not to my knowledge.

(d) The answer to the first part of the question is in the affirmative.

Pandit Lakshmi Kanta Maitra: What is the object of this verification?

Mr. C. M. Trivedi: The object of the verification is to ensure that only suitable persons are taken into the army.

Pandit Lakshmi Kanta Maitra: Will the Honourable Member say whether the political antecedents are gone into?

**Mr. C. M. Trivedi:** No, Sir.

**Mr. Govind V. Deshmukh:** Why cannot physical fitness be decided by the medical authorities?

**Mr. C. M. Trivedi:** Physical fitness is decided by the medical authorities but it may be that some of the candidates may have taken part in terrorist or revolutionary movements.

**Pandit Lakshmi Kanta Maitra:** What are the points on which police investigation is called for?

**Mr. C. M. Trivedi:** I think I have already mentioned them. It is essential that the persons concerned should be suitable recruits for the Army.

**Pandit Lakshmi Kanta Maitra:** Will the Honourable Member please explain how he says that political antecedents are not gone into when in the next breath he says that they must not have connections with the terrorist movement?

**Mr. C. M. Trivedi:** I do not understand how the terrorist movement can be regarded as a political movement?

**Mr. Govind V. Deshmukh:** In what sense has the Honourable Member used the word suitable?

**Mr. C. M. Trivedi:** I think I have already answered that.

**Mr. Govind V. Deshmukh:** Does he mean medically suitable or what?

**Mr. C. M. Trivedi:** Physical suitability is decided by medical authorities.

**Pandit Lakshmi Kanta Maitra:** Is it a fact that the association of these candidates with the Congress movements in the past is a disqualification?

**Mr. C. M. Trivedi:** Not that I know of.

#### MEALS OF VEGETARIAN W. A. C (I.)s.

**250. \*Seth Sunder Lal Daga:** Is the War Secretary aware that those W.A.C.(I.)s in the Defence Forces who either by custom, habit or choice are vegetarians, ordinarily have by way of dishes at the two principal meals only bread, butter and a vegetable curry? If so, is it proposed to take action to improve the lot of these ladies, by having a separate table reserved for them and providing them with more suitable dishes within the cost allowable?

**Mr. C. M. Trivedi:** No, Sir. A supply of extra vegetables in lieu of meat, and a supply of rice or *atta* in lieu of bread is made to vegetarian members of the Women's Auxiliary Corps (India). Tables in the mess rooms of Women's Auxiliary Corps (India) hostels are usually capable of accommodating 10 to 12 persons and vegetarians normally sit together.

**Pandit Lakshmi Kanta Maitra:** Is it not a fact that complaints have been made to the Honourable Member's Department that a section of the Corps is seriously handicapped by the food supplied?

**Mr. C. M. Trivedi:** I am afraid I have not been able to catch the Honourable Member's question.

**Pandit Lakshmi Kanta Maitra:** Is it not in the Honourable Member's knowledge that complaints have been made to the Honourable Member's Department that certain sections of the women have been very much inconvenienced by reason of the food supplied?

**Mr. C. M. Trivedi:** I am not aware of those complaints.

**Pandit Lakshmi Kanta Maitra:** Will the Honourable Member take it from me that they have been put to great hardship.

**Mr. President (The Honourable Sir Abdur Rahim):** The Honourable Member is giving information and not asking for it.

**Mr. Govind V. Deshmukh:** Is the supply sufficient to keep them in a fit condition for work?

**Mr. C. M. Trivedi:** Experience has shown that this substitution of rice, vegetables and *atta* for meat and bread to vegetarian members is enough to maintain them in health and strength.

**Mr. Govind V. Deshmukh:** Whose experience?

**Mr. C. M. Trivedi:** The experience of the Corps!

**Pandit Lakshmi Kanta Maitra:** Will the Honourable Member make enquiries to find out whether these women are being inconvenienced?

**Mr. C. M. Trivedi:** Would the Honourable Member kindly let me know in what matters he wants me to make enquiries?

**Pandit Lakshmi Kanta Maitra:** Certainly, I will.

**Dr. Sir Zia Uddin Ahmad:** Are these diets fixed in consultation with the medical authorities?

**Mr. C. M. Trivedi:** Yes, Sir.

#### SHORTAGE OF OFFICERS IN INDIAN ARMY.

**251. \*Mr. K. S. Gupta:** (a) Will the War Secretary please state if it is a fact that there is a shortage of officers in the Indian Army? If so, when is it likely to be made up?

(b) Is the delay of the Burma Campaign due to lack of suitable officers?

(c) Is it not a fact that there is a cry that great injustice is done in the selection of officers for the Indian Army?

(d) Is it not a fact that many Indian officers have acquired very fine military records?

**Mr. C. M. Trivedi:** (a) Yes, Sir, there is a very small shortage, but it is expected to be made up in the fairly near future.

(b) No, Sir. The shortage has no effect whatever on the progress of operations in Burma.

(c) No, Sir.

(d) Yes, Sir.

**Mr. Govind V. Deshmukh:** May I know how this shortage is to be made up?

**Mr. C. M. Trivedi:** The shortage will be made up by additional recruitment.

**Mr. Govind V. Deshmukh:** What are the methods of recruiting this additional number?

**Mr. C. M. Trivedi:** The Honourable Member is perfectly aware that the Indian officers for the Army are recruited through the G.H.Q. Selection Boards.

**Mr. Govind V. Deshmukh:** Is the Honourable Member aware that the present method of selection, which was contemplated to eliminate the wastage, has resulted, as a matter of fact, after selection and after temporary training in wastage of 25 per cent.?

**Mr. C. M. Trivedi:** No, I am not aware of that.

**Mr. Govind V. Deshmukh:** Have any complaints been made by any of the candidates or their guardians to the Honourable Member that this fact has resulted in injustice?

**Mr. C. M. Trivedi:** No, Sir. In fact, the candidates themselves prefer the new system to the old system.

**Mr. Govind V. Deshmukh:** I am referring not to the method of selection, which I myself approve, but this was considered to eliminate this wastage, while it has in fact, after the selection and the preliminary training at some centres, resulted in the wastage of 25 per cent.?

**Mr. C. M. Trivedi:** The time has not yet come to test the results of the new system as regards wastage in the officers' training schools.

**Mr. President (The Honourable Sir Abdur Rahim):** Next Question.  
(Mr. Govind V. Deshmukh endeavoured to continue with his questions.)

**Several Honourable Members:** Order, order.

#### SLOW PROCESS OF BUILDING OF INDIAN ARMY.

**252. \*Mr. K. S. Gupta:** Will the War Secretary please state if there is a justification in the following statement by Major George Fielding Elliot of New York *Herald Tribune* "Fully trained, fully officered, entirely battle-worthy Indian troops are far smaller than one might expect from a nation of almost 400

million. There is not an inexhaustive reservoir of human material in India. The building of an Indian Army of necessity is a slow process."

**Mr. C. M. Trivedi:** I have read the statement from which the Honourable Member has quoted an extract. I have no comments to make on it except that manpower has not so far been a limiting factor in the expansion of the Indian Army.

**Mr. Govind V. Deshmukh:** Is it not a fact that the statement which refers to Indian army is far smaller than one might expect is due to the fact that equipment is inadequate and not that the Indians are not enough in number or not suitable to be trained?

**Mr. C. M. Trivedi:** I am perfectly prepared to agree with the Honourable Member's inference.

#### WANT OF A RADIO STATION IN ANDHRA COUNTRY.

**253. \*Mr. K. S. Gupta:** (a) Is the Honourable Member for Information and Broadcasting aware that there is a deep discontent and dissatisfaction on account of the absence of a Radio Station in the Andhra country comprising of about a dozen districts?

(b) When does he propose to open a Radio Station somewhere in the centre of Andhra Desa to give a free scope for Telugu programmes?

(c) Is he prepared to reserve the Madras Station exclusively for the Telugu programme till such time as a new Radio Station is established in the Andhra Desa, since the Tamil-Nad has a Radio Station of its own at Trichinopoly established about half a dozen years ago?

**The Honourable Sir Sultan Ahmed:** (a) Government are aware of the strong feeling referred to in the question.

(b) The attention of the Honourable Member is invited to the reply given to part (c) of his Starred question No. 412 in the Legislative Assembly on the 28th August, 1938. I may add that the difficulty of obtaining the requisite equipment from abroad in the present war conditions makes it impossible to embark on the installation of a new transmitter.

(c) No, mainly because the Madras Station, situated as it is in the metropolis of the Presidency, must necessarily be cosmopolitan in its programme activities and cannot be expected to cater exclusively for either Tamil or Telugu speaking listeners. I may also point out that the Trichinopoly Station cannot serve the whole of Tamil Nad as it has a limited range of reception and provides a first-class service, within a radius of 50 to 100 miles only.

**Mr. Lalchand Navalrai:** May I know from the Honourable Member when is this difficulty of non-supply of certain materials, which is being expressed every now and then, going to be removed? There are places like Sind and Madras where the radio is very necessary.

**The Honourable Sir Sultan Ahmed:** I am not in a position to answer that question.

**Mr. Lalchand Navalrai:** The Honourable Member may not be an astrologer or a prophet, but then, what I mean to say is this: What are the difficulties in the first place? If you cannot import anything say whether they could not be done by any other means?

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

**Pandit Lakshmi Kanta Maitra:** In view of the fact that there have been representations from the Telugu people, will the Honourable Member consider the question of giving greater scope in the matter of broadcasting in Telugu?

**The Honourable Sir Sultan Ahmed:** That question has been present in my mind and I have been giving full attention to it.

**Pandit Lakshmi Kanta Maitra:** My point is that representation had often been made to the Honourable Member for this.

**The Honourable Sir Sultan Ahmed:** I have considered that and I cannot say anything more.

**NON-SUPPLY OF BOMBAY CHRONICLE, ETC., TO SARDAR SARDUL SINGH CAVEESHAR**

**254. \*Qazi Muhammad Ahmad Kazmi:** Will the Honourable the Home Member be pleased to state:

(a) whether it is a fact that Sardar Sardul Singh Caveeshar, who is being detained as a security prisoner in the Sub-Jail of Dharamsala (Kangra) is not allowed to receive his copy of the *Bombay Chronicle* by the Jail authorities;

(b) whether it is a fact that copies of the *Bombay Chronicle* sent to him in the Jail were returned to the senders; and

(c) if the reply to the above parts be in the affirmative, the reasons therefor?

**The Honourable Sir Reginald Maxwell:** (a) and (b) Yes.

(c) Under the Punjab Security Prisoners Rules, no security prisoner is allowed to receive more than two newspapers a day. As Sardar Sardul Singh Caveeshar was already receiving two newspapers daily, the *Bombay Chronicle* was returned.

#### SEDITIONOUSNESS OF THE CONGRESS PLEDGE.

**255. \*Mr. Akhil Chandra Datta:** (a) With reference to the statement made by the Honourable Sir Reginald Maxwell in this Assembly on the 7th February, 1944, viz., "Government have been advised legally that the pledge (Congress pledge) is a seditious document", will the Honourable the Home Member be pleased to state when that pledge was first placed before the country, and when Government came to know of it?

(b) Was any exception taken to it by Government at the time on the ground that it is a seditious document and that it was proscribed?

(c) When have Government been advised that it was a seditious document?

(d) What was the occasion for Government's seeking and obtaining legal opinion whether it was seditious or not?

(e) When was that opinion given, and by whom?

(f) Has there been any prosecution of any Congress member for sedition on the basis that the Congress pledge was a seditious document?

(g) Have Government obtained the verdict of any competent court in support of their contention that the Congress pledge was a seditious document?

(h) Was that ground put forward anywhere in support of the order banning Independent Day celebrations?

**The Honourable Sir Reginald Maxwell:** (a) The Pledge first came to notice in January, 1930. But different versions have been current at different times.

(b) It was not then formally proscribed. But that does not mean that Government regarded its wording as legitimate.

(c) In 1934 and again in 1937.

(d) Government had information in 1937 that it was intended to revive the Pledge in its original form.

(e) By the legal advisers of Government.

(f) and (g). I have been unable to make the researches necessary to answer these parts of the question since the information would have to be obtained from the Provincial Governments.

(h) Independence Day celebrations have been prevented only on the grounds that the Pledge contained seditious language or that they were calculated to assist the operations of an unlawful association.

**Mr. Akhil Chandra Datta:** May I know whether the pledge taken as a whole is seditious or any particular portion of it?

**The Honourable Sir Reginald Maxwell:** Part of the language used is seditious.

**Mr. T. T. Krishnamachari:** With reference to part (d) of his answer, am I right in understanding the Honourable Member to say that the last occasion when legal opinion was obtained was in 1937 and if so may I ask whether he is aware that in 1938 the pledge was redrafted?

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

**The Honourable Sir Reginald Maxwell:** I have said that different versions were current at different times.

**Pandit Lakshmi Kanta Maitra:** Where did the Government get the official version of the Congress pledge? Did they seek for it?

**The Honourable Sir Reginald Maxwell:** Government have their own ways of getting information.

**Pandit Lakshmi Kanta Maitra:** I want to know whether the Honourable Member's Department relied solely on press reports or they cared to ascertain from the Congress what the independence pledge was.

(No answer was given.)

#### ELIGIBILITY OF EXAMINERS, ETC., IN BOMBAY AND SIND FOR APPEARING FOR INCOME-TAX OFFICERS' EXAMINATION.

**256. \*Mr. Lalchand Navalrai:** (a) Will the Honourable the Finance Member be pleased to state if he is aware that there are Examiners and Inspectors of Income-tax in Bombay and Sind who are aspiring to appear for the departmental examination prescribed for Income-tax Officers? If so, what are the rules and orders for granting them leave for preparation and appearance for the examinations?

(b) Is it a fact that such leave is permissible to other Government servants for the same purpose in other Departments of the Central Government?

(c) Is it a fact that such leave is permissible to Government servants working in the departments under the Sind Government?

(d) Is it a fact that such leave is being refused to the Inspectors and Examiners of the Income-tax Department in Sind? If so, why? What steps do Government propose to take to facilitate their appearance for the examination by getting leave when asked for?

**The Honourable Sir Jeremy Raisman:** (a) to (d). I am making enquiries and a reply will be laid on the table of the House in due course.

**Mr. Lalchand Navalrai:** Will the Honourable Member please see that some relieving persons are appointed to relieve these people when they want leave?

**The Honourable Sir Jeremy Raisman:** Until I have inquired into the facts I am afraid I cannot give a useful answer.

**Mr. Lalchand Navalrai:** Will the Honourable Member consider this point also and ask his other Departments to see if they can suggest the appointment of relieving people?

**The Honourable Sir Jeremy Raisman:** It is quite clear that to release people to attend examinations must be dependent on the necessities of the work that they are actually appointed to perform, and that is precisely the difficulty.

**Mr. Lalchand Navalrai:** Will the Honourable Member consider the relieving persons also from the Department—they can help in the departmental work in the meantime?

**The Honourable Sir Jeremy Raisman:** That depends on the amount of work which the Department has to do, and the adequacy of the personnel available at any time.

#### DEMAND FOR RAISING DEARNESS ALLOWANCE OF SUBORDINATES IN INCOME-TAX OFFICES.

**257. \*Mr. Lalchand Navalrai:** (a) Will the Honourable the Finance Member be pleased to state if a demand has been made by subordinates in Income-tax offices to raise the standard of dearness allowance and to extend its operation to subordinates drawing between Rs. 90 per mensem and Rs. 175?

(b) Is it a fact that in Sind, subordinates under the Sind Government get dearness allowance who get a salary of Rs. 150 in the districts and Rs. 175 at Karachi? Do Government propose to raise the dearness allowance grant as stated in (a) above to any extent? If not, why not?

**The Honourable Sir Jeremy Raisman:** (a) Some representations on the subject have been received.

(b) The reply to the first sentence is in the affirmative. As for the second the question of revising the existing scales of dearness allowance is under consideration.

**Mr. T. T. Krishnamachari:** Sir, I have been asked to put the questions tabled by Mr. Neogy.

**Mr. President (The Honourable Sir Abdur Rahim):** Yes.

#### REQUISITIONING OF HOUSES BY GOVERNMENT IN DACCA.

**258. \*Mr. T. T. Krishnamachari** (on behalf of **Mr. K. C. Neogy**): (a) With reference to the answer to starred question No. 29 of the 8th February, 1944, and supplementary questions arising in that connection, will the Honourable the Defence Member be pleased to state the number of private houses requisitioned in the town of Dacca under rule 75-A of the Defence of India Rules (i) directly at the instance of the military authorities, and (ii) for the purpose of housing institutions and individuals that had been displaced from their houses in order to meet military requirements?

(b) Is it a fact that the Military have taken over certain premises belonging to the Dacca University and other institutions and individuals in the Ramna area, and that rule 75-A has been resorted to for the purpose of finding substitute accommodation for these parties?

(c) Is it a fact that as a part of these transactions, certain private residential houses were requisitioned under rule 75-A of the Defence of India Rules so as to accommodate a training school for vernacular teachers?

(d) Will the Honourable Member be pleased to explain the policy of Government in the matter of requisitioning private residential houses for the purpose of accommodating educational institutions and private individuals who may initially be deprived, at the instance of the military authorities, of their housing accommodation?

(e) Is it a fact that in certain rural areas of Bengal affected by famine conditions, private residential houses are proposed by the military authorities engaged in the organisation of relief, to be requisitioned under the Defence of India Rules for the purpose of housing hospitals for starvation cases? If so, in how many cases have such proposals been made, and what consideration, if any, has been paid to objections raised by owners of the houses concerned?

**Sir Charles Ogilvie:** (a) (i) 44.

(a) (ii) 17 houses have been requisitioned for accommodating the Dacca University and other institutions, and 1 house and portions of 3 for re-instating individuals.

(b) Yes.

(c) Yes.

(d) The purposes for which Government can requisition are specified in rule 75A, and their policy is that requisitioning should be resorted to only for one of these purposes.

(e) Government are not aware of any such case.

**Pandit Lakshmi Kanta Maitra:** Is the Honourable Member aware that the cases complained of here are not cases of requisitioning for military purposes but of requisitioning under the Defence of India Act for non-military purposes? What is the policy of the Government in regard to these cases?

**Sir Charles Ogilvie:** If the Honourable Member will read section 75A he will see that requisitioning can be resorted to amongst other things for the establishment or re-establishment in case of eviction, of services essential to the public.

**Pandit Lakshmi Kanta Maitra:** Does the Honourable Member realise that this displacement of civilians from their homes by these other persons has been causing the greatest hardship to them?

**Sir Charles Ogilvie:** I am aware that requisitioning must always bring a certain amount of hardship.

**Pandit Lakshmi Kanta Maitra:** Does the Honourable Member realise that in these cases the houses are requisitioned for a training school of vernacular teachers and has nothing to do with military or any other purpose connected with the war?

**Sir Charles Ogilvie:** As I have endeavoured to show, requisitioning can and has been resorted to for the re-establishment of central services which were displaced by military requisitioning.

**Pandit Lakshmi Kanta Maitra:** Has the Honourable Member's Department made any provision for these displaced people to find accommodation?

**Sir Charles Ogilvie:** I am afraid it is quite impossible for the Central Government to do that.

**Pandit Lakshmi Kanta Maitra:** Does the Honourable Member pay any compensation to these displaced people?

**Sir Charles Ogilvie:** Compensation is paid to them.

**COMMUNICATION FROM INDIAN CHAMBER OF COMMERCE, CALCUTTA, re EXPANSION ETC., OF NON-INDIAN INDUSTRIES.**

**259. \*Mr. T. T. Krishnamachari** (on behalf of **Mr. K. O. Neogy**): (a) Will the Honourable the Finance Member be pleased to state whether any communication has recently been received by Government from the Indian Chamber of Commerce, Calcutta, regarding expansion and establishment of non-Indian industries in India? If so, what is the substance of the said communication, indicating at the same time the policy of Government in regard to granting permission to non-Indian concerns for expanding their existing business or establishing new business organisations in India?

(b) Is the expansion or establishment of non-Indian concerns referred to above intended mainly to help the war effort? If so, what will be the position of such business concerns on the conclusion of the war?

(c) What was the number of non-Indian concerns carrying on business in India before the outbreak of the war in 1939, and their total share capital, and the approximate percentage of such share capital owned by Indians?

(d) How many such non-Indian companies have, since 1939, applied for expansion of their existing business, or for starting fresh industries in India?

(e) How many such non-Indian concerns have been and will be allowed to expand their business in India?

(f) What is the number of non-Indian firms who have been allowed by the Government of India to start fresh industries or to expand their existing business with foreign capital in India during the years 1939-40, 1940-41, 1941-42 and 1942-43? What is the total share capital of such concerns, and the approximate percentage of share capital allotted to Indians, if any?

(g) Have Government come to any decision regarding the utilisation of sterling balances of the Reserve Bank of India for the purpose of repatriation of non-Indian investments in the country, as demanded by the Indian public opinion in general and the Indian commercial community in particular?

**The Honourable Sir Jeremy Raisman:** (a) to (f). This question raises two issues. The first concerns Government's policy in regard to the continuance and expansion of so-called non-Indian industries and businesses in this country and the establishment of new non-Indian concerns. The second relates to the administration of the control of capital issues in British India.

I am not answerable for the former and, therefore, confine my reply to the latter aspect.

In this regard the position is that capital issues in British India have been controlled only since the 17th May, 1943, and in judging whether or not to permit an issue of capital, the question whether the capital is likely to be subscribed here by Indians or non-Indians is not taken into account.

(g) I would invite the attention of the Honourable Member to the replies which I gave to part (c) of his question No. 164, on the 3rd August, 1943, and to the various supplementary questions asked on that occasion.

The position has undergone no change since then.

**Mr. T. T. Krishnamachari:** With reference to the Honourable Member's answer to the second part of the question, may I ask whether subscription of capital by non-Indians in this country does not affect the position of the Government in regard to its monetary policy?

**The Honourable Sir Jeremy Raisman:** Subscriptions of new capital or appeals for new capital by anybody in this country certainly have a bearing on monetary policy; but it does not matter who the individuals may be; and it is from that point of view that the control of capital issues is administered.

**Mr. T. T. Krishnamachari:** Is the Honourable Member aware that if non-Indians float companies here there is a possibility of the monies so released relieving the pressure on the sterling position?

**The Honourable Sir Jeremy Raisman:** Actually, as far as I am aware the question is theoretical. There are hardly any instances of that kind. But the undesirable features which the capital control is meant to deal with are unaffected, in my opinion, by the location of the company which makes the appeal in British India to subscribers in British India; the effect is just the same.

**Pandit Lakshmi Kanta Maitra:** Is it the considered opinion of the Government of India that this control of capital issues is an important part of their anti-inflationary programme?

**The Honourable Sir Jeremy Raisman:** Yes.

**Pandit Lakshmi Kanta Maitra:** In what way does the Honourable Member implement it? By simply controlling the capital issues in respect of companies which have already been functioning—by controlling the extension of their capital, or by preventing new companies from being ushered into existence?

**The Honourable Sir Jeremy Raisman:** The objects of capital control have been explained from time to time in press notes issued. One main purpose is to prevent speculative activity and activities which do not contribute to improving the existing situation in regard to scarcities and which merely add competing claims for goods or services which are already in short supply and thereby lend themselves to speculative activities.

**Pandit Lakshmi Kanta Maitra:** In the case of existing companies, I mean existing *bona fide* companies which have been functioning in this country, if they want to extend their capital, has the whole question got to be investigated by the Government before granting the necessary sanction?

**The Honourable Sir Jeremy Raisman:** What has got to be investigated is the justification for the raising of additional capital. That a company already in existence has been pursuing an ordinary sound trading policy does not mean that it should be put in a position to raise unlimited amounts of further capital.

**Sir Muhammad Yamin Khan:** Is the policy of stopping subscriptions to companies based on this, that the people who contribute towards the company should be stopped in order that their money may be diverted for purchasing war loans?

**The Honourable Sir Jeremy Raisman:** Certainly that is an important part of the anti-inflationary policy. It is to divert investment from various kinds of non-advantageous activity into Government securities.

**Dr. P. N. Banerjee:** In how many cases have applications for the augmentation of capital been refused?

**The Honourable Sir Jeremy Raisman:** Actually I have not got the figures with me, now, but the number of refusals will probably be found not to be large in comparison with the number of acceptances. What I would point out—and this is very important—is the fact that the institution of control has deterred a large number of people who would otherwise undoubtedly have floated unsound concerns from even applying and running the gauntlet of the Government machinery.

**Pandit Lakshmi Kanta Maitra:** Does the Honourable Member realise that this operates as a handicap to the expansion or development of trade and business in this country?

**The Honourable Sir Jeremy Raisman:** No. The administration of the control ensures that it does not operate as a handicap in any case in which useful economic results can flow from such expansion.

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



MEMBERS OF THE SUNNI MAJLIS-E-AWKAf, DELHI.

260. \*Maulvi Muhammad Abdul Ghani: Will the Honourable the Home Member please state:

(a) the names of persons appointed as Members of the Majlis-e-Awakaf under clauses (a), (b), (c) and (d) of sub-section (1) of section 7 of the Delhi Muslim Wakfs Act, 1943, separately, under every clause;

(b) whether objection, if any, was raised against some of the candidates for election under clauses (b) and (c) of the said sub-section; if so, the names of the candidates and the nature of objection raised;

(c) the contents of the finding of the Chief Commissioner of Delhi in every case under part (b) of the question;

(d) whether Government are aware that Shamsul-Ulama Maulvi Syed Ahmad, Imam of Juma Masjid, continued to be a member of the Managing Committee of the Juma Masjid, Delhi, till after the date of his appointment as member of the Sunni Majlis-e-Awakaf by the Chief Commissioner of Delhi; and, as such, whether he comes under the definition "Mutawalli" under sub-section (e) of Section 2 of the Delhi Muslim Wakfs Act, 1943;

(e) whether Khwaja Hasan Nizami of Dargah Hazrat Nizamuddin Aulia, Delhi, is a Mutawalli under sub-section (e) of Section 2 of the said Act, as managing and administering the Dargah Hazrat Nizamuddin Aulia as well as other mauseums, mosques and graves under his care and supervision in Nizamuddin, Delhi;

(f) whether Khwaja Mohammad Shafi, a nominated Member of the Sunni Majlis-e-Awakaf, Delhi, is a Mutawalli; if so, of what Wakf or Wakf property; if not, why he has been appointed a Member of the Majlis-e-Awakaf, under clause (d) of sub-section (1) of Section 7 of the Delhi Muslim Wakfs Act, 1943;

(g) if the answers to (d) and (e) be in the affirmative, whether Government propose to declare the appointments of Shamsul-Ulama Maulvi Syed Ahmad, Imam of Juma Masjid, and Khwaja Hasan Nizami of Dargah Hazrat Nizamuddin Aulia, Delhi, as well as of Khwaja Mohammad Shafi as *ultra vires*, and to ask the Chief Commissioner of Delhi to nominate other suitable persons as Members of the said Majlis;

(h) whether Mr. Wahiduddin Ahmad, co-opted as a Member of the Delhi Sunni Majlis-e-Awakaf, under sub-section (3) of Section 7 of the said Act, is of ten years' standing; if not, why his co-option will not be declared *ultra vires* and why not some one will be ordered to be co-opted in his stead; and

(i) whether it is a fact that the Delhi Muslim Wakfs Act, 1943, was enforced on the 5th October, 1943; if so, whether the Honourable Member proposes to consult the Law Member on the subject that any resignation by a Member of the Managing Committee of any Wakf in Delhi Province if tendered after the 5th of October, 1943, is illegal and cannot remove the disqualification under sub-section (g) of Section 9 of the Wakfs Act, 1943?

The Honourable Sir Reginald Maxwell: (a) The names are as follows:

Under clause (a).

1. Shams-ul-Ulama Maulvi Syed Ahmed, Imam of the Jama Masjid, Delhi.
2. Khwaja Hasan Nizami of Dargah Hazrat Nizamuddin Aulia, Delhi.

Under clause (b).

1. Khan Bahadur Haji Rashid Ahmed, Honorary Magistrate.
2. Syed Mohammed Irtiza Wahidi.

Under clause (c).

1. Dr. Zakir Hussain Khan of Jamia Millia Islamia.
2. Nawabzada Muhammad Liaqat Ali Khan, M.L.A.

Under clause (d).

Khwaja Muhammad Shafi.

(b) and (c). Objections were raised against the nomination of Khan Bahadur Haji Rashid Ahmad, Khan Bahadur S. M. Abdullah and Dr. Zakir

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

Hussain. A copy of the order of the Chief Commissioner of Delhi on the objections raised is laid on the table of the House. The order explains the nature of the objection taken in each case and contains the finding of the Chief Commissioner thereon.

(d) The answer to both the parts of the question is in the negative.

(e) As far as Government are aware, there are no grounds for regarding Khwaja Hasan Nizami as a *mutawalli* under sub-section (e) of section 2 of the Act.

(f) Khwaja Muhammad Shafi is not a *mutawalli*; section 7(1)(d) of the Act does not require that a person elected by the *mutawallis* of the *wakfs* should be a *mutawalli*.

(g) In view of the replies to clauses (d), (e) and (f), this question does not arise.

(h) The answer to the first part is in the affirmative; the other parts of the question do not arise.

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

Order.

In the Office of the Chief Commissioner, Delhi.

Case taken up on the morning of the 17th December 1943 with parties and counsel as follows:

OBJECTORS:  
Mr. Hilal Ahmad Zubairi in person, with Pundit Hari Kishan Bhargava, Advocate, appearing for him in respect of his objection against the candidature of Khan Bahadur Haji Rashid Ahmad and Mr. Nur-ud-din, Barrister-at-Law, appearing for him in respect of his objection against the candidature of Khan Bahadur S. M. Abdullah.  
Dr. A. D. Baqai in person.

CANDIDATES:  
Khan Bahadur Haji Rashid Ahmad in person, with Rai Bahadur Dr. Ram Kishore, Advocate, on his behalf.  
Khan Bahadur S. M. Abdullah in person, with Rai Bahadur Dr. Ram Kishore, Advocate, on his behalf.  
Dr. Zakir Hussain in person, with Mr. Qadir-ud-din Ahmad, Advocate, on his behalf.

ORDER:  
On the 15th December 1943 an election was due to be held to fill the two places in the Sunni Majlis-e-Awakaf, Delhi, which under clause (b) in sub-section (1) in section 7 of the Delhi Muslim Wakfs Act, 1943, are to be occupied by persons elected by a joint electorate consisting of the Muslim members of the Delhi Municipal Committee and certain other local authorities in the Delhi Province. The same date was also appointed for the election to fill the two places in the Majlis which are to be occupied by persons elected under clause (c) by the Muslim members of the Anglo-Arabic College and Schools Society and the Jamia Millia Association. In the first of these two constituencies, after candidates had been proposed and seconded, an objection was raised by Mr. Hilal Ahmad Zubairi, one of the voters, that two of the candidates, Khan Bahadur Haji Rashid Ahmad and Khan Bahadur S. M. Abdullah, were disqualified under section 9 of the Act. In the other constituency a similar objection was raised by Dr. A. D. Baqai against the candidature of Dr. Zakir Hussain. In each case the Returning Officer postponed further proceedings to the 20th December, and recorded a note reporting the facts for my orders under rule 21 of the rules under which the elections are being conducted—the Delhi Sunni Majlis-e-Awakaf Election Rules, 1943.

The three objections, which were argued before me yesterday with parties and counsel present, will be dealt with here in a single order. The grounds of the objection against Khan Bahadur Haji Rashid Ahmad are more extensive than in the other two cases, and it will be convenient to discuss the subject with his case primarily in view. The objections against him are twofold:—

I. That being a member of the Managing Committee of the Fatehpuri Mosque and also of the Managing Committee of the Jama Masjid he is a *mutawalli* within the meaning of the Act and as such disqualified from being a member of the Majlis by clause (g) in section 9.

II. That he and the other members of the Managing Committee of the Fatehpuri Mosque as it existed in 1941 have been removed by certain civil court orders from membership of that Committee and that he is consequently disqualified under clause (f) in section 9.

To the first of these objections several answers have been put forward. In the first place it is contended that mere membership of the Managing Committee of the Fatehpuri Mosque or the Managing Committee of the Jama Masjid does not make a person a *mutawalli* in the generally accepted sense of that word or in the terms of the special definition in clause (e) in section 2 of the Act. The argument is that in either of these cases the

## RUMOURS OF BIG BRIBES IN BENGAL.

261. \*Sir Abdul Halim Ghumanavi: Will the War Secretary be pleased to state:

(a) whether his attention has been drawn to the remarks made by the Honourable the Chief Justice of the High Court of Calcutta, while delivering judgment in a case of attempted bribery under Section 161/116 I.P.C., as reported in the *Hindustan Standard* of the 11th January, 1944, wherein the Honourable the Chief Justice is reported to have said "It was strange to think, that cases were brought in respect of relatively small bribes of this kind when the town was full of stories of big bribes which went unpunished"; and

(b) whether Government have examined that rumours about big bribes to which a person in the position of a Chief Justice has made a pointed reference as going unpunished, are substantially correct; and, if so, the steps Government have taken to prevent such big bribes?

Mr. O. M. Trivedi: (a) Yes, Sir. I have seen the remarks in question as reported in the *Hindustan Times* of the 13th January, 1944.

(b) Government are aware of the widespread evil of bribery and corruption in War, Supply and Railway Departments, and have created a special Police Staff to deal with it. That Staff investigated 429 cases up to the end of 1943. Many of these cases involved bribery on a large scale accompanied by considerable cheating of Government. The instructions to the Staff are to concentrate on the more important cases and to prosecute the most senior officials involved in corruption. Two Special Tribunals have been set up for the more speedy trial and more effective punishment of cheating, bribery and cognate offences and a third Tribunal will be set up shortly. I should add that a special investigation branch consisting entirely of military personnel has recently been set up in the Army with the object of bringing to light cases of pilferage of War Department property, bribery, fraud, etc., within military organisations. A section of this branch is working in the Calcutta area.

Pandit Lakshmi Kanta Maitra: How many cases of big bribes have been investigated so far by the Honourable Member's Department?

Mr. O. M. Trivedi: I do not know the exact number, but I can assure the Honourable Member that there are quite a number of cases of big bribes.

Pandit Lakshmi Kanta Maitra: Scattered all over this country, or in Delhi only?

Mr. O. M. Trivedi: Not in Delhi only.

Mr. Abdur Rasheed Choudhury: What was the maximum amount of bribe taken by an individual?

Mr. O. M. Trivedi: I do not know, Sir.

Mr. Lalchand Navalrai: May I know from the Honourable Member whether after these remarks of the Chief Justice there have actually been specific cases of big bribes which have been detected and punished, and, if so, how many?

Mr. O. M. Trivedi: I am sorry I could not give an answer to that offhand.

Sardar Mangal Singh: May I know whether this evil has decreased as a result of the action of the Government, or it is going on as before?

Mr. O. M. Trivedi: I hope it is decreasing to a certain extent, but I would not be quite sure of it.

## DEBT OF BURMA TO INDIA.

262. \*Mr. K. S. Gupta: (a) Will the Honourable the Finance Member please state the amount due to the Government of India by the Government of Burma at the time of Indo-Burma financial settlement, when Burma was separated from India?

(b) What is the decree of the British Government with regard to the debt?

(c) Is that debt liquidated by the Burma Government or by the British Government? If not, what is the amount still outstanding?

(d) How do the Government of India propose to realise the outstanding amount?

The Honourable Sir Jeremy Bismar: (a) Rs. 50,79,81,000. In addition the Government of Burma were liable for 7½ per cent. of the actual payments made each year in respect of Central pensions in issue on the date of separation.

(b) I am not sure if I have followed Honourable Member correctly, but he is doubtless aware that this debt was the outcome of a financial settlement between the Governments of India and Burma, the terms of which are regulated by an Order in Council issued by His Majesty.

(c) As stated in the Explanatory Memorandum on the current year's budget the prescribed periodical payments due by the Government of Burma to the Government of India in respect of these obligations have been suspended for the present. When payment ceased the debt stood at Rs. 48,14,55,147.

(d) The question of realizing the outstanding amount will be considered at the appropriate time.

## REPORT ON INDIAN PROPAGANDA IN THE UNITED STATES OF AMERICA.

263. \*Sardar Mangal Singh: Will the Honourable Member for Information and Broadcasting please state:

(a) whether Government have received any report from their Agent in the United States of America of the propaganda carried on for India; and

(b) whether the same can be laid on the table of the House?

The Honourable Sir Sultan Ahmed: (a) and (b). The Honourable Member is referred to the answer given on the 10th November, 1943, to parts (a) and (b) of his starred question No. 82, to which I have nothing to add.

## ARRANGEMENTS FOR INDIAN PROPAGANDA IN THE U. S. S. R.

264. \*Sardar Mangal Singh: Will the Honourable Member for Information and Broadcasting please state:

(a) whether the Government of India have made any arrangements to carry on propaganda in U. S. S. R. on behalf of this country; and

(b) whether there is any Indian correspondent or a press correspondent representing any Indian paper in the U. S. S. R.?

The Honourable Sir Sultan Ahmed: (a) The only item of publicity specially prepared for Russia is a monthly version of an Indian Newsletter called the *Mizan Newsletter*.

(b) No.

Sardar Mangal Singh: May I know whether any press correspondent has applied to the Government of India to go there and to cover Indian papers?

The Honourable Sir Sultan Ahmed: I have no information.

## UNSTARRED QUESTIONS AND ANSWERS.

## EXPERTS APPOINTED FROM OUTSIDE INDIA.

78. Mr. K. C. Neogy: Does the Honourable the Home Member propose to make a statement giving the names of officers who have been appointed by Government since January, 1942, from outside India on the ground of their special knowledge and experience in different subjects in connection with the different departments of the Government of India, indicating in each case the nature of the duties entrusted by Government, the emoluments payable and the period for which the appointment has been made?

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

## CENTRAL INTELLIGENCE BUREAU.

79. Mr. Kailash Bihari Lal: Will the Honourable the Home Member please state the duties, functions, responsibilities, etc., of the Central Intelligence Bureau together with the strength of the staff employed by the Government of India and by the Provincial Governments, separately?

The Honourable Sir Reginald Maxwell: The Central Intelligence Bureau is responsible for the collation and coordination of intelligence affecting the secu-

city of India. The Bureau has no executive function. Its strength, including temporary war time additions, at present consists of:

- (i) At headquarters—  
17 Gazetted Officers.  
105 Ministerial servants.
- (ii) In provinces—  
38 Gazetted Officers.  
131 Non-Gazetted Officers.  
66 Ministerial Servants.

Provincial Governments do not employ any staff for the Bureau.

#### CIVILIAN GROCERY SHOPS IN DELHI.

**80. Mr. Kailash Bihari Lall:** Will the Honourable the Finance Member please state:

- (a) the number and location of Civilian Grocery Shops opened by the Government in Delhi;
- (b) the amount of the capital invested in them together with the description of the management;
- (c) the amount of profit so far earned, together with its percentage on capital;
- (d) whether the articles, whose prices have been controlled, are available from those shops; if not, the reasons therefor;
- (e) the extent of relief given to staff (Gazetted and non-Gazetted, separately) from those shops; and
- (f) whether these shops are run on loss; if so, the reasons therefor?

**The Honourable Sir Jeremy Raisman:** (a) Three; two in New Delhi and one in Kashmere Gate, Old Delhi.

(b), (c) and (f). The shops are run by a contractor appointed by Government. The entire capital is provided by the contractor but his profits and sale prices are controlled by Government. There is, in the circumstances, no question of profit or loss to Government on this project. The contractor is further required to pay to Government a rebate out of his profits and this is estimated to be enough to cover the cost of the arrangements made by Government for supervision.

(d) As many articles of grocery as it is possible to procure, including those the prices of which are controlled, are sold at these shops.

(e) It is not possible to assess the exact amount of relief afforded to the staff, but Government are aware that the institution of these shops has been appreciated by the Government servants who are entitled to use them.

#### LUGGAGE, ETC., OF PERSONNEL OF DEFENCE SERVICES CARRIED BY RAILWAYS AT GOVERNMENT RISK.

**81. Mr. Kailash Bihari Lall:** Will the War Secretary please state:

(a) if it is a fact that the luggage and baggage including excepted articles of the personnel of Defence Services are carried by Railways at Government risk, if not, the reasons therefor; and

(b) what protection to the baggage of the personnel of those services is provided by Government; if not, why not?

**Mr. C. M. Trivedi:** The information required is not readily available. I am collecting it and will lay a statement on the table in due course.

#### THE RAILWAY BUDGET—LIST OF DEMANDS—contd.

##### SECOND STAGE—contd.

##### DEMAND No. 1.—RAILWAY BOARD—contd.

##### Meagre Dearness Allowance to Railway Workers—contd.

**Mr. President** (The Honourable Sir Abdur Rahim): The House will now proceed with the consideration of the Demands for Grants for Railways. Mr. Amnadas Mehta will continue his speech.

**Mr. Jamnadas M. Mehta** (Bombay Central Division: Non-Muhammadan ual): I was submitting yesterday that the prices have risen somewhere

between 300 and 400 per cent. although there is a tendency to go down, and I am prepared to assume that they are on the lower figure than they were some time ago. But, as I pointed out, the needs of the working classes do not depend upon any foreign imports or consumer goods. Therefore, it is simply a question of neutralising the effect of the rise in prices. The railway worker is paying to-day as much as three times what he used to pay before 1939. Suppose that a man at a wayside station was earning Rs. 50 a month before the war began, his actual cost of living would now be Rs. 150 and what does the Railway Board give? The Railway Board gives to such a man Rs. 8 in cash and Rs. 8-6-0 by way of compensation through the grain shops. So, the man at the wayside station gets Rs. 8 in cash and Rs. 8-6-0 savings in grain shops. The man gets Rs. 16-6-0 as against his need of an additional Rs. 100. So, what the Railway Board gives is two and a half annas for every rupee that this poor man requires. What is the use of paying compliments to his work when you give him for every one rupee that he needs, only to maintain the pre-war standard, barely one sixth of the rupee. These are the shocking conditions on the Indian Railways. I am free to admit that the Railway Board holds frequent consultations with us. The sympathies of the Railway Board are with us but they do not extend much beyond verbal expressions. What is wanted is something in the nature of a monetary compensation in cash or through grain shops, which will put this poor man in the position in which he was before the war. We in the Railwaymen's Conference have been asking for it since practically July last. We passed a resolution at Jamalpur in August. We asked the Board to confer with us. They conferred with us but they would not agree. Then we asked Dr. Ambedkar as the Labour Member to give us a court of inquiry or a board of conciliation to test whether our claims were right or wrong. The Honourable Dr. Ambedkar declined to do so and now after further consultation with the Board we have been waiting for nearly 2½ months. On the 3rd December the Railway Board consulted us last and I am happy to say that the Chief Commissioner told us that our case was very lucidly put and fully put. He only wanted time to consider it. It is now nearly ten weeks since he wanted time to consider this. We have not heard anything. All that we hear is—Wait, wait, wait. The budget expenditure of the worker's family does not wait. The house owner does not wait for rent. The *baniya* does not wait. Even the Railway grain shops take cash for what they give and where is the poor railway worker to get practically 13½ annas in the rupee required to maintain even his pre-war very low standard. This is the vital point which I am going to put before the House. All other controversies I have left behind. The fate of seven lakhs of human beings with their wives and children is to be decided by this House and the Government ought at any rate to respond to this human appeal of seven lakhs of workers, seven lakhs of wives (An Honourable Member: "Are they all married?") and 14 lakhs of children. Some have four children. On a calculation you take it from me that it will work out to at least four members to a family, apart from a dependent father or a mother or a widowed sister. I am giving you the minimum figure. I am not interested in exaggeration. My case is so strong that any human being will be convinced that I am getting one-sixth of what I need and that I should get much more. The Railway Board has never challenged the justice of our demand. It only needs the melting of the stony heart of the Honourable the Finance Member. I am quite sure the Railway Board is willing but the Railway Board is powerless. The War Transport Member is powerless. I appeal to the human instincts of the Finance Member to unloose the strings of his purse for a humane, just and reasonable cause. I will refer him to only one thing—the report of the Dearness Allowance Committee. Does he know that the Report of the Dearness Allowance Committee, although it was hurriedly written, says that for the lower class of people the compensation should be full—100 per cent. full—compensation and there was only one alternative suggestion and that is 75 per cent. of the rise in cost. Here is a report of a committee over which Dr. Gregory

[Mr. Jammadas M. Mehta.]

presided. He cannot be charged with being either an agitator or an opponent of Government. Here is a committee which has recommended that full compensation must be given and the least that should be given is 75 per cent. compensation and 25 per cent. deferred pay.

**The Honourable Sir Edward Benthall** (Member for Railways and War Transport): What is this document?

**Mr. Jammadas M. Mehta:** It is the Report of the Dearness Allowance Committee appointed by the Labour Department which met at Calcutta on the 7th December, 1943.

**The Honourable Sir Edward Benthall:** It was a confidential document.

**Mr. Jammadas M. Mehta:** I am sorry, if I have given away any secrets. It at any rate shows what a vast gulf exists between what the needs of the poor people are and what you have given them. The Committee recommends 16 annas. You are giving two and a half.

The last thing that I would say in the two or three minutes left to me is this. I hold in my hand a letter written to Mr. Vellodi, Textile Commissioner, on behalf of the worker. It shows that retail prices fixed for certain varieties of cloth are considerably higher than the peak pre-control prices. In one case the peak price was Rs. 1-14-0 as against the control retail price of Rs. 2-1-8. In another case, it was Rs. 8-4-0 as against Rs. 3-7-2. In a third case, it was Rs. 2-12-0 as against Rs. 3. In the fourth case, it was Rs. 0-12-6 as against Rs. 1-1-4 and in the fifth it was Rs. 3-10-0 as against Rs. 4-7-0.

This is from a letter written to Mr. Vellodi on the 9th February in Bombay. I do not know what the reply is. Even the controls do not seem to be as effective as they might have been.

On all these grounds, I beg the House that they should support the case of these humbler people who are really hard hit. To the Government my appeal would be—leave aside all controversy of a non-railway character and non-working class character. You are an employer of labour. You are using them to the fullest advantage. They are working loyally. They have been starving during the last four years. The children are going without a drop of milk. The women are in rags. I do not think I can put up a better appeal to the Government, when the Railway is bloating with 50 crores of surplus. If you will only spare 10 crores, I think the railway workers will be content. That is the appeal I would make. I hope the Government will accept this cut and grant the dearness allowance at 100 per cent. as required on account of the rise in the cost.

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

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

**Mr. Lalchand Navalrai** (Sind: Non-Muhammadan Rural): Sir, I rise to support this cut and I sympathise with it not in the way in which the Government does but I give to it my whole-hearted support. Sir, I have got up not to abuse the Government but to make an appeal to them and I hope they will accept this cut. I feel that the staff people are very much afflicted over this dearness allowance. Believe me when we come to attend the Assembly and when we pass through many railway stations, these staff people come and crowd before our compartments and complain about this dearness allowance being insufficient and their salaries are also not adequate. The Honourable House may take it from us that there is a great discontent amongst the staff and we have to remove it. If we do not do so, it will have a disastrous effect. The complaint is not only from the lower class people but even from the middle class people. Of course, my Honourable friends, Mr. Jammadas Mehta and Mr. Joshi, are very eloquent about the inferior staff and I also join them, but the case of the middle class people also should not be forgotten.

Now, what you give at present is Rs. 16 a month to those who are drawing up to Rs. 175. That limit should be raised. I submit that those middle class people who draw up to Rs. 250 should be treated as belonging to the same category and this allowance should be given to them.

The second point is that you have four classes of these allowances. You give Rs. 16 to those who draw up to Rs. 175, Rs. 14 to those who draw up to Rs. 125, Rs. 11 to those who draw up to Rs. 90 and Rs. 8 to those who draw up to Rs. 60. Now these scales of allowances are very much less than what they should reasonably be. Therefore, these amounts of contribution should also be increased. Now, the Honourable the Railway Member—I will call him by this designation although he is also a War Transport Member, but at present we are dealing only with the Railways—has been telling us that it is not only the amounts of Rs. 16, 14, 11 and 8 that are being given to them, but another concession is being made to them in the sense that they are being given help in kind, that is to say, some food is given to them. Now, the help that is given in the shape of food comes to about Rs. 8 per head. So, the total help that you give to a man drawing Rs. 60 per month will come to about Rs. 16. In these days that amount is very little. The cost of living has gone up three to four fold and this amount must be increased. The Rau Inquiry Committee suggested that a flat rate of Rs. 48 a month should be given to them, and I do not think it is too much to give in these days.

**The Honourable Sir Edward Benthall:** How many crores will that run into?

**Mr. Lalchand Navalrai:** It will certainly run into crores, but you are earning crores of rupees from your railways and you must care for the stomach of those who are running your railways. How much would you like to give them?

**The Honourable Sir Edward Benthall:** The Honourable Member had better go on with his speech.

**Mr. Lalchand Navalrai:** Any way, what I am asking is this matter should be considered and something more should be given to them. So many conferences have been held and so many applications have been sent to you and you only throw them in the waste-paper basket. Is that right?

Then, as regards food, you have not cared to find out what sort of food they are getting. I will give you an instance. At the Delhi railway station food was being supplied to certain people and a portion of that food has been brought over to me. If the Honourable Member cares to see it, I will show it to him.

**Honourable Members:** We would like to see it.

**Mr. Lalchand Navalrai:** Here it is. Not only is it coarse but there is sand and dirt in it. This food was distributed in the presence of the Rationing Officer. It was shown to him at the time but he did not do anything.

**The Honourable Sir M. Azizul Huque:** (Commerce Member): Which porvince sent it?

**Mr. Lalchand Navalrai:** It was, of course, purchased at Karachi but you mix other things with it. My complaint is about the dust and sand in it. It might have taken place in the Supply Department. Therefore, the Honourable Member for the Supply Department should also take note of it. What I submit is that the staff are not satisfied with the quality of food that is given to them. So, give them cash instead of food. Besides, it has created many other difficulties at the wayside stations when their families are not with them. So many questions have been asked in this House to the effect that the supply of food has not been successful. Therefore, give them cash and they will be satisfied, otherwise there will be a very great strike on your railways one day. Do all that is in your power to make them happy and contented so that they may help you in your war effort. With these few words I support this cut motion as I do not want to speak while other cuts are being moved.

**Mr. N. M. Joshi** (Nominated Non-Official): Sir, I shall be very brief in supporting the demand which my Honourable friend, Mr. Jammadas Mehta, has made for the increase of the dearness allowance given to the employees of the Indian railways. Sir, my Honourable friend gave the illustration of a man who was paid Rs. 50 a month. I shall take the illustration of a man who is getting only Rs. 25 a month. Sir, the cost of living index for the working classes, generally speaking, in India is between 240 and 250. If the cost of living index was 100 before the war, it is 240 or 250 now, so

[Mr. N. M. Joshi.]

that the cost of living has increased by about 150 per cent. The Government of India have given a dearness allowance which varies between Rs. 16 and Rs. 8. In big cities, they give an allowance of Rs. 16. My Honourable friend, Mr. Jinnadas Mehta, has also stated that the value of the grain concession is on an average Rs. 8 per month so that the railway employee in a city like Bombay drawing Rs. 25 per month gets Rs. 16 as dearness allowance and Rs. 8 as grain concession. He gets Rs. 24. But he should have got at least Rs. 37. I am going to be very moderate and say that he should have got at least Rs. 37. If he does not get Rs. 37 every month, he is making a sacrifice for the Government of India of Rs. 13 per month.

**Dr. Sir Zia Uddin Ahmad** (United Provinces Southern Divisions: Muhammadan Rural): More than that.

**Mr. N. M. Joshi:** Yes. What I would ask the Honourable the Railway Member and this House is this. Is a man who gets only Rs. 25 a month in a city like Bombay in a position to make a sacrifice of Rs. 13 a month? In Bombay, a Committee was appointed by the Bombay Government to find out among other things what is to be the sort of minimum living wage in Bombay and the Committee came to the conclusion that the minimum living wage in Bombay should be about Rs. 55 per month, but I am prepared to state it moderately and put it at Rs. 50 per month. That Committee decided that the minimum living wage, standard wage, should be about Rs. 50 per month. A man getting about Rs. 25 a month is much below that standard. He is not getting even the minimum living wage. Should such a man be asked to make a sacrifice of Rs. 13, or Rs. 14 or Rs. 15 per month? Nobody has a right, even in the name of war, to ask such a man to make such a sacrifice of such a large sum. It is generally accepted in Great Britain as well as in America that even during the war a man who is not getting more than a minimum living wage should not be asked to make any sacrifice. In America, as well as in Great Britain, whenever the cost of living has increased the men have been fully compensated for it. In Great Britain the average cost of living has gone up by about 25 to 30 per cent. while the wages there have gone up by 40 per cent., not only the working classes have been fully compensated for the increase in wages, but the real wages have gone up there. In America too, the general rule followed is that those people whose wages are substandard, not only do they get full compensation for the increase in the cost of living, but their real wages are allowed to increase in America. I do not know why in India we should not follow that policy. My Honourable friend Mr. Jinnadas Mehta referred to the Gregory Committee's report. That document may be confidential. I was present when some of the discussion took place in the Tripartite conference held by the Honourable the Labour Member.

**An Honourable Member:** They are not confidential.

**Mr. N. M. Joshi:** They are not confidential, I am told. Some of them have been placed on the table of the House. How can they be confidential? You cannot mark a document confidential and place it on the table of the House.

**The Honourable Dr. B. R. Ambedkar** (Labour Member): The discussions have not been laid.

**Mr. N. M. Joshi:** If the Honourable Member is not sufficiently respectful to the Legislature it is his fault. The principle has been accepted that in the case of people who are getting Rs. 25 per month they should get full compensation for the rise in the cost of living. I do not know why the Government of India should not accept that policy and follow that. It is wrong of them not to fully compensate for the rise in the cost of living, people whose wages are substandard or at a level which does not give them minimum wages. Sir, I would like the Government of India to tell us why they do not fully compensate for the rise in the cost of living in the case of such people who are getting Rs. 25 per month. If it is want of money, surely when they

are getting Rs. 50 crores of net profit, they cannot plead that excuse. They have got sufficient money. They cannot pay to the general revenues at the cost of the poorest class of railway employees. If the Government of India want to immobilise money and take back from the taxpayer the money in order to cause deflation that money should be brought back to the Government Treasury from the pockets of some other people and not from the pockets of the railway employees. The fact is that the Honourable the Finance Member who is anxious to cause deflation, and I have every sympathy with his object, is doing it in a wrong method. If the Honourable the Finance Member wants money to flow back into the Government Treasury, he can do that by a hundred and one other better methods. He can increase the excess profits tax. But he is afraid of doing it. To be fair to the railwaymen whose cost of living has increased, he must fully compensate them. You cannot plead want of money. You must pay from the Rs. 50 crores profit. If you cannot pay, then you will have to find out the money by some other means. I have no doubt that if the money is needed to pay to the poorest class of railway employees, then surely the Legislature will not hesitate to give Government that money. I therefore feel that the cause which we plead is a very just one and deserves support both of the Government and of the Legislature.

**Mr. B. Das** (Orissa Division: Non-Muhammadan): Give a few more tips to the Honourable the Finance Member.

**Dr. Sir Zia Uddin Ahmad:** Sir, I support this cut motion on the ground that the purchasing power of the rupee, if you look at the indices of wholesale prices of various articles, has gone down to a level less than four annas at present. This being the purchasing power of the rupee, the rich man can afford to stand it, but the poor man cannot afford to do so. Such reduction in the purchasing power of the rupee, the poor man cannot stand. I do beseech that this is one point which the Government ought to consider that since the purchasing power of the rupee is very much diminished, the dearness allowance should be increased at least in the case of the low paid staff. I gave notice of a Resolution which unfortunately was not balloted, in which I advocated that the salary of every Government servant should be doubled and that is for this reason, that the standard of salary was fixed at a time when the rupee had a certain purchasing power and which power is now reduced to less than four annas. That is the reason why you should at least double the salary of every Government servant, including the salary of the Honourable the Finance Member. That is absolutely fair.

**The Honourable Sir Edward Benthall:** It should be quadrupled!

**Dr. Sir Zia Uddin Ahmad:** To be fair to the Honourable the Finance Member he cannot publish any more currency notes. That is why I only double. As regards the poor people, we find that the dearness allowance is much greater in the case of business houses than in railways, and since railways are in a flourishing condition, it is only fair and reasonable that the railways should pay the same rate of dearness allowance to railway workers as the mills in Ahmedabad give to their workers. I only want this to be fair.

Secondly, the Honourable Member should not think in terms of crores but take a percentage of the income; the income has increased enormously and a reasonable percentage of that should be given as dearness allowance. The Honourable Member has often advocated that his is a business concern and not a public utility concern. In that case let the worker also share in the enormous profits which he is earning. The whole of the profits should not go to the shareholders or kept in reserve A, B or C but should also go to the people who have helped to produce these profits. On this ground as well their salaries should be raised.

The next point is one which was raised by Mr. Lalchand Navalrai; I also gave notice of a similar cut. I saw the specimen of wheat he showed me and it is far superior to what we get in the U. P. in the shape of flour. It is at least wheat, although it may be mixed with something else; but what is given in other parts of the country is not wheat but a different thing. Therefore



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it is desirable that help should be given in the shape of money and not kind like by opening cheap grain shops. I advocate this for many reasons. Firstly, whenever you give grains, specially *atta*, people do not get the right thing but a mixture. Secondly, those who distribute get enormous profits and those for whose benefit it is done get very little. I have seen myself, and I know as a result of personal inquiry, that at the stations the lower paid staff is not benefited; it is only the station masters and the highly paid staff who have got influence who get the entire profit. Thirdly, I plead that all the servants of the railways should not be in a privileged position but should be treated like other civil employees. They all take their chances; the Governments of the provinces are making ample provision now for the benefit of the civil population and also for the benefit of the railway servants. Therefore it is not fair that railway servants should make their own arrangements. My Honourable friend may say that there is not enough food. I can assure the Honourable Member that there is enough food in the country; the failure to get it is only due to maladministration. I said recently in the House that even one village in India has got enough food to feed Bengal for six months, but advantage is never taken of local conditions, although I drew the attention of the Food Department of the Government of India and of Bengal to it. There is no difficulty about food; and one thing against which I strongly protest is that the agents of the Honourable Member went and bought grain at competitive prices. I can definitely prove that they purchased at Rs. 16 or Rs. 17 a maund when the actual price was Rs. 8 or Rs. 10. This raised the price level for all the consumers merely for the benefit of a negligible proportion of the Railway population. Further, by these means he is not doing any service to the lower-paid staff but is only giving another handle to those people who are out to make money by allowing them to take bad quality *atta* and mix it with something uneatable; and even that is not given to the poor but only to the higher staff. Therefore he ought to close these shops and whatever is given must be in cash, and the amount given should bear some proportion to the income, as on business lines; and it should not be merely in terms of rupees but of profits so as to give some benefit to the lower staff. Sir, I support the motion.

**Mr. Frank R. Anthony** (Nominated Non-Official): Sir, I rise to support this motion because unfortunately the War Transport Member's budget speech did not give the slightest indication of any prospect of relief being afforded to railway employees. I fully sympathise with and endorse the appeals made by my Honourable friends, Mr. Jammadas Mehta and Mr. Joshi, on behalf of the inferior workers. But there is a tendency at the same time, because of the barrage which is permanently directed by these two very able spokesmen against the Railway Board, to overlook—as Mr. Lalchand Navalrai very rightly pointed out—the rights and needs of the middle class worker. I do not begrudge the relief granted to the inferior workers who are represented by Mr. Jammadas Mehta, although he seems to begrudge the percentages that my community holds in the railways. But whatever relief is being granted is only given, today, to the inferior workers. The plight of the middle class workers is as serious as that of the inferior worker on the railways today. The railway grain shops have, I believe, given appreciable relief but only to persons who are designated as inferior workers. The man who draws Rs. 200 or Rs. 250 a month does not secure any appreciable relief by being able to buy grain up to about Rs. 11 a month. The railway administration may feel that employees getting salaries up to Rs. 250 or Rs. 300 a month are being afforded lavish conditions; they may feel—but quite wrongly—that these people are wallowing in conditions of comfort. If only the gentlemen who control the railway administration would get down to these people today, the people who are drawing Rs. 250 a month, and study their conditions first-hand and would, before they initiate policies as armchair administrators, really acquaint themselves with the terrible hardships and privations to which these

middle class workers are being subjected today, I feel that they would, of their own accord and on their own initiative, be prompted to make some provision for affording relief to the middle class worker on the railways today.

There is a tendency in the railways, today, not to regard their employees as their own people. Take the army authorities—their attitude is quite different. The army administration watches over the rights of the humblest soldier jealously, but I am sorry to say that this spirit is completely absent from the railway administration today. They do not regard their workers as from the railway administration today. They do not regard their workers as their own people, irrespective of the fact that the railwayman has given them their own people, irrespective of the fact that the railwayman has given them and continues to give them yeoman service. Other departments which are not earning the inflated profits which the railways are earning are giving their employees all manner of allowances. I laid a case the other day before the House when I spoke on the general discussion. I gave the instance of a foreman in a gun carriage factory or in an ordnance factory. I do not begrudge it to these people; on account of the tremendous rise in the cost of living any one who is given relief to be helped over this increase is entitled to it. But I am just giving you an instance of how the other departments are helping their employees. A foreman in a Gun Carriage Factory was getting about Rs. 750 a month; today his war time allowances include a fixed increase of 85 per cent by way of overtime allowance; he gets what is euphemistically called a furniture allowance of Rs. 50 a month, and he also gets an education subsidy of Rs. 50 per child. If he has got four children to educate he gets Rs. 200. That is to say, with war time allowances, Rs. 50 furniture gets Rs. 200 or Rs. 250 by way of fixed overtime allowance, Rs. 50 furniture gets Rs. 200 or Rs. 250 as education subsidy. I do not grudge this to him, but why should you single out the railway worker for this denial policy? And this policy of hardship is exposed and emphasised when you consider the case of your non-running staff on the Railways. Take the case of Station Masters. They are required today to work long extra hours; every Station Master is giving you overtime. He is not earning a single penny extra by way of over-time allowance, and this anomaly is emphasised when you get Station Masters lent to arsenals or to Gun Carriage Factory sidings. A Station Master who is lent to a Gun Carriage Factory immediately gets 10 per cent. by way of dearness allowance on his salary. His contemporary, who perhaps works longer hours for the Railway, does not get this allowance.

Even in private firms dearness allowance is given. The other day I happened to see the allowance chart—I am open to correction in this matter; one of the Honourable Members of the European Party showed it to me—of the employees in the Cooper Allen & Company, and my impression is that even in these private companies these allowances are calculated on the latest cost of living index. Dearness allowance is granted to the highest wage bracket and it is graduated according to the scales of emoluments. Even in private firms this dearness allowance is given right up to the highest wage bracket. I cannot understand why the railway employee, who perhaps, as I have said before, has done more for the war effort than any other employee in any other service in this country, why he alone should be singled out by the Railway Administration for this denial policy, and particularly when you are earning enormously inflated profits, which profits he and he alone has made possible for you. In the last war I do not believe that your profits were anything like what they are in this war, in the last war the cost of living had not risen anything like it has in the present one. Yet you were more sympathetic towards the railwaymen in the last war because you actually met their demands to some extent. In the last war you gave them an all round increase of 10 per cent. on their emoluments. Why you deny them this today I cannot understand.

Again, the railway worker has always been prepared to do his bit when the Railways were faced with financial stringency. The War Transport Member will remember that in 1931, when the Railways were financially in straitened circumstances, you imposed a ten per cent. cut. Today when they, in turn, are in

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[Mr. Frank R. Anthony.]

financially straitened circumstances and when you are in a position to help them why, when you can do it, you deny that relief even to the extent which was granted in the last war. As I have said, the War Transport Member sometimes characterises my criticism as unjustified. But if he would accompany me on some of my extensive tours, I shall take him to the homes of the railway employees and I will show him the terrible privations and hardships which they are enduring today. A man with a family of three children on some of the Railways is obliged to deny education to two out of the three. Those children are growing up to be and they will be a liability to the future India, they will grow up as a living reproach to the miserly policy which, unfortunately, the Railway Administration is consistently following. Sir, I would appeal as one who has always supported the Railway Administration, one who represents people who have always supported the Railway Administration, people who have been the back-bone of your Administration in all the storms and stresses you have faced. I do appeal to you to revise this policy and to afford some measure of relief, relief even to the extent that you afforded in the last war, namely to— and you are in a position to do so—to increase their emoluments by at least 10 per cent.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable the War Transport Member wants twenty minutes to reply to the various points raised in the course of the debate, and therefore I do not think there is room for any other Member to speak. Sir Edward Benthall.

**The Honourable Sir Edward Benthall:** Railway servants are Central Government servants and dearness allowance for railwaymen is fixed in relation to the Government of India's general policy, and it has also to be fixed in collaboration with the Provincial Governments. Therefore, I am sure, Honourable Members recognize that the Railway Department cannot take an independent line.

The scheme of the Railway Board for compensation to railwaymen in war time comprises, as I explained at great length last year, a scheme of dearness allowance combined with the provision of cheap food in food shops. It is a combination of dearness allowance to compensate for the rise in prices and a scheme for stabilization of the cost of living of the worker at a point of time. As this scheme was worked out last year, it has resulted in payment of 7 crores in dearness allowance and 10 crores on account of food shops.

**Dr. Sir Zia Uddin Ahmad:** You spend this 10 crores in dearness allowance.

**The Honourable Sir Edward Benthall:** Therefore the greater part of the compensation arose from the grain shops. Between the two, it represents some 50 or 60 per cent. of the pay bill. Had we arranged dearness allowance alone last year, and not gone in for cheap food in the grain shops, the railwaymen would have suffered a very great deal, because you will recollect that we budgeted for 3 crores only, and it has actually cost us about 10 crores. We paid 7 crores more than we budgeted for last year. Had dearness allowance been fixed at certain levels, the railwaymen would never have got that benefit, and I say without hesitation that the railwaymen do recognize that, through the competence of Railway Administration in setting up these grain shops and providing them with cheap grains, they have received very great benefits during the past year.

My Honourable friend, Mr. Lalchund Navalrai, wanted to put up the dearness allowance three or four times and so, I understand, does my Honourable friend, Dr. Zia Uddin.

**Dr. Sir Zia Uddin Ahmad:** Is not that the opinion of your Advisory Committee for Railways also?

**The Honourable Sir Edward Benthall:** Sir, Government's lightning calculator has reckoned that this would cost the Railways another 42 crores, and I suggest that the proposal, which was made by the Honourable Member who is not in the House at present, is really irresponsible. I cannot refrain either from taking up Dr. Sir Zia Uddin's economic argument and pointing out that if his argument is correct, then the Railway Board have reduced rates and fares four times.

**Sardar Sant Singh** (West Punjab: Sikh): Along with the comforts of the travellers.

**The Honourable Sir Edward Benthall:** That is possible.

**Dr. Sir Zia Uddin Ahmad:** But first increase the salary, and then take up other things.

**The Honourable Sir Edward Benthall:** Sir, I was saying that if Sir Zia Uddin's argument is accepted, we have reduced rates and fares four times.

Sir, the effect of the action of Government is to stabilize the principal items of the lower paid railwayman's budget at round about the August, 1942, level, which was before the big rise in price took place. And Government is not static in this matter. It is constantly reviewing, not quite with the speed which my Honourable friend, Mr. Jamnadas Mehta, would wish but it is constantly reviewing, this very intricate problem, an all-India problem covering all departments and Governments in India. From time to time it is able to improve what it is giving to the railwaymen and to its other servants.

The zone system which is in force is, we admit, not a perfect one or a wholly scientific one, but we maintain that it does give rough and ready justice and we still maintain that the distinction fixed between the different zones is, broadly speaking, justified. It is not possible to prove these things by cost of living statistics because there are no such statistics in existence, but Government have reviewed the amount of dearness allowance being paid and have decided to increase the allowance in the lowest zone from Rs. 8 to Rs. 9.

As regards the prices at which foodgrains are sold, the prices were fixed on the price of food in February, 1943, less 20 per cent. and that brings the price roughly to the price of August, 1942.

The result of this is, as I said in my budget speech and as one or two Members have mentioned, that there is a benefit on an average throughout India to the worker of about Rs. 8-6-0 calculated on what the employee spends and what he would spend if he made his purchases in the market. That leaves out of count, of course, the effect of cheap railway shops in keeping down the price in the bazar in a railway settlement. That figure of Rs. 8-6-0 is an average all over India for the month of December. It has of course in some areas been much above that and the maximum is round about Rs. 20 in Eastern India and the average in any one month has been above Rs. 14, which partly accounts for the total figure in the expenses of the railway last year.

**Sir Oowasjee Jehangir** (Bombay City: Non-Muhammadan Urban): May I point out to the Honourable Member that if he has spent Rs. 10 crores in maintaining these shops, then the value to the worker should be an average of Rs. 12. It may vary from month to month but the average should be Rs. 12.

**The Honourable Sir Edward Benthall:** I have not worked out what the average is. I explained the Rs. 8-6-0 is calculated on what the employee spends and what he would have spent in the bazaar. Rs. 8-6-0 is one month's earnings. It has been up to Rs. 14 and Rs. 20 in some areas. I will try if I can to get out some more detailed figures.

The pay limits which have been in existence for some time and to which these dearness allowances apply are:

Special zone—Rs. 200.

A zone—Rs. 175.

B zone—Rs. 125.

C zone—Rs. 90.

After consideration, Government have decided to raise these limits:

In the top zone from Rs. 200 to 250.

In the next zone from Rs. 175 to 200.

In the third zone from Rs. 125 to 175.

In the bottom zone from Rs. 90 to 150.

[Sir Edward Benthall.]

I am glad to say that this, I think, entirely meets my friend, Mr. Lalchand Navalrai, who has not, however, waited to hear the result of his appeal. I think that having satisfied him, he will have less to say on this point in the future. I think it also meets the case of my Honourable friend, Mr. Anthony, and the case of the many of the people with whom he is concerned. I would point out also, as mentioned in my budget speech, that we are trying to inaugurate price canteens to help the sort of people in whom he is largely interested.

Time does not permit me to continue but I must point out that under the new arrangements including the benefits

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member has ten more minutes.

**The Honourable Sir Edward Benthall:** . . . which the railway workers get, together with dearness allowance and the benefits of the cheap food shops, the worker in the top grade up to Rs. 250 will get, between the two at December price levels a benefit of Rs. 24: in the second zone Rs. 22: in the third zone Rs. 19: and in the fourth the worker up to Rs. 150 will get Rs. 17. The Bombay worker who formerly got Rs. 25 will between the two, dearness allowance and cheap grain shops, get the equivalent of Rs. 49-6-0 on the basis of the December figures. I may point out that when prices were higher they got greater benefit than this. They got up to Rs. 30 in the top zone and up to Rs. 22 in the lower zone.

Sir, I maintain that with the new benefits which Government are giving to the railwaymen, with the extension of the scope of the shops, i.e., the number of articles to be sold in the shops, and with the stabilisation at the level of August 1942, which we have roughly speaking effected, the combined scheme of cheap shops and dearness allowance does give real benefit to the railwaymen. I must emphasize what my friend, Mr. Jamnadas Mehta, has said, that the cost of living now does show signs of being stabilised, and therefore further increases are less justified than before. What we have done for the railwaymen is a very genuine effort to meet very deserving servants of Government, and I consider that what we have done for them and what we are going to do for them is fair.

My concluding remark must be that the new concessions which are now being made are not included in the budget expenses for next year.

Sir, I oppose.

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

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

The Assembly divided:

4YES—42

Abdul Ghani, Maulvi Muhammad.  
Abdul Qaiyum, Mr.  
Abdullah, Mr. H. M.  
Anthony, Mr. Frank R.  
Azhar Ali, Mr. Muhammad.  
Banerjee, Dr. P. N.  
Choudhury, Mr. Muhammad Hussain.  
Dam, Mr. Ananga Mohan.  
Das, Mr. B.  
Datta, Mr. Akhil Chandra.  
Deshmukh, Mr. Govind V.  
Essak Sait, Mr. H. A. Sathar H.  
Gupta, Mr. K. S.  
Habibar Rahman, Dr.  
Hegde, Sri K. B. Jinaraja.  
Hosmani, Mr. S. K.  
Imail Khan, Hajee Chowdhury Muhammad.  
Joshi, Mr. N. M.  
Kailash Bihari Lal, Mr.  
Lahiri Chaudhury, Mr. D. K.  
Lalchand Navalrai, Mr.

Liaquat Ali Khan, Nawabzada Muhammad  
Maitra, Pandit Lakshmi Kanta  
Mangal Singh, Sardar  
Mehta, Mr. Jamnadas M.  
Misra, Pandit Shambhudayal.  
Naidu, Mr. G. Rangiah  
Nairang, Syed Ghulam Bhik.  
Nauman, Mr. Muhammad  
Pande, Mr. Badri Dutt.  
Parma Nand, Bhai.  
Raza Ali, Sir Syed.  
Reddiar, Mr. K. Sitarama  
Sant Singh, Sardar  
Sham Lal, Lala  
Siddique Ali Khan, Nawab.  
Srivastava, Mr. Hari Sharan Prasad.  
Subbarayan, Shrimati K. Radha Bai.  
Umar Ali Shah, Mr.  
Yamin Khan, Sir Muhammad.  
Zafar Ali Khan, Maulana.  
Zia Uddin Ahmad, Dr. Sir.

Ahmad Nawaz Khan, Major Nawab Sir.  
Ambedkar, The Honourable Dr. B. R.  
Azizul Huque, The Honourable Sir M.  
Benthall, The Honourable Sir Edward.  
Bewoor, Sir Gurnath.  
Caroe, Sir Olaf.  
Chandavarkar, Sir Vithal N.  
Chapman-Mortimer, Mr. T.  
Chatterji, Mr. S. C.  
Daga, Seth Sunder Lal.  
Dalal, Dr. Sir Ratanji Dinshaw.  
Gwilt, Mr. E. L. C.  
Habibur-Rahman, Khan Bahadur Sheikh.  
Haidar, Khan Bahadur Shamsuddin.  
Imam, Mr. Saiyid Haidar.  
Ismaiel Alikhan, Kunwer Hajee.  
James, Sir F. E.  
Jawahar Singh, Sardar Bahadur Sardar Sir.  
Jehangir, Sir Cowasjee.  
Khare, The Honourable Dr. N. B.  
Krishnamoorthy, Mr. E. S. A.  
Kushal Pal Singh, Raja Bahadur.

Lawson, Mr. C. P.  
Maxwell, The Honourable Sir Reginald.  
Miller, Mr. C. C.  
Muazzam Sahib Bahadur, Mr. Muhammad.  
Mudaliar, The Honourable Dewan Bahadur Sir A. Ramaswami.  
Ogilvie, Sir Charles.  
Piare Lal Kureel, Mr.  
Raismann, The Honourable Sir Jeremy.  
Richardson, Sir Henry.  
Roy, The Honourable Sir Asoka.  
Shahban, Khan Bahadur Mian Ghulam Kadir Muhammad.  
Siva Raj, Rao Bahadur N.  
Spence, Sir George.  
Stokes, Mr. H. G.  
Sultan Ahmed, The Honourable Sir.  
Thakur Singh, Capt.  
Trivedi, Mr. C. M.  
Tyson, Mr. J. D.  
Wagstaff, Col. H. W.  
Zahid Husain, Mr.

**Mr. President** (The Honourable Sir Abdur Rahim): Ayes 42 Noes 42. As there is an equality of votes, I have got to give my casting vote. According to the convention, which is to maintain the *status quo*, I give my casting vote to the "Noes".

The motion was negatived.

**Mr. President** (The Honourable Sir Abdur Rahim): It is nearing 12-45. As both the motions have been disposed of, the benefit of the remaining time goes to the next Party—the Muslim League Party.

*Extensions to superannuated personnel.*

**Mr. H. M. Abdullah** (West Central Punjab: Muhammadan): I rise to move the cut motion No. 30 on the Final List.

(At this stage Mr. Frank R. Anthony rose in his place.)  
**Mr. President** (The Honourable Sir Abdur Rahim): I understand that this revised list has been agreed to by the Government, and that there is no objection. Only there is a change of order?

**Nawabzada Muhammad Liaquat Ali Khan** (Rohilkund and Kumaon Divisions: Muhammadan Rural): Yes.

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

(Mr. Frank R. Anthony continued standing in his seat.)  
**Sir Muhammad Yamin Khan** (Agra Division: Muhammadan Rural): Who is in possession of the House, Mr. Anthony or Mr. Abdullah?

**Mr. President** (The Honourable Sir Abdur Rahim): Order, order. Mr. Abdullah will go on.

**Mr. H. M. Abdullah:** Sir, I rise to move the cut motion No. 30 on the Final List which stands in my name, namely:

"That the demand under the head 'Railway Board' be reduced by Rs. 100."  
The purpose of proposing this cut, as stated against the cut motion, is to discuss the policy of the Railways in granting extensions to superannuated personnel. The House will remember that my Honourable friend, Seth Yusuf Abdooln Haroon, moved a cut for this specific purpose last year too. Although it was supported by all the non-official Members who took part in the debate, it was negatived because the Parties were not well united at the time. The one bad result of the rejection of that cut motion has been that the Railway Administration generally and the North Western Railway particularly have become too bold and are granting extensions indiscriminately. The protest made by this House last year has proved quite ineffective and the need has, therefore, been felt to register the protest again in the hope that it may meet with a better fate this year. On account of short time at my disposal and my health I would

[Mr. H. M. Abdullahah.]  
not make a long speech nor would I like to recapitulate the arguments advanced by the Members who spoke on the cut motion last year. I would confine my remarks only to the North Western Railway which runs through my constituency and with whose affairs I am fully conversant. On that Railway extensions are being granted indiscriminately both to officers and subordinates, notwithstanding the clear orders of the Government of India that extensions should only be given to persons with technical knowledge who are difficult to replace during war time. Extensions are being given to such non-technical posts as stores officers at the present time on the N. W. Ry. The General Manager, the Chief Engineer, the Chief Commercial Manager, the Chief Operating Superintendent, and the Deputy General Manager Personnel, and Senior Assistant Personnel are all on extension. It is not understood what justification there is in continuing the practice of giving extension or for re-employment of officers as it debars the promotion of junior officers who have been looking forward to their normal promotion for years together. Sir, by the grant of extension many junior officers and subordinates are being deprived of their only chances of promotion. On the termination of the war there will certainly be retrenchment of staff with the result that to complete the quota of retrenchment most of those subordinates and junior officers will be made to retire before their superannuation. It will not then be possible to grant them any extension to compensate them for their present loss. These men are, therefore, being hard hit by these extensions, the grant of which should be stopped at once.

**Mr. H. M. Abdullah:** Yes.

**Mr. H. M. Abdullah:** These extensions are generally given to European officers and their underlings and the interests of Indians are suffering. Sir, with these few words I commend the motion for the acceptance of the House.

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

"That the demand under the head 'Railway Board', be reduced by Rs. 100."

**Sir Muhammad Yamin Khan:** I am absolutely opposed to any policy of giving extension to anybody on any ground in the services. People who are recruited in the Government services are recruited for a definite period and on certain conditions and they are not entitled to get any kind of extension, because extensions to them mean hardships to other persons. If you give an extension to a superior officer who is on the verge of retirement, his immediate subordinate who is to come in and take his place is debared from promotion.

Again, the question of age also comes in, and when the Government prescribed a certain age at which their men should retire they had two considerations in view. First of all, that promotion to the subordinates should not be debarred, and, secondly, that after a certain age a man is not so efficient to discharge the work that is entrusted to him. There may be some people who may be efficient, but as a policy I think this ought to be kept in view and there is no justification for giving any extension. It may be argued that it is on account of war that of necessity some people had to be given extensions. You have not got so many hands and you are going to entrust your work even to Americans. But this argument does not appeal to us at all, because we think that the subordinates who are just below those who are to retire are efficient and quite efficient too. If they are not efficient, then it is the fault of the Government who have selected them, but when they are quite efficient why debar them and why not give them a chance of carrying on the work? If those people retire, equally good people will step into their place; only the person who will join as a new recruit will be at the bottom. The recruitment is to start from the bottom. It will be fallacious to say that these are the only people who can do the work on account of the war. I say that the people who are immediately subordinate, who link up

one by one, are quite efficient to take the place of the superior above them, when the post falls vacant. I do not see any reason excepting one. It may be said: Where shall these retired people go? They cannot get passage home and they cannot go to other places and they cannot work in their own country and so they must be provided. If that is the reason, then we cannot support the Government. If a General Manager, or the Commercial Manager retires, then the Deputy General Manager or the Deputy Commercial Manager can take their place, if they have been trained for those places. Besides the question of hardship to individuals, I think the policy is bad. It is stopping Indianisation. We are not getting Indianisation to the extent to which it had been planned and to the extent which we have been demanding for the last 20 to 30 years. When the Indians have come up to take the places at the top, they are being denied the opportunity. This policy will stop the promotion of Indians.

Suppose my Honourable friend says that after the war, the Europeans are ready to hand over charge to Indians. Still, you don't give them the chance to manage their own affairs. If they want to get their chance to learn to manage their own affairs, they will not have the proper training. Some Indians may be hard hit here and there. That I do not mind. I say that the policy of giving extension is bad. If you want these people to remain and you want their service, then the only thing to do is what has been done in some other services of the Government of India. Retire these people. Let their places be taken by their juniors. These retired people can be re-employed for a definite period for some other purposes. But don't condemn the men immediately below the General Managers. Don't say that the General Managers are the only efficient men and no one else can take their place. I cannot support this policy. If you employ the retired men on special jobs, then that will not stop the promotion of other persons. There are many I.C.S. people who are employed for different purposes. I do not mind it, because they are not stopping the promotion of Indians. Under your present system, the staff immediately below the European is suffering. Really the whole system of Indian subordinates is suffering. You are preventing Indians from getting experience and taking over charge of the affairs of the administration. It is no use going into facts and figures. We cannot support the general policy which has been adopted by the Railway Board and we want that this policy should be annulled. I do not know if my Honourable friend will tell me that this has been inspired because the Chief Commissioner is on extension and he wants to make out a case, therefore, for giving extension to everybody else. I do not see why the Chief Commissioner should get an extension. Have you no other person to take charge of his post. If he dies

CR. . . . .

Edmond Benthall: That is really a most unfair suggestion.

**The Honourable Sir Edward Benthall:** That is really a most unfair suggestion.

**Sir Muhammad Yamin Khan:** I am opposing the policy that because one man is likely to suffer, it is being extended to a great number of persons.

**The Honourable Sir Edward Benthall:** The policy is decided by the Government.

**Sir Muhammad Yamin Khan:** But what is the Government. Once I was told in the Standing Finance Committee—These are the proposals of the Railway Board. Then I got the same thing and was told that Government after considering them have decided to stick to their own proposals. I asked, “what is the Government, in connection with this matter”, and was told “Railway Board means Government”.

**The Honourable Sir Edward Benthall:** You can put the blame on me in that respect, not on the Board.

**Sir Muhammad Yamin Khan:** I am told that the Government is the Railway Board and that so far as Railway questions are concerned, it is the Railway Board which constitutes the Government. If the Honourable Member can convince me that this question came before the Executive Council and that the Executive Council, composed of a majority of Indians, accepted this, then I will accept it as the decision of the Government of India but this is the decision of



[Sir Muhammad Yamin Khan.]

my Honourable friend who has been guided by the advice of the Chief Commissioner for Railways. If that is so, then it is not the Government composed of Indian majority as people outside have been led to believe but really the Railway Board and an individual member of the Railway Board who is responsible for this policy and who is guided by the advice of his subordinates. In this case, we are not going to accept that view at all, as the view of the Government. If the Government of India is composed like this, then the sooner they go the better. You are giving this extension in the interests of favouritism and you are acting on the advice of the very people who are going to be affected. That advice should be absolutely ignored. I, therefore, support this motion and I trust that the whole House will arise against this policy and support this motion.

**Sardar Sant Singh:** Sir, I rise to support the motion. (An Honourable Member: "You have come back? You are on extension?") An Honourable friend on the other side says that I am on extension. He is under a misapprehension. I have got up to speak on this subject of extension. The Member in charge of the Railway Department has told us, during the speech of my Honourable friend, Sir Muhammad Yamin Khan, that extensions are granted by Government of India. I think the cut motion that has been tabled is a token cut motion and it is intended to censure the Government of India, through the Railway Member, who is piloting the Railway Budget in this House. I hope that when this House adopts this cut motion, Government will take note of the explicit vote of this House. The position is this. In India, the complaint has always been and still continues to be that the services are too much dominated by Europeans. We want that they should give place to Indian element. This is the principle for which we have stood for a very long time and still we stand by and fight for this principle. This indiscriminate granting of extensions to Europeans in the services presupposes that the Government do not accept the policy which has been insisted upon by the Central Legislature that the higher posts should go to Indians as such. I hope the Honourable Member in his reply would not take up the position that any man in the Government service is indispensable. If he takes up that position, he condemns the Government of which he is a member. I am sure he will not advance the same argument that was advanced in the past, nor will he accept the excuse which Sir Muhammad Yamin Khan has advanced, namely, that on account of war there are no facilities for travel and, therefore, the men at the top who retire on account of the age-limit or having completed their term of service cannot proceed to England or other parts of the world. If it is so and it is a serious argument, then the Government of India stands self-condemned, because they do not grant extensions because of the experience or the knowledge which the gentlemen possessed and that they want to utilise that knowledge but instead simply want to be partial to those men because they cannot live except on the salary which they draw from the tax-payer of India. I am sure no Member of Government would seriously advance such an argument to this House. If the object of the running of the administration in India is to provide high posts to certain gentlemen and to look to their convenience and not to look to the interests of the tax-payer, such a Government stands self-condemned in the eyes of any decent man.

The only point that remains is whether they are indispensable and whether their services are utilised because of the experience they have gained and at this time when the war is going on they are considered indispensable. With regard to that I may point out that I have no doubt in my mind and I say it with full sense of responsibility that there are European officers at the top who are carrying on their work not with their own knowledge or their own intelligence but with the assistance of Indians who are below them. It is these Indians who work, who study and who furnish the full information and the European officers are the mere signing machines in most cases. They cannot deny it. But the main object in providing jobs of the higher officers to the Europeans is not that

they are the only efficient people going in this country but for the purpose of what they call 'the British prestige' in this country. I refuse to be taken in by any argument that they are indispensable. We know that when the Americans came to this country as belligerents, they condemned the system of administration of the British Government. They said it was a very old system and was not up-to-date. The Americans found the administration of the country to be run on lines that were not modern; they were old and obsolete. That condemnation of theirs has been given vent to in America. So, the Britishers cannot claim that they are efficient when the foreign evidence has condemned them. Therefore, if they now cease to take shelter behind the argument that a British officer is indispensable simply because he happens to be a Britisher, they will serve the interests of India and their own too. We expect this particularly from the Honourable the Railway Member because he is not a member of the Government of India was decided upon. He re-presents India now and not the Services and as such he should not bow down to the policy that is dictated by the Secretary of State simply because he can order his Services to carry on that policy. There is a difference between the two. He is on the same level as the Honourable Sir Ramaswami Mudaliar or Sir Sultan Ahmed. They represent India.

**Mr. B. Das:** But he does not.

**Sardar Sant Singh:** He should. His mental attitude towards all questions should be that he has been appointed to this post as representing India and not England or the Services, or the Europeans. Therefore, what I submit is that when he submits the recommendation for granting extension to these men of the Services, who have been appointed not because of the policy which India likes to be adopted in this country but because of a certain policy which England likes, he should take a separate view and he should side with his Indian colleagues rather than with the British.

**Pandit Lakshmi Kanta Mahtia** (Presidency Division: Non-Muhammadan Rural): Blood is thicker than water.

**Sardar Sant Singh:** That is the angle of vision from which the question should be approached. If you approach this question from the angle that the interests of Indians should be nearer to your heart, then there will be no injustice.

**Dr. P. N. Banerjee** (Calcutta Suburbs: Non-Muhammadan Urban): They always approach these questions from a wrong angle.

**Sardar Sant Singh:** My submission in this connection would be that the granting of extensions leads to favouritism and nepotism. It leads to the extension of service, which, in turn, leads to discontentment in the service, which you cannot afford to indulge in at this critical period of war. Therefore, they should see that no extensions are granted to anybody. We do not like favouritism and nepotism in services. We are opposed to it. I, therefore, support this motion.

**Mr. Lalchand Navalrai:** Sir, I must at the very outset draw the attention of the Government to the fact, that the younger generation now is on a war path on matters like these. They go so far as to say that even the Members of this Honourable Assembly or the Council of State or the members of the Cabinet or the Presidents or Chairmen who have now become superannuated should go out. But that is a different question. At present we are concerned with the superannuation of the railway employees. Now, Sir, in reply to my starred question which I asked on the 16th November last, it was stated by the Honourable the Railway Member that on the 1st September, 1943, 95 officers had been on extension, and 167 officers had been lent to the Defence Department. The figures relating to the subordinates who have been granted extensions are too many. On the North Western Railway a number of the train examiners and other staff are deprived of their due promotions because of the superannuated personnel. Government have taken up the stand that they do not recognise that the prospects of the employees in the lower grades have been marred by these extensions. There they are wrong. But they insist on what they say just as an autocrat does. They maintain that it is left to them to do this and

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[Mr. Lalchand Navarai.] in their discretion these extensions should go on. That is a wrong policy. Then, they say that those officers are indispensable and therefore they will exercise their discretion. If you think they are such that you cannot part with them, then you should make some other arrangement for the younger staff to get promotions. If you ignore them and continue to say that you will do as you like, then it is absolutely wrong. But there is a method to do it if you will follow it. Supernumerary posts may be created.

**Mr. N. M. Joshi:** What about superannuated Members?

**Mr. Lalchand Navarai:** Yes, it is not only Members, but even those on the highest pedestal are being asked to go out. What I am submitting is this, there should be some extra appointments created and these men should be given those appointments so that promotion may not be blocked. If you do not give them promotion, they get discontented. They do not turn out efficient work. Take the instance of higher posts to which direct recruitments are made from England. Very recently they appointed a man from England as Director General of Archaeology even without consulting Indian public opinion. In like manner you are having your own way here. But this cannot continue for long. Government have to consider this and give promotions to those persons who have earned them. In these days of war, you should not import outsiders and block the promotion of deserving Indians. Under the guise of experts, you bring in all sorts of people, and make the lower people to remain where they are. This is a great injustice. Sir, I support the motion.

**Mr. Muhammad Nauman** (Patna and Chota Nagpur cūm Orissa: Muhammadan): Mr. President, Sir, I do not want to take up much of the time of the House as this question has been sufficiently debated upon. I would only support the motion by saying that Government probably realises that this is a wrong principle which it has adopted. This has created great discontent among able officers who are as good as others who have been given extensions. I would refer to the speech of the Honourable Member for War Transport when he gave a chit to the railwaymen, did he mean to confine his chit to those experienced people who were on extensions or did he also refer to those officers and men who were tackling the present difficult situation in the circumstances in which they were placed. Besides this I want to make another point. These older people whose experience is considered an asset are probably less adaptable to the new circumstances than the younger people and I submit the experience which these older people claim cannot be the sort of experience which is required in the conditions created in the country today. Can any officer of the railway claim to have any experience of the circumstances or the conditions that prevail consequent on the present war? Is that any great argument to say that they have certain experience and for that, they shall be continued in service by method of extensions.

**The Honourable Sir Edward Benthall:** Many of them served in the last war either on the railways or in the war.

**Mr. Muhammad Nauman:** I do not know whether all of them who have been given extensions had such experience. Besides, I would impress upon the House that in the last war, the conditions were not identical with those that prevail today. The conditions today are far more miserable and our problems today are far more different and difficult than what were facing us in 1914—1918.

**The Honourable Sir Edward Benthall:** More difficult.

**Mr. Muhammad Nauman:** Exactly. I suppose the older people have not got the capacity to adapt themselves, as the Honourable Member himself will realise, as the younger generation can do, circumstanced as they are. The younger generation are more intelligent and more easily adaptable than the older people who have been used to certain ways and who find themselves at the far end of their lives faced with different problems and difficult situations as brought about by the present war.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member can continue his speech after lunch. The House will now adjourn for lunch.

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

THE RAILWAY BUDGET—LIST OF DEMANDS

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Sir Henry Richardson (one of the Panel of Chairmen) in the Chair.

**Mr. Muhammad Nauman:** Sir, I have already proved that the argument of experience is just an apology and cannot convince any one. It cannot convince even the Honourable Member himself because he cannot claim to have any experience of the Railways although he is doing wonderfully well as Transport Member. If his business experience has given him the capacity to control the railways how can he say that these railway officials would not prove as efficient or as good as the other older people? Then the other question is, do Government realise that by this device of extensions they are restricting recruitment at the base in the gazetted ranks? It means that those vacancies which should have occurred through retirements do not occur. This is an important factor. I know that most of these people who have been granted extensions are Europeans. I do not want to make any reflection on the experience or capacity of individuals, but the Railway Board should not think that people below them are inferior or lack in capacity. I have already said that these younger people are expected psychologically to be more capable of adapting themselves to circumstances than old people who move in a groove. The Honourable Member Sir Edward Benthall interrupted me by saying that some of them have experience of war conditions in 1914. I do not deny it, but the conditions then cannot be compared with the conditions now. Besides, these officers in 1914 could not have had experience of the administration in which they are today. How can they do today what they are expected to do in a position in which they never were in 1914—1918.

**The Honourable Sir Edward Benthall:** On the basis of their experience.

**Mr. Muhammad Nauman:** The Honourable Member may give his own reasons but I know he is convinced with my arguments.

Sir, I will not say much more; this side of the House has been agitating this question for a long time, feeling that it is a vicious system which has been introduced. Even in the Indian Civil Service they are not given so many extensions; they are also people with experience and if that argument were valid the Government of India would have maintained them also at any cost. Sir, I support the motion.

**Mr. Abdul Qayum** (North-West Frontier Province: General): Sir, I rise to support this motion moved by the Muslim League Party. This motion is of considerable importance because it raises the very important question of the scope of employment of non-Indians, and the terms and conditions on which they should be employed in our railways. I was of opinion, and I think this opinion is shared by many people, that the conditions in a country,—the climate, the food they eat, the water they drink, the clothes they wear,—have a great influence on the habits and frame of mind of the particular people living in that country. Now one of the effects of the Indian environment on the Indian employees, my own countrymen, that I have noticed is this. There is a tendency among those in service to hang on to their jobs longer than it is desirable or necessary either in the interests of their health or the efficiency of the service. They want to die in harness, as the term is used; but I did not know that even non-Indians who come to this country and stay here for a number of years would so easily be afflicted with this malady. Here we have non-Indians in service—who find themselves safely entrenched,—anxious to carry on as long as they possibly can. We all know that the railway administration in India is also caste ridden. My Honourable friend, Sir Frederick James, yesterday was very anxious to show his generosity to the depressed classes; but he conveniently forgot that his own countrymen had created several castes in the railway administration. Firstly, there is the all-powerful European caste; then they have brought in the Anglo-Indian community with special representation in services. We have no objection to Anglo-Indians having such share of the services, if they begin to live, act, and think, as sons and daughters of India. The reason why it is considered desirable to have these Europeans and Anglo-Indians and others in the railway administration and railway services is

[Mr. Abdul Qaiyum.]

that the Government of India feel that communications is an important branch through which they can maintain their strangle-hold on this country. That is why this particular department is so jealously guarded; and even when it is considered desirable to transfer this portfolio to a non-official, care was taken that a European non-official was selected for the post. In fact it would be quite appropriate and proper to say that the railways are the arteries through which the life-blood of British imperialism circulates in India. Therefore it is a thing which must be jealously guarded and Indians must be kept out of all key positions,—positions of vantage, responsibility and trust.

The principle of employment of non-Indians should be as follows: Non-Indians should never be employed in the railway services of this country as long as there are Indians with the requisite qualifications available to fill up the posts. And here also I must sound a note of warning. Sir Frederick James remarked yesterday that because Public Service Commissions are dominated by caste Hindus, therefore, it is not possible for the Scheduled Castes to get due proper representation in the services, and very often very intelligent and capable Scheduled Caste men are turned away because they do not come from the high class Hindu families. Our experience in this connection has been bitter indeed. Whenever the judges as to the comparative fitness of Europeans and Indians happen to be Europeans, we invariably find that they are of opinion that the Indians lack the requisite qualifications and initiative to hold such posts. This is exactly the policy which has been steadily pursued for so many years in the Indian Army. No Indian was considered fit to command his own countrymen, because there is the same mistrust of the Indian people, which really is behind the policy which has been followed by the British Government in this country. Communications, therefore, being considered to be a very vital necessity for the maintenance of British hold on this country, it is the policy of Government that as many non-Indians should be employed in this particular department as they can lay their hands on.

Now, Sir, the reason advanced by the Honourable the War Transport Member is "Oh! we have got such storehouse, wonderful storehouse, of experience at our disposal: why should this country not benefit from it?" I would not try to be unjust to his own countrymen. His own countrymen have gained wonderful experience in this country: why should not this experience be utilized in their own country where they are engaged in a life and death struggle to preserve their dirty Imperialism. After all it is a predatory war. We know that. We know that every nation—whether it is the Japanese or the British—are out to grab as much country belonging to others as they possibly can in order to exploit the resources of those places and naturally to keep their people under subjection. This thing is absolutely clear: that the underlying object is to subjugate other people. Whether it is British Imperialism or Japanese Imperialism—they are like twins; there is no difference between the two. Why should not this experience be at the disposal of the people in England who can very profitably take advantage from this rich experience which they have gained in this country.

**Pandit Lakshmi Kanta Maitra:** Because the officers are more anxious to save their own skin now that there is bombing going on in London again.

**Mr. Abdul Qaiyum:** This is a matter of great importance. It is high time that the Government of India realised their responsibilities and their duties. It is no use trying to base one's argument on logic. The Honourable the War Transport Member said the other day that his proposal of increasing fares by 25 per cent. was steeped through and through in logic and the other side was using violent language because they did not have logic to back their points. Sir, I will give him a bit of the logic which he wants. I can convince him, here and now that my logic is really sound logic. If I were to tell him that it is no business of his and his countrymen to be in our country, I have very good logic. I have in addition justice and fairplay behind this argument. If I were to tell him to stop meddling in the affairs of our country and walk out of our country, how would he like that argument? We certainly have logic. But

we lack the force, we lack bayonets and gunpowder to throw out the predatory people who are out to exploit us. If we are to follow logic, you should get out of this country, you should quit India; you have no business to be in this country. Would you listen to the voice of justice, to the voice of fairplay? And then you trot out logic when it suits your personal interests. We know why this war is being fought. You are going to free Burma! Is it for the Burmans that you are going to free Burma? Have you consulted the people of Burma and are you sure that they want you to free them? And who are you going to employ in your effort to free them? Our kith and kin and our blood are to be sacrificed in order to bring back Burma under your sway, and within the fold of this wonderful Imperialism. And, then, we have been promised absolute freedom after the war. We are told "Don't raise this slogan of 'Quit India'; it jars on our ears; we are good people; we are fighting and if we win this war we will quit this country". Who ever believes in that? Only fools can put their trust in British words and British promises. We know that you will be here and you will exploit the people of this country as long as you can, and it is clear from this very policy that you cannot even tolerate that our countrymen should be promoted when they have got the requisite qualifications to hold the highest posts in the Railway Department. Therefore, this is our view. We are putting forward this view not because we think you are going to listen to us—you will do what you like; you have got several Indians who can conveniently force themselves to agree with you in any matter. They have no conscience. But we are using this forum to show to our countrymen and to tell you what the people of India are thinking about your deeds. As a result of what we say here, the people of India will know that there is no justice, no fairplay to be expected from this Government. A time will come when they have acquired the necessary strength and organisation, that they will rise up and overthrow this hated imperialism from this country. Sir, I support this motion.

**Mr. Ananga Mohan Dam** (Surma Valley cum Shillong: Non-Muhammadan): Sir, I will not take much time of the House, but I will only make one or two observations. Sir it is a wrong principle to allow superannuated officers to hang on the jobs and thus block the way for others. I referred to this when I spoke on the last occasion on the improvement of the Railway Administration. This policy stands in the way of the improvement of the Railway Administration. Just now it has been referred to by my Honourable friend, Mr. Abdul Qaiyum, who quoted Sir Fredrick James, that Caste Hindus are getting more at the cost of the Scheduled Class. What I wanted to say is that the quota of Caste Hindus in different services is being reduced day by day because efforts are made to make room for other people who are less qualified than the Caste Hindus. With these words, I support the cut motion.

**Mr. Muhammad Azhar Ali** (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, it is a matter in which we Indians thought that the British sense of justice might come to our rescue, but it is our unfortunate position that even the British nation, whom we thought that it will treat Indians and the Indian cause with justice, have lost all sense of justice and fairplay and have become so unjust. Sir, this policy of granting extensions stands clearly in the way of Indianisation to which the British public, this House and the Honourable Member and his predecessors were bound in honour to do. But it is our misfortune that we have not got self-government here, otherwise they would not have come between Indianisation and the wishes of people. Every time we hear that some key-position has been given to either a European or some Anglo-Indian in the Railway Department, we feel that grave injustice is being done to us. And so we have lost all hope in the British sense of justice. Sir, this complaint is not only against the Railway Department but as every Member of this House knows and will endorse it, it is true of other departments of the Government of India also; it is a fact that Government are getting people from outside and then they are giving extensions. Sir, what is the result of this policy. On the one hand you stand on the way of those people who are experienced in your own department and thus create disaffection, and on the other you stop the younger generation from taking higher responsibilities and





**The Honourable Sir Edward Benthall:** Sir, has this anything to do with extensions?

**Mr. Chairman** (Sir Henry Richardson): The Honourable Member should confine himself to the motion under discussion.

**Mr. Kailash Bihari Lal:** Perhaps you are saying that this is irrelevant to subject before the House. I say from that point of view that if you have dearth of men, here is this area from where you can get men for these posts and you need not go on keeping these superannuated men in your service. From that point of view I am giving you some information. These people are waiting to receive justice at your hands, while you are giving superannuation to those old and bald members of the service. Referring again to the unemployment report of the Bihar Government, I say you can get sufficient men if you were to do justice. The same case may be there with regard to other provinces also—there may be persons who do not get an opportunity to approach you. They are in the background and in the darkness; they do not loom large before your eyes and you naturally go on giving superannuation and favours to those who are before your eyes. If you see that justice is done, the administration will be run in a better way and a healthier way. There is no scope now for people to see that your administration is run on just and proper lines, but on the basis of favouritism and nepotism. With these words I support the motion.

**Dr. P. N. Banerjee:** Sir, I rise to support this motion. The question has been discussed from various points of view, from the point of view of Indianisation and other points of view. But I shall confine my brief observations to only two points of view. I am firmly convinced that extensions are undesirable in the interests of justice and fairness to the younger men and also in the interests of administrative efficiency. If younger men are shut out from rising to the positions to which they naturally aspire, a great deal of injustice arises from that fact. It is also clear that administrative efficiency suffers if younger men are not allowed to realise their ambitions. Therefore, from the point of view of fairness to the younger men and also from the point of view of administrative efficiency I urge that no extensions should be granted to persons who are superannuated. It is not desirable, ordinarily, in this House to cite personal examples, but this is a special case, and I should like to refer to my own case in this connection. I was the Head of the Department of Economics in the Calcutta University till I reached the age of 55. But before I completed the age of 55 I told the authorities of the University that I would not continue in that post any longer, although the rules of the University laid down that a professor of the University normally should continue till he completes the age of 60 and may, after that period, be re-appointed for five years longer, one year at a time. So, if I had continued there, I would have been a Professor in that University even at the present day. But I decided to give up my appointment immediately on my reaching 55 years, for two reasons,—firstly, because I thought that I would do an injustice to the men who were below me and who wanted to occupy this position. Secondly, I thought that administrative efficiency would suffer if I stood in the way of my juniors attaining their ambitions. Although I was strongly urged by the authorities of the Calcutta University to continue at least for some time longer, I refused. There is also another aspect of this question. When a person has acquired experience, it is said that he should give the benefit of that experience to the country. But the benefit of this experience can be made available to the country in other ways than in continuing in service. I think I am able to serve my country better in my present capacity than I would have been if I had continued as a professor of the University. I am able to give the benefit of my experience to my country here in this House to a greater extent than it would have been possible for me as the Head of Economics Department of the University. On these grounds I strongly urge that the Government should reconsider their position and I hope and trust that they will not give any extensions to any persons who are superannuated.

**Dr. Sir Zia Uddin Ahmad:** There is only one point to which I would like to draw the attention of the House. I do not grudge the services of any individual who is found to be useful on account of war conditions, where we may not be able to find equally good men,—let him be retained in one capacity or another, because, after all, we should have the advantage of his experience. But the point which is really important for us is, if you give the man an extension in the same post, you block the way not only of one man but of a series of persons from the top to the bottom. About 20 persons would be affected and some of them would be persons who would never become permanent in the higher grade and who would thus lose the pension advantages, etc. If a person's services are to be retained, put him on special duty, or you may have a special cadre for him, but do not block the way of those men who legitimately aspire to get promotion in their time. This reminds me of a story. A king said to his ministers and advisers, how good it would have been if there had been no death. The chief minister replied, "Had there been no death you would not have been king at all". Similarly, I do not mind if you retain the person's services on special duty or something of the kind, but do not block the way by giving an extension in the post itself which is very undesirable. The natural aspirations of the younger men who have been serving for years and looking forward for the opportunities which they would get if men on the higher grade retired—these younger men should not be deprived of their natural ambitions which they legitimately entertained when they joined the service. Their enthusiasm will slow down, they would not have the same heart in their work if they found that men at the top were retained and thus they blocked the way of their promotion. If you like, put the man on special duty, or appoint him for a certain number of years, but do not stop the regular flow of promotions by giving extensions in the existing posts and thus blocking the way of the younger men.

**Sir Cowasjee Jehangir:** There have been several truisms expressed in the House to-day. One was expressed by my Honourable friend, the present Leader of the Congress Party. He said that whenever an Indian happens to be fit for a post it should be an Indian that should be appointed, and that Indians should be given preference in every way in appointments in this country and it is only in exceptional cases when an Indian cannot be found suitable for an important post, a specialist post, a man should be imported. It is a truism which we have admitted for years. Another truism that has been expressed in this House is that when a man gets to the age of 55 he cannot be as good as he was at the age of 45 and it is about time that he thought of going on the retired list.

**An Honourable Member:** What about us?

**Sir Cowasjee Jehangir:** The Assembly is an exception. We should long ago have been superannuated—my Honourable friend on my left, Dr. Sir Zia Uddin Ahmad, my Honourable friend, Dr. Banerjee, and myself, we all would have been superannuated long ago. When I am talking about Dr. Banerjee, may I congratulate the University of Calcutta on having released him of his service so that we in this Assembly have benefited. What the Calcutta University has lost we have gained. At any rate there is one important point which we seem to have forgotten. We are in times of war and we have heard and we know that countries that are at war have to make great exceptions in general principles, and one of those important exceptions is that men of mature age who would be thinking of retiring have to continue in harness to relieve the younger men to do service which only young men can do in war. That principle seems to have been forgotten completely and we have been enunciating principles well known to all Governments, which have been put into practice in India for years in pre-war times. All these statements would never have been uttered in this House in pre-war times because they were recognised principles which every Government had to follow and no man was given an extension unless it was under very exceptional circumstances. Now, human nature is the same for all peoples in all parts of the world and whether the second man happens to be an Englishman or an Indian, whether he be



[Sir Cowasjee Jehangir.]

a Muhammadan or Hindu or a Parsi or a Christian, he always looks forward and naturally too, to the time when the superior is about to retire and can take his place. I have known many cases in my experience when English men have come up to Government and said that it is time that a superior officer went and he got a chance. Indians feel the same and rightly. The younger men must get a chance. The old men cannot stick to office these are times of war.

**Sir Muhammad Yamin Khan:** Don't qualify it. That is no excuse.

**Sir Cowasjee Jehangir:** I repeat that these are times of war. Let me say that it is a pity that Government do not adopt, if I may say so with respect to my Honourable friends on the Treasury Benches, the practice was common years ago when one or two Members of Government spoke is not fair to this House or to Government that the Member of Government should speak last and nobody else should be allowed to follow. As far as my experience goes, a Member of Government spoke in the middle of a debate and placed facts before the House, so that those who spoke after knew what they were talking about. Now, I would like to know how many persons have received extensions and since this matter has been made into a racial one, how many were Indians and how many were Europeans. I would like to know the number of men that have been taken out of the department by the Defence Services. How many men have you lost whom you would have lost had it not been for the war. I believe it must run into a large number for I know that large numbers have had to go and leave the department on account of war conditions who would have been here today. How are they to be replaced suddenly unless you give extensions and to give extensions in war time is an ordinary practice just as much as making men retire at the age of 55 in peace times is an ordinary practice.

**Sardar Sant Singh:** May I put one question?

**Sir Cowasjee Jehangir:** I am not a Member of Government. I am just one of you. You can put your question to the Honourable Member of Government when he gets up. I am not in a position to answer questions.

This question of extensions is quite exceptional during times of war in all countries that are at war and therefore the principles enunciated in this Honourable House by several Members were to a great extent truisms.

**Pandit Lakshmi Kanta Maitra:** But they have national Governments there.

**Sir Cowasjee Jehangir:** We have not yet been told the exact position with regard to the numbers that have left the department, the numbers that have been given extensions and I will repeat that it was quite unnecessary to make this question into a racial one. There must be a large number of Englishmen who have been given extensions just as much as there must be a large number of Indians who have received extensions, who would otherwise have not got them. Therefore to try to give this question a racial turn is not fair to ourselves or to the department which we do hope will function efficiently, as efficiently as it can under war conditions. I will again repeat for the third time that these truisms to which expression has been given are, absolutely correct in peace time but not in war time. Therefore, it is unfair to raise this question unless it can be shown that extensions were given when they need not have been given and that extensions were given either to Indians or to Europeans which smacked of favouritism. My Honourable friend the Leader of the Congress Party said that Indians like to stick to office and die in harness and that was contagious and that Europeans were beginning to wish to serve as long as they could. I do not think that is quite true. Indians are just as human as Europeans and if they feel that they are fit and capable of serving they desire to do so and I do not see why my Honourable friend should have said that about us, because after all if I feel that I have the strength and the energy, although I am much older than he is, to serve in a certain capacity and if I am deprived of that on account of my age, I might also feel hurt that I am not given a chance of doing the service that I am capable of. Therefore, it is only human nature and it is also human nature with all of us

to believe that we are capable of doing things which we are not capable of doing. We are not the best judges. That is also human nature and therefore to make this into a completely racial question is, I think, unfair to ourselves and unfair to many of our countrymen who are serving faithfully in the Railway Department and we will not come to a fair decision on this question if we take up this attitude of racialism at this particular juncture.

**Nawabzada Muhammad Liaquat Ali Khan:** But for the last speaker, I would not have felt justified in taking up the time of this Honourable House. We are being reminded again and again of this terrible war. The other day my Honourable friend the War Transport Member said that during the speeches that were made during the course of these debates Members seemed to have forgotten that there was such a thing on as war. How can we forget about the war? Is not the presence of my Honourable friend and his colleagues a constant reminder that there is a war on? Is it not a fact that on account of this war they have begun to believe in quantity rather than in quality? Is it not a fact that on account of this war millions of our countrymen have lost their lives due to starvation? How can any one in this House say that we seem to have forgotten that there is such a thing as a war on, and that India is directly and intimately affected by it.

Of course, the concern of my Honourable friends on the Treasury Benches is to the extent to which India can be used as a base and India's resources can be exploited to carry out the devices of the Allied Nations. Our interest is more intimate and close. We have to think of our own hearths and homes and, therefore, if any Honourable Member gets up in this House and taunts us that we have forgotten about this war, he is ignoring facts as they are today.

My Honourable friend, Sir Cowasjee Jehangir, stated that in war times many things have to be done which are unjustifiable in peace times. A just war cannot brook injustice and if injustice is to be done, then this war is not a just war.

Sir, the motion that was placed by the Members of this House was that the Government, in our opinion without any justification, have been going on giving extensions to people who should have retired long ago. I entirely agree with my friend, Sir Cowasjee Jehangir, that it would have been much better if some Member on behalf of the Government had got up earlier during the course of the debate and put their case before us. The whole speech of my friend, Sir Cowasjee Jehangir, was a hypothetical one. He went on saying: "If this is so, then it is so and so". I think that the speech of my Honourable friend is a sufficient justification for the motion which we have placed before this Honourable House. We take it that it is so and there is no 'if' about it, that these extensions are being given in the interests of certain vested interests and that by this method a number of deserving men—to me it is immaterial whether they are Europeans or Indians, because everyone is entitled to claim equal justice—are being deprived of their due and it becomes more objectionable and more dishonest when we find that the discrimination is based on racial grounds.

Sir, the proposition which has been placed before the House is a very simple one. If the Government feel and if these senior men who are in the service feel that, instead of retiring and taking rest, they must serve their Empire, then why should they ask for such big salaries? Service does not depend on high salaries. Can't they work in some other capacity and be of equal benefit to the successful prosecution of this war? Must it be necessary that they must be drawing these fat salaries to be useful to the war effort? I am afraid that the arguments which have been advanced by the apologist of the Government are neither convincing nor substantial. I wait to hear what the Honourable the War Transport Member has to say and I request him not to mention, and not to insinuate, that we do not know that we are in the midst of this terrible war. Every moment of our life it is brought home to us, the Indians; every day that passes we know what terrible calamities are happening to our people in this country. If we do not get up and talk about war, war and war and nothing

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else, it does not mean that we do not know how terrible a war it is and for what particular interests it is being fought.

**The Honourable Sir Edward Benthall:** Sir, in spite of the temptation to reply to some of the political tirades directed at me from the other side, I propose to adhere to the question at issue and try to answer the questions that have been put to me with reason and to give the reasons for the Government's policy. I will deal first with the non-gazetted staff. The number of non-gazetted personnel, who have been extended, is comparatively small, about 667 up to March 1943, and the bulk of them are, of course, Indians. That figure is, however, about six and a half times the number of officers who have been extended. These extensions in the non-gazetted staff have only been given where there has been a shortage in any department and where technical qualifications are required. I think that in view of the fact that a very large number of temporary posts have been created, there is no justification for any complaint whatsoever. The General Managers are fully aware of the desirability that no extension should be given in such cases unless it is positively necessary.

Passing to the gazetted staff, Sir Cowasjee Jehangir asked how many officers had gone to the war from the Railways. The number of officers released on account of the war, not only to the Army but to the Supply Department and other departments, including the War Transport Department, comes to about 250. They have gone to other departments and to other services and many of them are holding very responsible posts there.

**Sir Muhammad Yamin Khan:** Get them back.

**The Honourable Sir Edward Benthall:** Apart from that, the Railways have created a very large number of temporary posts in order to meet the new strain which has been put upon them. The House knows that it is a constant struggle to try to meet the present demands which are put upon the railways. The House itself is very ready in coming forward with complaints of different sorts, such as, shortage of wagons and things of that kind. The only way in which the railways have been able to meet this strain is by the good services of the railwaymen, including the men who are on extensions. Many of those on extension are holding very responsible posts and they are the men whom the House is now condemning instead of, as they should, offering their gratitude for the performance which they have put up.

Now, Sir, it is not easy to replace these men. We have to meet a crisis, as everybody knows, and the trained men are not readily available nor can you in a short space of a year or two train up sufficient new hands to meet the very serious strain which is put upon the Railways. I should like to ask how many officers does the House suppose there are on the State-managed Railways? I think there must be some misapprehension on this point alone. On the State-managed Railways, looking after some 600,000 men, there are 1,112 officers, of which 393 are Europeans. Mr. Jamnadas Mehta in a previous debate talked about 2,000 European officers as if there are thousands of jobs in the hands of European officers on the railways. I think some Members are under a complete misapprehension about the actual position. In fact, there is a great paucity of trained officers at the present moment. I think it will be a great eye-opener to many people to realise how few officers there are on the railways who are struggling to meet the present emergency, about eight times the number of this House spread over all the railways in India, both Indians and Europeans.

**Maulana Zafar Ali Khan** (East Central Punjab: Muhammadan): Why not simply British? What claims Europeans have on us?

**The Honourable Sir Edward Benthall:** Call them what you like. The task that is thrown upon these people is increasing daily. To meet the emergency, we could do with even double the number of officers because as the quantity of work increases, so the strain on officers also grows.

(Interruptions by Pandit Lakshmi Kanta Maitra.)

Sir, my time is short and I cannot afford to be interrupted. Sir, more than one Honourable Member, particularly in the early part of the debate, spoke as if railways existed solely for the benefit of promotion. Sir, we are, as I said

before, trying these days to meet a crisis and my main theme in my Budget speech last year was the service which the railwaymen as a whole, a corporate body, were trying to give to the people. In those conditions that is the only thing which counts and in the question of extension no consideration prevails except whether it is necessary to extend an officer's service in order to meet what in order to please the Nawabzada I will describe as the present emergency.

(Sardar Sant Singh stood up to interrupt.)

**Mr. Chairman** (Sir Henry Richardson): Order, order. The Honourable Member must be allowed to continue his speech without interruption. There has been a very long debate and he has to reply to all the points.

**The Honourable Sir Edward Benthall:** In the first place no extension is given for more than one year or for the duration of the war, whichever is less, so that all these extensions are given solely for the one purpose of meeting the present emergency. Each case is judged entirely on its merits and out of consideration for the public interest and there is no discrimination practised in granting these extensions. I see myself a very large number of files of officers on which comments or recommendations are made, European officers' comments on Indian officers and Indian officers' comments on European officers, and I cannot help but being struck, in the eighteen months or so that I have been here, by the fairness of the comments, whichever way they are made. Of the numbers who have been extended, Europeans and Indians have been extended without any discrimination and the only considerations are whether they are efficient, whether they are in good health and whether it is in the public interest that an extension should be given to them. In parenthesis, I should like to add that no Member of the Railway Board has asked for extension as some Honourable Members have insinuated and in many cases officers have to be asked to continue and in many cases they have also refused.

**Mr. Muhammad Nauman:** What difference does it make so long as they get it?

**The Honourable Sir Edward Benthall:** They do not all get it.

Passing to my next point, the House also is under an illusion as to what the effect of this extension is. Possibly as my Honourable friend, Sir Cowasjee Jehangir, said, I might well have had these points put before the House before I spoke. On the State-managed Railways, there are 1,356 posts, permanent posts before the war. Since the war, there have been created 436 temporary posts and 105 officers are still away on loan to other departments. We have got back a number of officers, but a great many of these efficient railway officers are so urgently required by other departments that they cannot be spared, and we cannot get back as many as we would like. There are 541 posts which have to be filled, new posts which are available for men who are to be promoted. Now these are filled to the extent of 100 out of 541 by extensions and of the 100, in response to Sir Cowasjee Jehangir's request, 45 are Europeans. Therefore only 20 per cent. of the 541 posts are filled by extensions and 371 officers have been promoted who would otherwise not have been promoted. One or two Honourable Members said that the men at the bottom suffer. The answer is quite to the contrary. The war conditions—I am sorry I have to use the word—the conditions of the emergency have resulted in junior officers as a whole actually benefiting. Junior officers are occupying 371 posts which they would not otherwise be occupying, if it were not for the emergency. These junior officers have therefore no cause for complaint. Their promotion is not blocked as my Honourable friend said: on the contrary the cadres are being expanded. In fact these junior officers have benefited from the emergency.

**Mr. Muhammad Nauman:** May I ask one question?

**The Honourable Sir Edward Benthall:** I had better make no exception. There are officers who have suffered and they are senior officers largely of the administrative rank. Some of them have indeed suffered because many of the

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extensions have been of officers who are performing particularly valuable services right at the top. It must be admitted that these officers, relatively very few, these officers who have suffered are making a war sacrifice. But, I can assure the House that it is only with reluctance that we cause this modicum of sacrifice to these men and we do only keep on trusted men for the purpose of seeing us through this emergency.

**Sir Cowasjee Jehangir:** Will you compensate these officers after the War?

**The Honourable Sir Edward Benthall:** I would not like to commit myself, but naturally such officers will have our sympathy. As regards the future, we have after a great struggle succeeded in getting back a number of officers who have been on loan to other departments. That is a very great help to us; they are young and active people who volunteered for the war. Also I think it is correct to say that more officers than before are unwilling to stay owing to the strain which they have been under during the last few years, they are unwilling to stay on even when they are requested to do so. Sometime ago, in view of the first consideration that we are now getting back a certain number of officers, orders were issued to limit the extensions so far as possible, to tighten up on the question of extensions, and extensions will be limited in duration and in numbers. Each extension will continue to be considered entirely on its merits. There will be no question, as one Honourable Member said, of a general rule, and the men will only be extended if it is necessary to meet this emergency.

Sir, my Honourable friend opposite asked me to use logic. Well, Sir, with this paucity of officers to which I referred, with the increasing strain that is being thrown upon the railways, and with the increasing demand of every Member of this House for more wagons and more passenger trains, if we were to dispense with 100 key men all at once, what would happen? Sir, it is not too strong a word to say that there would be a breakdown, and who would be the first to complain if conditions get more difficult than they are today? I think the issue must be squarely faced. I am quite prepared to take into account the feeling of the House in granting extensions; in fact we have done so already. But the present emergency must be our sole consideration. We have got to continue to keep industry going; we have got to move the coal; we have got to keep the food moving; and we have got to have capable officers to carry through the work. If it is necessary to extend any particular officer on the merits of the case in order to help us perform this onerous task we shall have to continue to do it in the future as in the past.

Sir, I oppose the motion.

[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 demand under the head 'Railway Board', be reduced by Rs. 100." The Assembly divided:

AYES—44.

Abdul Ghani, Maulvi Muhammad.  
Abdul Qaiyum, Mr.  
Abdullah, Mr. H. M.  
Azhar Ali, Mr. Muhammad.  
Banerjee, Dr. P. N.  
Choudhury, Mr. Abdur Rasheed.  
Choudhury, Mr. Muhammad Hussain.  
Dam, Mr. Ananga Mohan.  
Das, Mr. B.  
Dehmukh, Mr. Govind V.  
Essak Sait, Mr. H. A. Sathar H.  
Ghuznavi, Sir Abdul Halim.  
Gupta, Mr. K. S.  
Habibar Rahman, Dr.  
Hegde, Sri K. B. Jinaraja.  
Hosmani, Mr. S. K.  
Jamali Khan, Hajee Chowdhury Muhammad.  
Joshi, Mr. N. M.

Kailash Bihari Lal, Mr.  
Krishnamachari, Mr. T. T.  
Lahiri Chaudhury, Mr. D. K.  
Lalchand Navalrai, Mr.  
Liaquat Ali Khan, Nawabzada Muhammad  
Maitra, Pandit Lakshmi Kanta.  
Mangal Singh, Sardar.  
Mehta, Mr. Jamnadas M.  
Misra, Pandit Shambhudayal.  
Murtuza Sahib Bahadur, Maulvi Syed.  
Naidu, Mr. G. Rangiah.  
Nairang, Syed Ghulam Bhik.  
Nauman, Mr. Muhammad.  
Pande, Mr. Badri Dutt.  
Parma Nand, Bhai.  
Raza Ali, Sir Syed.  
Reddiar, Mr. K. Sitarama.  
Sant Singh, Sardar.

# THE RAILWAY BUDGET—LIST OF DEMANDS

Sham Lal, Lala.  
Siddique Ali Khan, Nawab.  
Srivastava, Mr. Hari Sharan Prasad.  
Subbarayan, Shrinati K. Radha Bai.

Umar Ali Shah, Mr.  
Yamin Khan, Sir Muhammad.  
Zafar Ali Khan, Maulana.  
Zia Uddin Ahmad, Dr. Sir.

NOES—42

Ahmad Nawaz Khan, Major Nawab Sir.  
Ambedkar, The Honourable Dr. B. R.  
Azizul Huque, The Honourable Sir M.  
Benthall, The Honourable Sir Edward.  
Bewoor, Sir Gurusath.  
Caroe, Sir Olaf.  
Chapman-Mortimer, Mr. T.  
Chatterji, Mr. S. C.  
Daga, Seth Sunder Lal.  
Dalal, Dr. Sir Ratanji Dinshaw.  
Gwillt, 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.  
Khare, The Honourable Dr. N. B.  
Krishnamoorthy, Mr. E. S. A.  
Kushal Pat Singh, Raja Bahadur.  
Lawson, Mr. C. F.

Maxwell, The Honourable Sir Reginald.  
Miller, Mr. C. C.  
Muazzam Sahib Bahadur, Mr. Muhammad.  
Mudaliar, The Honourable Dewan Bahadur  
Sir A. Ramswami.  
Ogilvie, Sir Charles.  
Piare Lal Kureel, Mr.  
Raisman, The Honourable Sir Jeremy.  
Richardson, Sir Henry.  
Roy, The Honourable Sir Asoka.  
Shahban, Khan Bahadur Mian Ghulam Kadir  
Muhammad.  
Siva Raj, Rao Bahadur N.  
Spence, Sir George.  
Stokes, Mr. H. G.  
Sultan Ahmed, The Honourable Sir.  
Thakur Singh, Capt.  
Trivedi, Mr. C. M.  
Tyson, Mr. J. D.  
Wagstaff, Col. H. W.  
Zahid Hussain, Mr.  
Zaman, Mr. S. R.

The motion was adopted.

*Stoppage of large number of Passenger Trains.*

**Mr. H. A. Sathar H. Essak Sait** (West Coast and Nilgiris: Muhammadan):

Sir, I move:

"That the demand under the head 'Railway Board', be reduced by Rs. 100."

I wish to raise the subject of the stoppage of a very large number of passenger trains all over the country. Even so late as the 3rd February last there was a notification from the Railway Board, which was published in the newspapers of the 4th February, declaring the stoppage of no less than 71 trains in one part of the country served by the North Western Railway.

This alone is not the grievance. For the last two or three years, passenger trains are being stopped all over the country, and this is being done indiscriminately. This very notification of 71 trains being stopped in a particular section of the country shows how indiscriminate, how inconsiderate is the action of this wonderful Railway Board of ours. Even before this notification hundreds of trains all over the country have been stopped. I have some figures here which I would like to quote. These are given on page 14 paragraph 30.1 in the Administration Report of the Railway Board:

"... that the reductions carried out by the end of year 1942-43, went up to about 37 per cent, in the mileage of public passenger train service."

That is up to the end of March 1943. Since then eleven months have passed and in these eleven months the stoppages have been much more than in the past. I have referred to this Notification which mentions 71 trains. I want this House to consider what the effect of such wholesale reduction in one particular section of the country must have been. It is not the inconvenience caused to the travelling public alone that we have to consider. The whole economic condition of that part of the country is adversely affected. Already the position of the country has been very severely affected by war conditions—there is famine, pestilence . . .

**The Honourable Sir Edward Benthall:** In the Punjab?

**Mr. H. A. Sathar H. Essak Sait:** All parts of the country.

**Sardar Sant Singh:** Not in the Punjab.

**Mr. H. A. Sathar H. Essak Sait:** I am not referring to the Punjab alone.

The severe curtailment of passenger trains coupled with the fact that there are extra passengers that are travelling now-a-days on all the lines, has already

[Mr. H. A. Sathar H. Essak Sait.]

created a situation which is bordering on chaos all over the country. At such a time this great Railway Board of ours brings forward this Notification.

They have certainly given some reasons for doing so. They say it is the coal position which is responsible. Sometimes they say it is the rolling stock, and so on. But, really speaking, it has never been explained to the satisfaction of the country what actually lies behind this curtailment. About coal, it is true that there is some shortage of coal, but when we look at the figures supplied by the Railway Board itself, one finds that the reduction in raisings for the year ending March 1943 is not so great that it should affect the economy of this country to such an extent. On page 21, paragraph 47, of the same Report it is stated:

"In 1942, the coal mined in the various provinces of British India amounted to 25,949,835 tons as against 26,088,573 tons in 1941, a decrease of 138,738 tons."

In my opinion, the decrease does not justify all this great horror of cutting down of trains and the crippling of the industrial activities in this country. Sir, I am looking for the figures of export of coal from this country—I do not find them here.

**Sardar Sant Singh:** In paragraph 49.

**Mr. H. A. Sathar H. Essak Sait:** I cannot find from this Report how much coal is really exported from this country. My Honourable friend, Sardar Sant Singh, refers me to paragraph 49. It only states 'coal exported to Ceylon'. But what about other parts of the world. Is really no coal being shipped outside India?

**The Honourable Sir Edward Benthall:** No coal is being shipped outside India, except to Ceylon.

**Mr. H. A. Sathar H. Essak Sait:** Then I take it that out of all the coal that had been raised according to paragraph 47 of the Report only such coal as is mentioned in paragraph 49 was sent out of India; no more and no less. Even if that were the position, my complaint would be that this Railway Board and this wonderful Government of ours should have realized what was coming on. This war has been with us for the last four or five years. In England preparations were made and arrangements were completed even before the war started. We have seen that. But here we have this wonderfully wise Government which will not allow us any say in the matter of the military budget. That is all closed to us. It is stated that the defence of the country is their own concern. This House has nothing to do with it: the public of India has nothing to do with it. They spend millions of our money—almost 50 per cent. of our taxes on the military side. But the result is that when the war has actually started we find them unprepared for anything. They go on bungling from one difficult position to another and the people go on suffering and suffering. It is time, Sir, that they realise that along with the war a very difficult situation is developing in this country. We are heading towards a very dangerous chaos and my intention in moving this cut is just to bring them to their sense of the realities existing in this country.

Sir, I move.

**Mr. President** (The Honourable Sir Abdur Rahim): Cut motion moved: "That the demand under the head 'Railway Board', be reduced by Rs. 100."

**Sir Abdul Halim Ghuznavi** (Dacca cum Mymensingh: Muhammadan Rural): Mr. President, the Honourable The Transport Member has just informed us that no coal has been exported from India since several months.

**The Honourable Sir Edward Benthall:** Except to Ceylon.

**Sir Abdul Halim Ghuznavi:** Except to Ceylon! I should like the Honourable Member to be more definite because then I could have contradicted his statement. Several months means what? They may mean one year: they may mean two years. What does the Honourable Member mean by several months?

**The Honourable Sir Edward Benthall:** If the Honourable Member proposes to contradict me, perhaps he could give his own figures.

**Sir Abdul Halim Ghuznavi:** I could contradict provided you definitely tell me how many months. By using the words 'several months' you put me in a difficult position. If I take it as twelve months, then I am right.

**The Honourable Sir Edward Benthall:** I did not say twelve months.

**Sir Abdul Halim Ghuznavi:** Sir, just imagine the position. They have been exporting coal to their utmost capacity.

**The Honourable Sir Edward Benthall:** The Honourable Member is quite wrong.

**Sir Abdul Halim Ghuznavi:** The Honourable Member says I am quite wrong. Wait till you hear me. Then you can say whether I am quite wrong. I am a Director of several coal companies. So I know the position as to where my coal goes. I am in a better position to speak about coal. Since war has been declared coal has been exported, if I may say so, unnecessarily and without taking any account that this coal should have been conserved in India for use on Indian railways. They could have had this coal exported to this country from so widespread. They could have had this coal exported to this country from Africa, which they did not do. Even then, Sir, even twelve months ago, when there was such a shortage their own officers were buying coal in Calcutta. I am sure from the beginning of last year they have been buying coal in Calcutta at a higher price for exporting to the Middle East and other countries. When they had trouble last year about coal, and when the railways felt that they would find it difficult to carry on their services, they did not even then stop. They went on exporting coal.

Now, Sir, the position in this country about travelling is this. Apart from the travellers travelling for war purposes, look at the number of trains that has been increased for carrying troops. Did they take that into account? Did they consider the number of trains they would require for carrying the troops for the East Asia Command? And now the trouble comes on the poor traveller in the cutting down of 70 trains. Go to the station any day and see the hundreds and hundreds of people waiting for a train and no trains are available.

Sir, first class and second class tickets have been discontinued from Delhi to Muttra. I have never heard of such a thing. Muttra is 90 miles either by the B., B. and C. I. or the G. I. P. railway. These tickets are not sold neither are they available, far from being the third class. We could have the third class tickets only two months ago but owing to the so-called shortage of coal, even the first class and second class passengers cannot travel up to Muttra until they pay the fare up to Agra.

**The Honourable Sir Edward Benthall:** Nonsense, nonsense.

**Sir Abdul Halim Ghuznavi:** Nonsense? It is not nonsense. As I said, "Pay more" campaign is going on, resulting in paying towards the Rs. 10 crores. with the promise of getting benefits for the lower class passengers, perhaps, on doomsday. Sir, I support this motion.

**Mr. President** (The Honourable Sir Abdur Rahim): Sardar Mangal Singh.

**Sardar Mangal Singh** (East Punjab: Sikh): I support the motion moved by the Muslim League Party. My Honourable friend the Railway Member has just said that coal is not being exported except to Ceylon. I first tried to get the latest figures. I am sorry they are not available in the Library. The latest figures we have got are: the total exports during the three months ending June 1943 of 97,000 tons as against 37,000 tons during the corresponding period of the previous year. The point is that last year during April, May and June the Government exported coal from this country to other countries to the tune of 60,000 tons. If you compute at this rate, the whole year's export comes to 2,40,000 tons. Already there was a shortage in this country. Why did the Government export this coal out of the country? The latest figures of coal mined in this country in the railway collieries come to 30 lakhs tons during

this year. Last year it was 36 lakhs tons. So, when according to the railway figures, 6 lakhs tons less was produced, we exported 2,40,000 tons out of the country. Then again last year also the production was already decreasing. In 1942 the coal mined in the various provinces of British India amounted to 25,949,835 tons, as against 26 millions in the previous year. Last year, 188,000 tons less were mined in this country; and when the Government of India was aware of the coal shortage from the beginning of the war, the Government of India should have moved His Majesty's Government to get more shipping space and import coal from other countries into this country. What were they doing? Their own collieries were not being properly worked; other collieries were not also being properly worked. The number of labourers was less; and surely there is something wrong with the working of the coal mines and also with the plan of the Railway Department. The only reason given for the cutting down of these trains is the shortage of coal. On the general discussion I complained that in my part of the country alone on the North Western Railway, they have cut down 71 trains at a stroke; and does the Honourable the Railway Member realise what this cutting down means? He has cut down all other means of transport; sea transport is gone, and the motor transport has gone; only the bullock cart remains; you are now a monopolist, and you cannot say like the Delhi tongawalla "*Ham nahi Jainge.*" It amounts to this; you are a monopolist and you cannot dictate your terms; you have already increased the fare. Now, if the Government of India have any foresight they must immediately rectify this mistake; they must find out coal for the transport system. I want to remind the Government of India what will happen if tomorrow Calcutta is bombed and other important cities are bombed; the people will rush out from those places to other places and your transport system will be paralysed and will fail, and there will be chaos in the country. You may shake your head. What happened last year when Calcutta was bombed? What happened the year before last when Rangoon was bombed? I was in Calcutta in those days; the people were travelling on footboards and sometimes on the roofs of the trains. The figures in their own reports show that the coal mines were not being properly worked; they say there was shortage of labour; coal labour is mainly Sonthalis—they are not recruited into the army; that labour must be there; it should be properly utilised.

Mr. N. M. Joshi: Properly paid.

**Sardar Mangal Singh:** . . . and properly paid provident fund and dearness allowances. So I think the Railway Department deserve to be strongly censured on this point; they have mismanaged the affairs of the Railway Department; they have not paid any attention to this most important matter of coal in this country; and if they carry on like this, they will land the country into chaos and trouble, and—God knows where this Transport Member will be by that time, but we are here in this country and we have to suffer all the hardships and trouble. Sir, I support.

**Maulana Zafar Ali Khan:** Sir, it is an age-long cry that the Government of India is out of touch with the feelings that are surging in the breasts of four hundred million people in this country; that is a fact. The Government is treating the people of this country like so many children, rules them with a rod of iron and rams unpalatable decrees down their unwilling throats. The arguments that it is in the habit of trotting out in justification of its point of view are exasperatingly frivolous. One fine morning the Railway Member suddenly stops 71 railway trains in the Punjab.

**The Honourable Sir Edward Benthall:** Not the Railway Member, Sir.

**Maulana Zafar Ali Khan:** Well; he and the railway manager are birds of the same feather: The trains are stopped on the flimsy plea that coal cannot be had for love or money, and because the people of this country travel for luxury's sake and not for the sake of necessity. He tries to convince us that

lower class passengers were never so well-to-do as they are at the present moment, that they have accumulated wealth and as they do not know what to do with this surplus wealth they spend it on travel. He seems to think that the conditions of travel in this country are ideal. How have the lower classes suddenly become so rich? The explanation would make Aristotle turn in his grave. We are told by the Railway Member, the War Transport Member, that in pre-war times the price of food grains was Rs. 10 a maund, and that now as the war proceeds the farmers, who are growers of food, are earning profit at the rate of Rs. 40 a maund. But he ignores the other side of the medal. Certainly the farmer gets some profit out of his produce; but this profit is neutralised by the high rate of other commodities which he has to buy in the market.

Now, what was the condition of travel on the North Western Railway before these 71 trains were stopped? One would think that according to the Honourable Member's logic, the travel conditions were ideal; but what were these conditions in reality? Compartments hopelessly overcrowded, passengers hanging on to footboards, sometimes falling down and losing their lives, no light in the compartments except a single bulb, no lights in the lavatories; and when Government were called upon to give an explanation of this cinematic darkness, they said "We have got no bulbs: 80,000 bulbs were stolen." But who stole them?

**An Honourable Member:** The railway servants.

**An Honourable Member:** The railway servants. **Maulana Zafar Ali Khan:** Why have they not carried out any inquiry into the causes of this theft? Then look at the logic of it. We are called upon to travel with an electric torch. When there are no bulbs where are we to get these electric torches from? These were the conditions which obtained before these 71 trains were stopped. What is the condition now? It is simply horrible. Just now I met a gentleman who had come from Peshawar; he said he was a second class traveller, and he could not get into the train; and when he was able to get into a compartment, in the next train there was no berth or even a seat, he had simply to spend the whole night sitting on a box. Those were the conditions of present day travel. I appeal to the better sense of the Honourable Member to judge what the conditions are. Is he not going to relieve us of this terrible misery? Coal, he says, cannot be had, and some gentlemen, the Mover of the motion and Sardar Mangal Singh, have challenged him to prove that coal has not been exported out of India. You might say it was sent to Ceylon, but Ceylon is out of India. You have your own needs to look to, and why should you send large quantities to Ceylon? You send rice to Ceylon when your own people were dying here.

**An Honourable Member:** To the Middle East.

**An Honourable Member:** To the Middle East.

**Maulana Zafar Ali Khan:** I would appeal to my Honourable friend to rectify his past blunders and to look to the comforts and conveniences of the travelling public. I will end this short speech, because I have not got very much time at my disposal, by quoting a Persian couplet:

"*Khufṭa bar Sanjāb-i-Shāhi Nāzenay ra che gham  
Gār zi khar o khara saẓad bistar o balin ghareeb.*"

In English this would mean, wrapped up in a royal coverlet of silk, what does the nobleman care if the poor man sleeps on a bed of thorns and thistles? This is the condition of the poor man. You are travelling in saloons, but people cannot even travel third class. So, for God's sake take some pity upon these poor travellers and earn the money that you are making out of them.

**Sardar Sant Singh:** I would not take long in making some observations on this question. I will place the issue straight before the Honourable the Railway Member. 71 trains on one system, namely, the N. W. Railway were stopped at very short notice. Conditions of travel in the Punjab have been



[Sardar Sant Singh.]

Mangal Singh. I had occasion to write a letter to the Agent of the N. W. Railway describing the conditions under which women travellers with their babes were standing on the footboards and on the roof of the train and the train could not move because the guard refused to allow the train to proceed under such circumstances that the passengers might fall down and lose their lives. The guards and the staff of the station for half an hour persuaded the people to come down from the roof and get into the compartments, but there was no room in the compartments. The result was that they had to open all the first and second class compartments and crowd them with women so that there might be no accidents. I wrote a long letter describing this incident to the Agent. The result was that he was graciously pleased to introduce one more train between Lyallpur and Lahore, but suddenly on the 3rd February, that train was stopped. I have been travelling to and fro and on my last travel I found that a second class compartment which was meant for 12 passengers was crowded with no less than 25 passengers sitting there. With the amenities gone, no lighting, no water, no peg to hang the clothes even.

Nawabzada Muhammad Ishaq Ali Khan: To hang your grievances on.

Sardar Sant Singh: We find that so many trains have been stopped. May I ask one question, why this reduction on the N. W. Railway alone? The reply is that there was shortage of coal. When my Honourable friend was running short of coal on the transport system, coal was being exported to countries other than India. Does not the same proverb apply here, Nero was fiddling while Rome was burning? Does it not apply to the Government of India?

The Honourable Sir Sultan Ahmed (Leader of the House): And you were making money in courts!

Sardar Sant Singh: I was making money in courts, but all the same, the transport system was sending out coal, that does not save the transport system. I made a complaint to the railway authorities of the N. W. Railway. I gave a letter to my Honourable friend the Financial Commissioner regarding conditions of travel in the Punjab. I know that 7 trains have been re-introduced 3 or 4 days back. But may I say, if he is serious about keeping the transport system in order, he must look to the conditions of travel that are prevailing in the Punjab to-day. I wish that they should have a long range policy about railways too so that it may not happen one fine morning we may get up to find that the whole transport system has collapsed. This is a warning which the Government should take, and the Railway Board should busy themselves with looking to the running of trains more than with any other affairs which are not probably relevant to the system of railways and do not appertain directly to the railway system.

Some Honourable Members: 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 Sir Edward Benthall: I will be as brief as possible out of deference to my Honourable friends. The main complaint that has been lodged against the Railway Department on this occasion is that we have cut 71 trains in the Punjab. As I explained previously on the floor of the House, that cut was due to the coal situation, and a great deal of the debate has developed into a coal debate rather than a debate on passenger trains. But I should like, first of all, to say one or two words about what fell from the Honourable Mover. He said that the agricultural economy of the Punjab has thereby been upset, and later on he used the phrase that the cutting of these trains had led to the crippling of industrial activity. What would the Honourable Member have had us do in those circumstances? So far as passenger trains are concerned, we took care to see that there were still trains running on those sections of the lines

where the particular 71 trains were cut. There are still services on those lines. As regards the agricultural economy, if we had not cut passenger trains we should have had to cut goods trains, and then the Honourable Member might have had a complaint. A certain number of vans were cut off to assist the position, but, generally speaking, we were able to keep the agricultural economy of the Punjab going.

Sardar Mangal Singh: You have stopped loading in the Punjab.

The Honourable Sir Edward Benthall: That is not so. As regards industrial activity, one of the principal reasons why railways are short of coal at the present moment is that coal which ought to have gone to the railways during the last 4 or 5 months, has in fact been going to industry to keep industry going. Whether it was a right policy or not is another matter, but it is not a case of industry being sacrificed to railways, it is the other way round. Another Member asked why in this particular case there should be a reduction on the N. W. Railway alone? The answer is, of course, that the shortage of coal was sufficiently acute only on that railway to justify the action taken.

Sardar Mangal Singh: And still you are exporting.

The Honourable Sir Edward Benthall: I will deal with that. My Honourable friend, Sir Abdul Halim Ghuznavi, said that he could not buy a ticket to Muttra, first class or second class. Perhaps my Honourable friend does not travel very much or he would know that it is a regular practice not to book first and second class passengers, or other passengers, I think, by mail trains under 100 miles.

Sir Abdul Halim Ghuznavi: No, Sir. I bought several tickets two months ago to Muttra. There was no difficulty.

The Honourable Sir Edward Benthall: Then he must probably have evaded the rules. This is really a sensible rule on the mail trains, because obviously if trains are put on for long distance passengers it is not fair or reasonable that they should be filled with short distance passengers for whom other trains are provided.

Sir Abdul Halim Ghuznavi: First and second class passengers are booked from Howrah to Burdwan, a distance of only 67 miles. There is no restriction.

The Honourable Sir Edward Benthall: I will look into that.

My Honourable friend opposite said that we were monopolists but I can assure him that since the war began we have been doing our utmost to get passengers off the lines on to buses or to any other means of travel that we can. We do not want traffic, we do not want passengers during the war and there is no consideration of profit or wanting to carry either passengers or goods and if we can encourage bus traffic and if we can produce buses and get chassis converted into buses to relieve the railways, we will do so. We are looking into that.

I think the only other point I should really touch on is the coal question. The Honourable Mover took the Indian Railway Administration Report for 1942-43, rather a long time ago, rather a superannuated report, and he quoted that as a reason against a shortage in 1944. Well, I might once again tell the House briefly what the coal position has been during the last 6 or 7 months. Up to July there was plenty of coal. There was no shortage. The difficulty up to that date was wagons. We were only barely able to carry enough coal to keep industry and railways going up to the time when the breaches took place on the East Indian Railway on July 18th. After that date we had great difficulty, of course, in getting enough coal through to the East but we were able to build up stocks in other parts of India where stocks were required. We were able once again to provide ample wagons for the time being but from about, I think, the end of September, the coal shortage developed. The miners were lured away by the demands of agriculture and by the high wages on air fields and other activities and during the months of October, November and December and part of January, raisings were very low indeed, with the result that we simply have not had the coal to put into wagons to distribute round India. This resulted, as I have said just now, in railways going short of coal and to a

[The Honourable Sir Edward Benthall.]

large extent industry was kept going at the expense of railways. Today raisings are again more satisfactory. February is normally a good raising month and raisings have very considerably improved and the wagon position at the moment—during the last fortnight or so—has been satisfactory but it is a continual strain to try to get enough wagons into the Bengal and Bihar coal fields. That gives you the brief history of coal. The shortage in the last few months has not been due to lack of foresight on the part of the railways but merely to the physical absence of coal.

Lastly, I shall deal with the subject of exports. My Honourable friend, Mr. Neogy, asked a question not long ago and I promised to lay a statement on the table of the House, which, I am sure, has been done. In case it has not, I would now like to quote these figures again. I have the figures from August 1943 to January 1944, the last six months. The total exported to Ceylon in August was nil, September 4,831 tons, October 17,526, November 30,000, December Nil, January 6,754, a total in six months of about 65,000 tons or 10,000 tons a month. As regards the Middle East, we exported in August 1,673 tons and in November 11,549 tons and in all the other four months nil and the arrangement at the present moment is that we shall continue to export nil, except to Ceylon, until Indian requirements are amply satisfied and there is coal available for export without any harm to India's economy. Sir, I oppose.

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

"That the demand under the head 'Railway Board', be reduced by Rs. 100."

The Assembly divided:

AYES—47.

Abdul Ghani, Maulvi Muhammad.  
Abdul Qaiyum, Mr.  
Abdullah, Mr. H. M.  
Azhar Ali, Mr. Muhammad.  
Banerjee, Dr. P. N.  
Chandavarkar, Sir Vithal N.  
Choudhury, Mr. Abdur Rasheed.  
Choudhury, Mr. Muhammad Hussain.  
Dam, Mr. Ananga Mohan.  
Das, Mr. B.  
Datta, Mr. Akhil Chandra.  
Deshmukh, Mr. Govind V.  
Easak Sait, Mr. H. A. Sathar H.  
Ohuznavi, Sir Abdul Halim.  
Gupta, Mr. K. S.  
Habibar Rahman, Dr.  
Hegde, Sri K. B. Jinaraja.  
Hosmani, Mr. S. K.  
Ismail Khan, Hajee Chowdhury Muhammad.  
Joishi, Mr. N. M.  
Kailash Bihari Lall, Mr.  
Krishnamachari, Mr. T. T.  
Lahiri Chaudhury, Mr. D. K.

Lalchand Navalrai, Mr.  
Lalljee, Mr. Huseinbhooy A.  
Liaquat Ali Khan, Nawabzada Muhammad.  
Maitra, Pandit Lakshmi Kanta.  
Mangal Singh, Sardar.  
Mehta, Mr. Jannadas M.  
Misra, Pandit Shambhudayal.  
Murtuza Sahib Bahadur, Maulvi Syed.  
Naidu, Mr. G. Rangiah.  
Nairang, Syed Ghulam Bhik.  
Nauman, Mr. Muhammad.  
Pande, Mr. Badri Dutt.  
Parma Nand, Bhai.  
Raza Ali, Sir Syed.  
Raddiar, Mr. K. Sitarama.  
Sant Singh, Sardar.  
Sham Lal, Lala.  
Siddique Ali Khan, Nawab.  
Srivastava, Mr. Hari Sharan Prasad.  
Subbarayan, Shrimati K. Radha Bai.  
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.  
Ambedkar, The Honourable Dr. B. R.  
Azizul Huque, The Honourable Sir M.  
Benthall, The Honourable Sir Edward.  
Bewoor, Sir Gurunath.  
Caroe, Sir Olaf.  
Chatterji, Mr. S. C.  
Daga, Seth Sunder Lall.  
Dalal, Dr. Sir Ratanji Dinshaw.  
Gwilt, Mr. E. L. C.  
Habibur-Rahman, Khan Bahadur Sheikh.  
Haider, Khan Bahadur Shamsuddin.  
Imani, Mr. Saiyid Haider.  
Ismael Alikhan, Kunwer Hajee.  
James, Sir F. E.  
Jawahar Singh, Sardar Bahadur Sardar Sir.

Khare, The Honourable Dr. N. B.  
Krishnamoorthy, Mr. E. S. A.  
Kushal Pal Singh, Raja Bahadur.  
Lawson, Mr. C. P.  
Maxwell, The Honourable Sir Reginald.  
Miller, Mr. C. C.  
Muazzam Sahib Bahadur, Mr. Muhammad.  
Mudaliar, The Honourable Dewan Bahadur Sir A. Ramaswami.  
Ogilvie, Sir Charles.  
Piere Lall Kureel, Mr.  
Raisman, The Honourable Sir Jeremy.  
Richardson, Sir Henry.  
Roy, The Honourable Sir Asoka.  
Shahban, Khan Bahadur Mian Ghulam Kadir Muhammad.

Siva Raj, Rao Bahadur N.  
Spence, Sir George.  
Stokes, Mr. H. G.  
Sultan Ahmed, The Honourable Sir.  
Thakur Singh, Capt.

Trivedi, Mr. C. M.  
Tyson, Mr. J. D.  
Wagstaff, Col. H. W.  
Zahid Hussain, Mr.  
Zaman, Mr. S. R.

The motion was adopted.

**Mr. President** (The Honourable Sir Abdur Rahim): There are only four minutes left. I do not know if the Members want to move any further cut motions.

**Honourable Members:** No more motions.

**Mr. President** (The Honourable Sir Abdur Rahim): Then, I will go on with the Demands.

**Mr. Abdul Qaiyum:** Sir, with your permission can I ask a question from the War Transport Member? We, on this side of the House, wish to know whether the Government still persist in increasing the fares by 25 per cent. or not, because on that answer will depend how we vote on these Demands.

**The Honourable Sir Edward Benthall:** Sir, I do not think I am called upon to give an answer to that question.

**Mr. Abdul Qaiyum:** Then we will give you the answer.

**Sir Muhammad Yamin Khan:** Sir, the demand that you are going to put is the demand on which an inquiry has been made so that Honourable Members may be in a position to come to some conclusion. I do not think the Honourable Member is justified in shirking the reply which he owes to the House. It is the duty which he owes to the House to inform us what decision the Government has come to and we insist on getting an answer to that question.

**The Honourable Sir Edward Benthall:** I am very sorry but I am not in a position to give a reply because the Honourable Member gave me

5 P.M. no notice of the question.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That a reduced sum not exceeding Rs. 14,54,700, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1945, in respect of 'Railway Board'."

The Assembly divided:

AYES—43.

Ahmad Nawaz Khan, Major Nawab Sir.  
Ambedkar, The Honourable Dr. B. R.  
Azizul Huque, The Honourable Sir M.  
Benthall, The Honourable Sir Edward.  
Bewoor, Sir Gurunath.  
Caroe, Sir Olaf.  
Chandavarkar, Sir Vithal N.  
Chapman-Mortimer, Mr. T.  
Chatterji, Mr. S. C.  
Daga, Seth Sunder Lall.  
Dalal, Dr. Sir Ratanji Dinshaw.  
Gwilt, Mr. E. L. C.  
Habibur-Rahman, Khan Bahadur Sheikh.  
Haider, Khan Bahadur Shamsuddin.  
Imani, Mr. Saiyid Haider.  
Ismael Alikhan, Kunwer Hajee.  
James, Sir F. E.  
Jawahar Singh, Sardar Bahadur Sardar Sir.  
Jehangir, Sir Cowasjee.  
Khare, The Honourable Dr. N. B.  
Krishnamoorthy, Mr. E. S. A.  
Kushal Pal Singh, Raja Bahadur.  
Lawson, Mr. C. P.

Maxwell, The Honourable Sir Reginald.  
Miller, Mr. C. C.  
Muazzam Sahib Bahadur, Mr. Muhammad.  
Mudaliar, The Honourable Dewan Bahadur Sir A. Ramaswami.  
Ogilvie, Sir Charles.  
Piere Lall Kureel, Mr.  
Raisman, The Honourable Sir Jeremy.  
Richardson, Sir Henry.  
Roy, The Honourable Sir Asoka.  
Shahban, Khan Bahadur Mian Ghulam Kadir Muhammad.  
Siva Raj, Rao Bahadur N.  
Spence, Sir George.  
Stokes, Mr. H. G.  
Sultan Ahmed, The Honourable Sir.  
Thakur Singh, Capt.  
Trivedi, Mr. C. M.  
Tyson, Mr. J. D.  
Wagstaff, Col. H. W.  
Zahid Hussain, Mr.  
Zaman, Mr. S. R.

## NOES—43.

Abdul Ghani, Maulvi Muhammad.  
 Abdul Qaiyum, Mr.  
 Abdullah, Mr. H. M.  
 Azhar Ali, Mr. Muhammad.  
 Banerjee, Dr. P. N.  
 Choudhury, Mr. Abdur Rasheed.  
 Choudhury, Mr. Muhammad Hussain.  
 Dam, Mr. Ananga Mohan.  
 Das, Mr. B.  
 Datta, Mr. Akhil Chandra.  
 Deahmukh, Mr. Govind V.  
 Essak, Sait, Mr. H. A. Sathar H.  
 Ghuznavi, Sir Abdul Halim.  
 Gupta, Mr. K. S.  
 Habibar Rahman, Dr.  
 Hegde, Sri K. B. Jinaraja.  
 Hosmani, Mr. S. K.  
 Ismail Khan, Hajee Chowdhury Muhammad.  
 Kailash Bihari Lall, Mr.  
 Krishnamachari, Mr. T. T.  
 Lahuri Chaudhury, Mr. D. K.  
 Lalchand Navalrai, Mr.

Lalljee, Mr. Hooseinbhoj A.  
 Liaquat Ali Khan, Nawabzada Muhammad.  
 Maitra, Pandit Lakshmi Kanta.  
 Mangal Singh, Sardar.  
 Misra, Pandit Shambhudayal.  
 Murtuza Sahib Bahadur, Maulvi Syed.  
 Naidu, Mr. G. Rangiah.  
 Nairang, Syed Ghulam Bhik.  
 Nauman, Mr. Muhammad.  
 Pande, Mr. Badri Dutt.  
 Raza Ali, Sir Syed.  
 Reddiar, Mr. K. Sitarama.  
 Sant Singh, Sardar.  
 Sham Lal, Lala.  
 Siddique Ali Khan, Nawab.  
 Srivastava, Mr. Hari Sharan Prasad.  
 Subbarayan, Shrimati K. Radha Bai.  
 Umar Ali Shah, Mr.  
 Yamin Khan, Sir Muhammad.  
 Zafar Ali Khan, Maulana.  
 Zia Uddin Ahmad, Dr. Sir.

**Mr. President** (The Honourable Sir Abdur Rahim): The result of the voting is: Ayes: 43 and Noes: 43.

Following the principle that the Chair will, in such cases, try to maintain the *status quo*, I must give my casting vote with the Ayes, because otherwise the Railway Board which is an existing fact will have to be abolished.

I declare that the Ayes have it.

The motion was adopted.

## DEMAND No. 2—AUDIT.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That a sum not exceeding Rs. 14,29,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1945, in respect of 'Audit'."

The motion was adopted.

## DEMAND No. 8—MISCELLANEOUS EXPENDITURE.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That a sum not exceeding Rs. 18,45,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1945, in respect of 'Miscellaneous Expenditure'."

The motion was adopted.

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

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That a sum not exceeding Rs. 2,64,14,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1945, in respect of 'Payment to Indian States and Companies'."

The motion was adopted.

## DEMAND No. 6-A—WORKING EXPENSES—MAINTENANCE OF STRUCTURAL WORKS.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That a sum not exceeding Rs. 11,39,79,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1945, in respect of 'Working Expenses—Maintenance of Structural Works'."

The motion was adopted.

## THE RAILWAY BUDGET—SUPPLY OF LOCOMOTIVE POWER.

## DEMAND No. 6-B—WORKING EXPENSES—MAINTENANCE AND SUPPLY OF LOCOMOTIVE POWER.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That a sum not exceeding Rs. 31,63,92,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1945, in respect of 'Working Expenses—Maintenance and Supply of Locomotive Power'."

The motion was adopted.

## DEMAND No. 6-C—WORKING EXPENSES—MAINTENANCE OF CARRIAGE AND WAGON STOCK.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That a sum not exceeding Rs. 7,96,75,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1945, in respect of 'Working Expenses—Maintenance of Carriage and Wagon Stock'."

The motion was adopted.

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

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That a sum not exceeding Rs. 38,29,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1945, in respect of 'Working Expenses—Maintenance and working of Ferry Steamers and Harbours'."

The motion was adopted.

## DEMAND No. 6-E—WORKING EXPENSES—EXPENSES OF TRAFFIC DEPARTMENT.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That a sum not exceeding Rs. 13,97,42,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1945, in respect of 'Working Expenses—Expenses of Traffic Department'."

The motion was adopted.

## DEMAND No. 6-F—WORKING EXPENSES—EXPENSES OF GENERAL DEPARTMENTS.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That a sum not exceeding Rs. 5,19,44,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1945, in respect of 'Working Expenses—Expenses of General Departments'."

The motion was adopted.

## DEMAND No. 6-G—WORKING EXPENSES—MISCELLANEOUS EXPENSES.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That a sum not exceeding Rs. 20,07,58,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1945, in respect of 'Working Expenses—Miscellaneous Expenses'."

The motion was adopted.

## DEMAND No. 6-H—WORKING EXPENSES—EXPENSES OF ELECTRICAL DEPARTMENT.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That a sum not exceeding Rs. 4,07,74,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1945, in respect of 'Working Expenses—Expenses of Electrical Department'."

The motion was adopted.

## DEMAND No. 7—WORKING EXPENSES—APPROPRIATION TO DEPRECIATION FUND.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That a sum not exceeding Rs. 17,12,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1945, in respect of 'Working Expenses—Appropriation to Depreciation Fund'."

The motion was adopted.

## DEMAND NO. 8—INTEREST CHARGES.

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

"That a sum not exceeding Rs. 97,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1945, in respect of 'Interest charges'."

The motion was adopted.

## DEMAND NO. 10—APPROPRIATION TO RESERVE.

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

"That a reduced sum not exceeding Rs. 10,84,08,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1945, in respect of 'Appropriation to Reserve'."

The motion was adopted.

## DEMAND NO. 11—NEW CONSTRUCTION.

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

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

The motion was adopted.

## DEMAND NO. 12—OPEN LINE WORKS.

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

"That a sum not exceeding Rs. 51,69,13,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1945, in respect of 'Open Line Works'."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Monday, the 28th February, 1944.

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

## STARRED QUESTIONS AND ANSWERS.

## (a) ORAL ANSWERS.

## HARASSMENT OF RAILWAY STAFF BY POLICE.

**265. \*Mr. Lalchand Navarai:** (a) With reference to the Honourable the Railway Member's reply to my starred question No. 198, asked on the 16th November, 1943, stating that the matter of police harassment of Railway staff and malpractices were under inter-departmental investigations, does he propose now to make a statement on the result of the investigations on the allegations published in the *Railway Herald* of Karachi?

(b) What steps have been taken against the police officers concerned?

(c) What precautions have the Railway Administration taken to see that travelling without ticket was not encouraged by the police staff? If none, why?

(d) Has the Honourable Member's attention been drawn to a note appearing on page 169 of the *Railway Herald* of Karachi, in its issue of the 25th October, 1943, under the caption 'Ticket Collector harassed' under the general heading 'Anti-corruption Department activities'? If so, does the Honourable Member propose to make a full statement on the subject stating what action Government propose to take to ensure that the Railway staff are not harassed in this manner? If not, why not?

**The Honourable Sir Edward Benthall:** (a) and (b). The cases referred to by the Honourable Member have been investigated and suitable action has been taken where it was called for.

(c) Government are informed that special checks have been arranged to be made in trains by Railway Special Ticket Examiners in collaboration with senior officials of the Government Railway Police. Railway Ticket checking staff have been instructed to be more vigilant and to exercise a strict check on the tickets and passes held by the Police, and the Assistant Inspector-General, Government Railway Police, Lahore, has been requested by the North Western Railway Administration to take strong action against Police staff who may be found guilty of travelling without tickets or assisting passengers to travel without tickets.

(d) The reply to the first part of the question is in the affirmative. As regards the subsequent parts, suitable action has been taken by the North Western Railway Administration.

**Mr. Lalchand Navarai:** May I know what suitable action has been taken?

**The Honourable Sir Edward Benthall:** I cannot go into the details of each case referred to.

**Mr. Lalchand Navarai:** It is not going into details. I want to know what action has been taken.

**The Honourable Sir Edward Benthall:** No, Sir. I don't think I can give any details.

**Mr. Lalchand Navarai:** May I know from the Honourable Member if the Railways have at all any control over this Railway Police?

**The Honourable Sir Edward Benthall:** The Railway Police are under the Police authority.

**Mr. Lalchand Navarai:** If it is so, why these things are happening? Why does not the Honourable Member take control of the Department himself?

**The Honourable Sir Edward Benthall:** Sir, the question relates to another Department.

[28TH FEB. 1948]

# DISCRIMINATION IN ISSUING RAILWAY PRIORITY CERTIFICATES FOR TRANSPORT OF BONES, ETC.

†266. \*Khan Bahadur Shaikh Fazl-Haq Piracha: (a) With reference to the copy of order issued by the Regional Controller of Railway Priorities, placed on the table of the House, in answer to my question No. 414, dated the 29th March 1948, will the Honourable Member for War Transport please state under what principle different zones for the movement of bones, hooves and horns have been prescribed for the supply of the said goods to different mills? How many zones have so far been prescribed, and for how many and which of the mills? (A statement may kindly be laid on the Table).

(b) What is the number of priority wagons now given to each of the mills for the movement of bones, hooves and horns, and what is the principle on which wagons are allotted to each of the mills?

(c) Is it a fact that in certain prescribed zones local booking of bones is allowed to dealers and mills of other prescribed zones, while in certain other zones it is not so allowed? If so, in which of the zones attached to a certain mill are bones not allowed to be drawn by either other dealers or mills, and to which of the zones such a restriction does not apply? What are the reasons for applying the said restrictions to some zones, and for not applying the same to others? Do Government propose to follow the same policy in all zones alike?

(d) Do Government propose either to widen the area of such zones, or to remove restriction from other zones also?

(e) Is it a fact that a portion of the North Western Railway is in the zone for drawing bones, prescribed for the Hapur mill, but unlike other zones ordinary booking of bones is not allowed except without a priority on the North Western Railway? Do Government propose to withdraw this restriction, in accordance with the policy followed in other zones, and to allow ordinary booking also?

(f) Is it a fact that movement of hoofs, horns and leather cuttings for manure purposes is allowed in the case of Bally (E. I. R.) Mill, but not in the case of the Hapur mill? If so, what are the reasons therefor, and do Government propose to give the same concession to the Hapur mill?

The Honourable Sir Edward Benthall: (a) In prescribing different zones for the movement of bones, hooves and horns by rail the following factors were taken into account:

(i) The necessity of rationalising movement by eliminating long, inconvenient and cross haulage of traffic; and

(ii) As movement of empty wagons is normally towards the coalfields, the movement of bones, hooves and horns in the same direction as the normal flow of empty wagons, would give maximum movement of bones, hooves and horns with a minimum demand on transport capacity.

A statement giving details of zones demarcated to various mills is placed on the table.

(b) The number of wagons allotted to the movement of bones to the respective mills per month are:

(i) Hapur.—No maximum fixed. Average varies between 20 and 30.

(ii) Magarwara.—25 broad gauge and 20 metre gauge.

(iii) Agarpara.—50 broad gauge.

(iv) Bally.—75 broad gauge.

(v) Santragachi.—50 broad gauge.

(vi) Uladanga.—15 broad gauge and 30 metre gauge.

The movements of hooves and horns are governed by separate priority applications and priority orders which are issued on the merits of each application.

The quota of wagons allotted to each mill has been determined with reference to the demand from each mill and the ability of railways to meet these demands having regard to requirements for the movement of higher priority traffics. If

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

## STANDARD QUESTIONS AND ANSWERS

the case of Calcutta the quotas were settled by agreement with the mills themselves. In the case of mills other than those in Calcutta the quotas have been based on past traffic to the mills.

(c) The Hapur and Magarwara Mills draw from the same area to some extent, and Agarpara and Bally mills draw from the same zone. Booking of bones in any zone other than to prescribed mills is prohibited for the reasons stated in reply to part (a) of the question.

(d) If the demands of the mills require and the traffic situation permits, adjustment of these zones or relaxation of the restriction is permissible. It is open to a mill to state its case for alteration of zones or an increase in wagon allotment.

(e) The reply to the first part is in the affirmative. It is not proposed to withdraw this restriction which is required for operational reasons.

(f) It is a fact that movement of hooves, horns and leather cuttings from the zone above Lucknow and Cawnpore has been permitted to Calcutta. Such a movement is in the downward direction and conforms to the principles enunciated in para. (a). The Regional Controller of Railway Priorities would be prepared to allow similar movements to the Hapur mills provided they conform to this principle of movement and always subject to the availability of wagons.

### Statement.

Particulars regarding the zones prescribed for the movement of bones, hooves and horns to different Mills and the area of supply allotted to each Mill are given below:

(i) Hapur Bone Mills, Hapur (Proprietors, Haji Mohd. Said Mohd. Sharif.)

No specific demarcation but movements have been confined as far as possible to:

(i) stations on the East Indian Railway

Moradabad and above.

(ii) stations on the Moradabad Ghaziabad

section of the East Indian Railway.

(iii) stations on the Shahadra Saharanpur

Light Railway.

(iv) stations on the N. W. Railway under

special instructions from Regional

Controller of Railway Priorities.

Stations on the East Indian Railway West

of the section Cawnpore, Unao, Lucknow

(all inclusive).

Stations on the East Indian Railway upto

Cawnpore, Unao and Lucknow (all inclusive)

the Agarpara Mills having for this purpose

a dumping depot at Banasbati to avoid the

bottle neck at Naibati.

Stations on the Bengal Nagpur Railway

exclusively.

Stations on the Bengal and Assam Railway

(except the B.G. Section north of Abdullapur

and M. G. Section on the Lalmanirhat,

Dacca, Chittagong, Lumding and Tinsukia

Divisions).

No movements of bones, hoof or horns are at present permitted from stations on the

Oudh and Tirhut Railway in view of the extreme shortage of wagons.

PASSES FOR MEN RE-EMPLOYED AFTER RETIREMENT ON NORTH-WESTERN RAILWAY.

267. \*Mr. H. M. Abdullah: (a) Will the Honourable Member for Railways please state whether it is a fact that the Railway Board did not approve of the recommendation of the North Western Railway that such of their employees who had been re-employed after their retirement from Railway service may be given passes according to their Railway rates of pay before retirement and not according to the rates of pay allowed to them after retirement?

(b) Is it a fact that the Railway Board refused to reconsider their decision, although the North Western Railway again represented the matter to them?

(c) Is it a fact that the North Western Railway have issued a first class pass to a Training Inspector in the Recruiting Branch of the North Western Railway? If so, will the same considerations apply in the case of other staff similarly situated?



**The Honourable Sir Edward Benthall:** (a) and (b). Yes.  
(c) The reply to the first part is in the affirmative, but the matter is under investigation.

#### FOOD INSPECTORS, ETC., ON NORTH WESTERN RAILWAY.

**268. \*Mr. H. M. Abdullah:** (a) Will the Honourable Member for Railways please state how many posts of Food Inspectors, Assistant Food Inspectors, Coupon Sellers and other miscellaneous posts in the subordinate cadre have been sanctioned on each Division of the North Western Railway?  
(b) What is the communal distribution of these posts?  
(c) What is the number of posts in the inferior cadre sanctioned for the food supply organisation on each Division?  
(d) What is the communal distribution of these posts?  
(e) How many of these posts have been filled by direct recruitment, and how many by promotion?

**The Honourable Sir Edward Benthall:** (a) to (e). 5 posts of Food Inspectors have been created on the North Western Railway. The other information required is being collected and a further reply will be laid on the table of the House in due course.

#### CONTRACT FOR CASH AND PAY WORK ON NORTH WESTERN RAILWAY.

**269. \*Mr. H. M. Abdullah:** (a) Will the Honourable Member for Railways please state whether it is stated in paragraph 45 of the Proceedings of the Meeting of the Central Advisory Council for Railways, dated the 14th March and 1st April, 1942, that the cash and pay work on the North Western Railway is done on contract?  
(b) What is the status of the contractor appointed for this purpose? Is he a Railway Contractor like other contractors, *vis.* Spencers, Wheelers, aerated water contractors, etc., or is he a Railway officer like other regular officers?  
(c) Is it a fact that the contractor is allowed a metal pass for his journeys on the North Western Railway, as is admissible only to Railway officers?  
(d) Is it a fact that he is allowed the use of a separate Railway carriage for his journeys? If so, why is this contractor treated differently to other contractors on the North Western Railway?

**The Honourable Sir Edward Benthall:** (a) Yes.  
(b) The status of the Chief Cashier and Paymaster is like that of any other Railway Contractor. While he is not a Railway Officer he is responsible for running one of the permanent departments essential for Railway working and his work and responsibilities are similar to those of a Railway Officer.  
(c) Under the terms of his agreement the Chief Cashier and Paymaster is given a First-class pass. He has several Cash Offices throughout the line.  
(d) Yes, when possible. The reasons for the differential treatment will be clear from the reply to (b) above.

**Mr. H. M. Joshi:** Why is the Government of India doing this work through a contractor instead of doing it themselves?

**The Honourable Sir Edward Benthall:** That question was considered by the Central Advisory Council for Railways on the occasion referred to in the question and it was considered reasonable that the existing arrangements should continue.

**Mr. H. M. Joshi:** Is the Government of India unable to manage this work themselves?

**The Honourable Sir Edward Benthall:** This is an old-established arrangement. As this arrangement has worked satisfactorily, there is no reason why we should alter it.

#### EMPLOYEES OF THE CHIEF CASHIER AND TREASURER, NORTH WESTERN RAILWAY.

**270. \*Mr. H. M. Abdullah:** (a) Will the Honourable Member for Railways please state whether it is a fact that in paragraph 47 of the Appendix to Subject No. 1 of the Proceedings of the Meeting of the Central Advisory Council for Railways, dated the 14th March and 1st April, 1942, it is stated as the Railway Board's opinion that the members of the minority community should, in future,

be appointed under the cashiers as opportunity offers, and that when the present agreements terminate, the future agreements shall contain a provision that will enable the policy regarding communal representation to be followed? Do these views of the Railway Board apply to the North Western Railway also?

(b) When does the present agreement with the Chief Cashier and Treasurer, North Western Railway, terminate?

(c) Is it a fact that when Sir Muhammad Zafarullah Khan was Railway Member, the question of terminating Chief Cashier and Treasurer's contract on the North Western Railway was considered and it was proposed to do the work departmentally?

(d) Is it a fact that at that time a definite undertaking was given that Muslims and members of the other minority communities will, in future, be employed by the Chief Cashier and Treasurer?

(e) What was the number of the employees of the Chief Cashier and Treasurer at that time, and how many of them were Muslims?

(f) What is the number of the employees of the Chief Cashier and Treasurer now, and how many of them are Muslims?

**The Honourable Sir Edward Benthall:** (a) Yes.

(b) According to the terms of the agreement with the Chief Cashier and Paymaster, North Western Railway, the agreement may be terminated on six months' notice being given by either side.

(c) Yes, but it was eventually decided that the present Cashier should continue to do the work.

(d) No.

(e) and (f). No information is available as these questions relate to the internal management of the Chief Cashier's Department. The matter will be looked into.

**Mr. Lalchand Navalrai:** With reference to part (a) of the question, where it is stated that members of the minority community should, in future, be appointed under the cashiers as opportunity offers, may I know from the Honourable Member whether members of the minority community will be appointed on their merits or only on communal basis?

**The Honourable Sir Edward Benthall:** That is a matter for the Chief Cashier.

**Mr. Lalchand Navalrai:** Have the Railways given any instructions to the Chief Cashier in the matter, namely, whether he should appoint people on communal basis or on merits, or is it left to him to do as he likes?

**The Honourable Sir Edward Benthall:** I think it has been intimated that members of other communities should so far as possible be employed. But the Honourable Member will realize that the Cashier is responsible for his own cash and obviously he has got to be very careful in regard to the antecedents of the individual persons whom he employs.

**Mr. Lalchand Navalrai:** If there is defalcation of money in the Cashier's office, who is responsible?

**The Honourable Sir Edward Benthall:** The Cashier.

**Mr. Lalchand Navalrai:** The Cashier himself, not the Railways?

**The Honourable Sir Edward Benthall:** The Cashier of course.

**Mr. Jamnadas M. Mehta:** Are the rights of the employees of the Cashier protected by the Railways with regard to dearness allowance?

**The Honourable Sir Edward Benthall:** I require notice of that question, Sir. I will look into the matter.

**Mr. Muhammad Azhar Ali:** May I know if the posts of these Cashiers are advertised?

**The Honourable Sir Edward Benthall:** If the Honourable member had listened to the answer he would have learned that there is one Cashier and one agreement and it is terminated on six months' notice. There has been no termination for some time. So there is no question of the contract being advertised in that way.

## FOOD INSPECTORS, ETC., ON NORTH WESTERN RAILWAY.

271. \*Mr. H. M. Abdullah: (a) Will the Honourable Member for Railways please state whether Food Inspectors have been sanctioned for all Divisions of the North Western Railway?

(b) Is it a fact that a similar post was sanctioned for the Rawalpindi Division by the North Western Railway also?

(c) Is it a fact that instead of appointing a whole-time Food Inspector, the Divisional authorities have nominated one of the Assistant Staff Wardens of that Division to undertake that work, in addition to his normal duties?

(d) Is it a fact that both the Assistant Staff Wardens of the Rawalpindi Division are Hindus?

The Honourable Sir Edward Benthall: (a) No, Food Inspectors have not been appointed on the Delhi and Karachi Divisions.

(b), (c) and (d). Yes.

## PADDY GONE WORSE AT STATIONS ON BENGAL AND ASSAM RAILWAY.

272. \*Pandit Lakshmi Kanta Maitra (on behalf of Mr. K. C. Hoogy): (a) Has the attention of the Honourable Member for Railways been drawn to recent discussions in the Bengal Legislative Assembly, in which reference was made to the fact that about two lakh maunds of paddy had been left at different stations of the Sealdah-Khulna Section of the Bengal and Assam Railway, for months together, without being transported by the Railway, that the paddy was left in most cases on the open platform, and that it had deteriorated very considerably and become unfit for human consumption?

(b) Does the Honourable Member propose to make a detailed statement explaining the situation so far as it may be known to the Railway authorities, particularly indicating the extent of responsibility of the Railway authorities for this state of affairs?

(c) Have the transport facilities offered by Railways for the movement of foodgrains within the province of Bengal been sufficient for the purpose of coping with the situation, in point of wagon space and promptitude?

(d) Is the Honourable Member in a position to state the approximate quantity of foodgrains that has been moved by Railways between different stations within the province of Bengal, for the consumption of the civil population, during the year 1943?

The Honourable Sir Edward Benthall: (a) Yes.

(b) About 1,76,000 maunds of paddy purchased by the Bengal Government's agent under the Aus Purchase Scheme in the district of Jessore was brought to various railway stations in the month of November with the intention of moving it into Calcutta. It was not moved for some time but, after being offered for sale locally without success, the whole quantity was sold to rice mills in Calcutta at Rs. 7/4 a maund, which fact appears to refute the suggestion that the paddy was unfit for human consumption or was seriously damaged. Movements of foodgrains in Bengal are arranged in accordance with programmes prepared by the Bengal Government and this paddy was not included in these programmes.

(c) I believe that the transport facilities have been reasonably adequate, save that in regard to movements to certain areas, military requirements have necessitated the imposition of restrictions from time to time. It is important owing to the heavy strain on transport that movements should be planned and programmed ahead.

(d) Information is not readily available.

Pandit Lakshmi Kanta Maitra: May I just enquire of the Honourable Member when wagon is to be requisitioned, who is the authority for it? Is it made at the instance of the military authorities or the Government of Bengal?

The Honourable Sir Edward Benthall: The Bengal Government, Sir, arranges the programme with the Regional Controller of Railway Priorities, who passes on the programme to the railways concerned.

Pandit Lakshmi Kanta Maitra: Regarding part (a) of the Honourable Member's answer, may I know from the Honourable Member whether when the paddy was stored the Honourable Member's Department was asked to send wagons to Calcutta in time?

The Honourable Sir Edward Benthall: All movements of food are programmed and this movement was not in the programme. Wagons were asked for but not supplied because they were not in the Bengal Government's programme. The Bengal Government at about that time, therefore, sought to sell the grain locally. They offered it for sale. It was not required locally and sometime later in January they decided to send it to the rice mills at Calcutta. It was sent under programme to the rice mills in Calcutta, who bought it and paid a reasonable price.

Pandit Lakshmi Kanta Maitra: Do I take it that the Bengal Government makes a sort of time table or programme and passes it on to the Department for Transport?

The Honourable Sir Edward Benthall: That is right.

Pandit Lakshmi Kanta Maitra: Is it made from time to time or at the beginning of the year?

The Honourable Sir Edward Benthall: It is made from time to time as the demands for foodgrains arise.

Pandit Lakshmi Kanta Maitra: Do I take it that a monthly time table is made or a time table for three or six months?

The Honourable Sir Edward Benthall: Generally speaking a programme is laid down for a period in advance. Of course as emergencies arise so the programme is altered as it becomes necessary to send grains to a particular area.

Pandit Lakshmi Kanta Maitra: Is the Honourable Member aware that very often in the Bengal Press and the Bengal Assembly this point is raised, namely, that due to wagon shortage or want of transport facilities foodstuffs cannot be removed from surplus to deficit areas?

The Honourable Sir Edward Benthall: Lots of things are said which are not strictly true.

## UNSTARRED QUESTIONS AND ANSWERS.

## DIRECT RECRUITMENT OF INSPECTORS OF WORKS ON NORTH WESTERN RAILWAY.

82. Mr. Lalchand Navai: (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that direct recruitment to the posts of Inspectors of Works is being made on the North Western Railway to the extent of 66 per cent.? If not, what is the percentage of direct recruitment to these posts?

(b) Has the attention of the Honourable Member been drawn to paragraphs 48 to 49 of Appendix II of the State Railway Establishment Code, Volume I, which lay down the 'group of recruitment and the channel of promotion' of the subordinate works staff on the Indian Railways? Why are all appointments not made in the lowest grade of Assistant or Sub-Inspectors of Works?

(c) Is the Honourable Member aware that these rules have been issued by the Governor General in Council under sub-section (2) of section 241 of the Government of India Act, 1935, and supersession of any provisions thereof on the North Western Railway will need the sanction of the Governor General in Council?

(d) Have the rules referred to in paragraph (b) above been amended by the Governor General in Council to authorise the course adopted on the North Western Railway referred to in paragraph (a) above? If not, does the Honourable Member propose to issue instructions to conform to the provisions of rules referred to in part (b) above? If not, why not?

The Honourable Sir Edward Benthall: (a) No, the posts of Inspectors of Works are filled by the promotion of Assistant Inspectors of Works.

(b) Yes, initial appointments are actually made to the grade of Assistant Inspectors of Works but the Administration has the power to recruit direct to

the grade of Inspector of Works by virtue of Rule 1 of Appendix II of the Railway Establishment Code Vol. I.

(c) Yes.

(d) Does not arise.

#### SELECTION ON PERSONNEL OFFICERS ON NORTH WESTERN RAILWAY.

83. **Mr. Lalchand Navalrai:** (a) Will the Honourable Member for Railways be pleased to state whether it is correct that the intention of having separate Personnel Officers on the North Western Railway, as stated by the Agent, North Western Railway, in his foreword to the Railway Memorandum submitted to the Royal Commission on Labour in 1929, was to ensure questions concerning human elements to be dealt with by a body of experts of suitable temperament? If so, is this principle followed in selection of Personnel Officers? If not, why not?

(b) Is it a fact that on representation that Assistant Executive Engineers' channel of promotion was slow, the post of the Divisional Personnel Officer has been made a stepping stone to the Divisional Officers' ranks for the Assistant Engineers? If so, why?

(c) Do Government propose to follow the policy referred to in part (a)? If not, why not?

**The Honourable Sir Edward Benthall:** (a) and (c). The document quoted by the Honourable Member is a confidential document and Government regret that they are not prepared to discuss its contents.

(b) Assistant Executive Engineers are eligible to be posted as Divisional Personnel Officers and this position has obtained from the time the cadres of the State Railways were separated.

#### CONTRADICTION ORDERS FOR FIXING SENIORITY OF SUBORDINATE STAFF ON NORTH WESTERN RAILWAY.

84. **Mr. Lalchand Navalrai:** (a) Will the Honourable Member for Railways be pleased to state what powers have been delegated to Railway Administrations in the matter of fixing seniority of the subordinate staff?

(b) Is it a fact that contradictory orders on the subject are issued on the North Western Railway from time to time? If so, why?

(c) If the reply to part (b) above is in the negative, how are the following contradictory orders justified:

(i) seniority of staff transferred from one branch to the other is to be reckoned from the date of confirmation in the first post, vide Agent's circular 1-A of 1927;

(ii) that recently typists transferred from other offices to the North Western Railway Headquarters, who agreed in writing to rank junior to persons drawing the same grade, were subsequently given higher place on the seniority list by the Assistant Secretary; and

(iii) that the seniority of Assistant Station Masters fixed on the Karachi Division in 1931 was altered after a lapse of twelve years in 1943?

(d) What is time limit within which seniority can be altered? If no such limit has been laid down, do Government propose to prescribe some limit now?

(e) What steps do Government propose to take to remedy such inconsistencies? If not, why not?

**The Honourable Sir Edward Benthall:** (a) Railway Administrations have full discretion in the matter.

(b) No. The latter part does not arise.

(c) (i) It is not clear what inconsistency is referred to.

(ii) Only one such case is traceable and the adjustment made was considered equitable in all the circumstances of the case.

(iii) There is no contradiction in this; omission to give certain individuals due seniority was rectified.

(d) There is no time limit; the reply to the second part is in the negative.

(e) There are no inconsistencies and Government do not consider any action is required.

#### UNSTABLE SITUATION IN THE NORTH WESTERN RAILWAY ESTABLISHMENT.

PERIODICAL MEDICAL EXAMINATIONS OF THE HONOURABLE MEMBER FOR RAILWAYS.

85. **Mr. Lalchand Navalrai:** Will the Honourable Member for Railways be pleased to state:

(a) the number of employees on the North Western Railway who failed to pass the periodical medical examination in their own class of service, during the (i) financial year 1942-43, and (ii) up to the 31st December, 1943;

(b) whether full facts about the nature of disease or defect, owing to which an employee is failed for his class of service, are communicated to him; if not, why not; and

(c) if the reply to the first portion of part (b) above be in the negative, whether it is proposed to issue orders that full facts of the defect or disease will be communicated to the examinees to enable them to consult specialists for remedy? If not, why not?

**The Honourable Sir Edward Benthall:** (a) (i) 547.

(ii) Information is not readily available.

(b) There is no rule requiring this, but the persons affected usually have a general idea concerning the defects; the second part does not arise.

(c) Does not arise.

#### PASSENGER TRAINS CANCELLED ON METRE GAUGE SECTION OF BENGAL AND ASSAM RAILWAY.

86. **Mr. K. C. Neogy:** (a) Does the Honourable Member for Railways propose to make a statement giving a list of the passenger trains that have been, or are proposed to be, temporarily cancelled on the Metre Gauge section of the Bengal and Assam Railway, comparing the number with the total number of such trains that were serving the localities concerned in the year 1942?

(b) When are the services in each case likely to be resumed?

(c) What are the alternative forms of transport available to the public in the case of the services thus curtailed?

(d) Are proposals for the curtailment of train services generally discussed at the Advisory Committees for Railways concerned before a decision is taken in that matter? If so, what are the opinions of the Advisory Committee for the Bengal and Assam Railway in regard to the cancellation of the train services referred to in part (a) of the question?

**The Honourable Sir Edward Benthall:** (a) and (b). The trains which were temporarily suspended were the Up and Dn. Assam Mails between Gauhati and Tinsukia with effect from Saturday, the 5th February; 1 Up and 1 Dn. Mixed trains between Pandu and Mariani, with effect from February 4th; 2 Up and 2 Dn. Mixed trains over the short section between Lower Halfong and Lumding, from 4th February. All these services were resumed from the 9th February. Normal train services:

Pandu—Tinsukia  
Badarpur—Lumding

in 1942  
2 Up. 2 Dn.  
Do.

in 1944  
2 Up. 2 Dn.  
Do.

(c) I regret no details of the alternative forms of transport by road or river are available.

(d) Whenever it is possible to do so, Advisory Committees are consulted. This temporary suspension, however, was an operational necessity requiring immediate decision which did not permit of prior consultation with the Advisory Committee.

The last portion of the question does not, therefore, arise.

#### SHORT NOTICE QUESTION AND ANSWER.

##### AMENDMENTS TO THE NEW DELHI RENT CONTROL ORDER.

**Maulvi Muhammad Abdul Ghani:** (a) Will the Honourable the Labour Member please state whether amendments to the New Delhi Rent Control Order announced on January 24th, 1944, are applicable, retrospectively, as was stated by his Joint Secretary, Mr. Mozumdar, at a Press Conference, the account of which was published in the New Delhi Statesman of January 27th?

(b) Is he aware that these amendments are interpreted by the Delhi courts to apply retrospectively?

(c) If the intention of Government was not to give these amendments retrospective effect, do they propose to issue a clarification of their intention, in view of the interpretation placed on them by the Delhi courts? If not, why not?

(d) Is he aware that a copy of the *Gazette Extraordinary*, dated the 24th January, in which these amendments were announced, was privately handed over by his office to Mr. Shiva Rao, New Delhi correspondent of the *Hindu*, at a time when copies were not available to the public, to enable Mr. Shiva Rao to take advantage of it, in case of ejectment which was pending in Delhi civil courts and judgment on which was to be announced on January 25th?

(e) Is he aware that his Joint Secretary, Mr. Mozumdar, has issued orders that house No. 7, Barakhamba Road in which Mr. Shiva Rao resides as a tenant, should be requisitioned, in case Mr. Shiva Rao was ejected in pursuance of the decree if given in favour of his landlord by the civil court? If these allegations are correct, does the Honourable Member propose to institute an enquiry in the alleged partiality of the Government servants?

(f) Is it a fact that Mr. Mozumdar had issued orders that, in the event of Mr. Shiva Rao being ejected, he should be provided with a three-roomed hutment by Government? Do Government propose to provide similar facilities to other journalists in New Delhi? If not, why not?

**The Honourable Dr. B. R. Ambedkar:** (a) No such statement was made by Joint Secretary, Labour Department.

(b) We have no information on the subject.

(c) No. The interpretation of Statutes and Orders is a matter for the courts and not for Government.

(d) No. The allegation is incorrect.

(e) Yes, the order was passed because the house would, in the event mentioned, have fallen vacant and be available for use by Government. There is no question of Government requisitioning it for Mr. Shiva Rao. It is the policy of Government to requisition all available accommodation in Delhi that may fall vacant.

(f) No.

**Sir Muhammad Yamin Khan:** What is the intention of Government? Do they want to give it retrospective effect or not?

**The Honourable Dr. B. R. Ambedkar:** The legal intention is always for the Courts to interpret.

**Sir Muhammad Yamin Khan:** The Courts will undoubtedly interpret, but what is the order of the Government? Is it to have retrospective effect or is it only for the future?

**The Honourable Dr. B. R. Ambedkar:** That is a matter which must be left to the Courts.

**Mr. N. M. Joshi:** Is it not a fact that landlords in Delhi are harassing their tenants in order to profiteer and what steps are Government taking to stop it?

**The Honourable Dr. B. R. Ambedkar:** I have no information that the landlords are harassing, but we had a deputation from the tenants who placed before Government certain complaints and the amendment of the New Delhi Rent Control Order was made to meet some of the grievances.

**Sir Muhammad Yamin Khan:** In this case the house owner is a retired Executive Engineer, Rai Bahadur Durgadas, who has a big family of 20 persons, whom he cannot accommodate anywhere else.

**The Honourable Dr. B. R. Ambedkar:** I have no information on the point.

**Maulvi Muhammad Abdul Ghani:** Is it the intention of the Government to clarify the effect of any order passed if the Court feels any ambiguity?

**The Honourable Dr. B. R. Ambedkar:** I do not follow the Honourable Member's question.

**Maulvi Muhammad Abdul Ghani:** May I know whether the Government propose to issue any clarification of their order passed regarding the applicability of its retrospectiveness to the Court?

SHORT NOTES ON QUESTIONS

**The Honourable Dr. B. R. Ambedkar:** If there is any ambiguity it will be the duty of the Government to clarify it.

**Mr. Lalchand Navarai:** Is the order very clear or does it require any interpretation?

**The Honourable Dr. B. R. Ambedkar:** I can supply a copy to my Honourable friend.

**Mr. Lalchand Navarai:** My question is this: Is the order clear and unambiguous or liable to interpretations? The Honourable Member says that the Court will interpret it. The Court will undoubtedly do it but only in the latter case.

**The Honourable Dr. B. R. Ambedkar:** I do not know what my Honourable friend wants to convey.

**Mr. Lalchand Navarai:** My question is this. The Honourable Member said that that order may be interpreted by the Court. But I say, is the order itself liable to interpretations, on which the Honourable Member says that it will be to the Court.

**Mr. President (The Honourable Sir Abdur Rahim):** That is an argument.

**Mr. Lalchand Navarai:** I am putting the question.

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

(Mr. Lalchand Navarai continued to speak.)

**An Honourable Member:** Order, order.

**Mr. Lalchand Navarai:** You cannot say order, order.

**Mr. President (The Honourable Sir Abdur Rahim):** That I disallow. That is not a question.

## MOTION FOR ADJOURNMENT.

ORDER PREVENTING RAILWAY TRAVEL FOR ATTENDING THE ALL-INDIA KISAN CONFERENCE AT BEZWADA.

**Mr. President (The Honourable Sir Abdur Rahim):** A notice has been received from Mr. Govind V. Deshmukh who wishes to move for the adjournment of the business of the Assembly, viz., that the business of the Assembly be adjourned for the purpose of discussing a definite matter of urgent public importance, namely, the order of the Government to prevent the travelling of persons to stations on the Madras and Southern Mahratta Railway who want to attend the eighth annual session of the All-India Kisan Conference at Bezwada convened to consider the problems facing the agriculturists and the food situation in the country.

Any objection to that motion?

**The Honourable Sir Reginald Maxwell (Home Member):** No such order has been passed by the Central Government, nor are we even aware that such an order has been passed by the Provincial Government, though to pass such an order would be within their competence.

**Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadian):** The order has appeared in the papers and I received information also and certainly such an order preventing travelling to Bezwada.

**Mr. President (The Honourable Sir Abdur Rahim):** Has the Honourable Member got the order?

**Mr. Govind V. Deshmukh:** Some of it has appeared in the papers and some correspondence has been received by Mr. Joshi and me.

**Mr. President (The Honourable Sir Abdur Rahim):** The Government Member says that no such order has been issued by this Government or by the Provincial Government.

**The Honourable Sir Reginald Maxwell:** No, Sir; I do not say that no such order has been passed by the Madras Government. What I stated was that it was entirely within the competence of the Madras Government to pass such an order, and we were not aware whether they had done so or not.

**Mr. Govind V. Deshmukh:** Can the Provincial Governments pass such an order without getting instructions from the Railway Department? That is the point. This Government must have instructed either the Provincial Government

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[Mr Govind V. Deshmukh.]

or the railway department there to take such steps as are mentioned in this order, namely, to prevent persons from travelling to this place.

**The Honourable Sir Reginald Maxwell:** No; that is not the position at all. The Madras Government have powers under Rule 85B of the Defence of India Rules to prevent any specified class of persons from travelling by railway, and that can be done without reference to the Central Government.

**Mr. Jamnadas M. Mehta** (Bombay Central Division: Non-Muhammadan Rural): Are not Railways a central subject?

**Mr. President** (The Honourable Sir Abdur Rahim): The power to discontinue any railway service apparently in a particular case is vested in the Madras Government, but

**Mr. N. M. Joshi** (Nominated Non-Official): May I say a word? This is a restriction on travelling by railways, and the Government of India are certainly responsible for this, and I have received information that the conference which is to be held in Bezvada on the 14th and 15th March is not allowed to be held on the ground that there is no accommodation on the railways. Therefore this is an adjournment motion which should be taken up in this House.

**Sardar Sant Singh** (West Punjab: Sikh): May I say this is the second instance in which the same thing has happened? One instance happened in Lyallpur where the Provincial Government had served a notice on the North Western Railway not to carry passengers. I think the point requires to be discussed whether the railways should submit to such an order and when they do, whether they are not liable to be censured by this House.

**Mr. President** (The Honourable Sir Abdur Rahim): Railways are a central subject; and I think it is competent to a Member of this House to raise a question of this character in the Assembly. I therefore hold that the motion is in order; but as objection has been taken

**An Honourable Member:** I do not think, they are objecting.

**The Honourable Sir Edward Benthall** (Member for Railways and War Transport): Yes, Sir; so far as the Railway Department is concerned, we are merely carrying out the orders of the Provincial Government, so far as we know.

**Mr. President** (The Honourable Sir Abdur Rahim): I want to know whether any objection is taken to leave being granted.

**The Honourable Sir Edward Benthall:** Yes, Sir; I object.

**Mr. President** (The Honourable Sir Abdur Rahim): As objection has been taken, will members in favour of leave being granted rise in their seats? (Not less than 25 Members rose.)

As not less than 25 Members are for leave being granted, the motion will be taken up at 4 o'clock or earlier if the agenda is finished before then and the Government Member has no objection. I take it the Government Member has no objection to the motion being taken up earlier if the business is finished?

**The Honourable Sir Edward Benthall:** No, Sir. Which Government Member will take it up?

**Mr. President** (The Honourable Sir Abdur Rahim): That is for the Government Members to decide.

# ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR THE CIVIL DEFENCE BRANCH OF THE DEFENCE DEPARTMENT.

**Sir Charles Ogilvie** (Secretary, Defence Department): Sir, I move:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, five non-official members to serve on the Standing Committee to advise on subjects with which the Civil Defence Branch of the Defence Department is concerned, during the financial year 1944-45."

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

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, five non-official members to serve on the Standing Committee to advise on subjects with which the Civil Defence Branch of the Defence Department is concerned, during the financial year 1944-45."

The motion was adopted.

## ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR THE CIVIL DEFENCE BRANCH OF THE DEFENCE DEPARTMENT.

**Mr. President** (The Honourable Sir Abdur Rahim): I have to inform Honourable Members that for the purpose of electing members to the Standing Committee of the Civil Defence Branch of the Defence Department, the Notice Office will be open to receive nominations on 19.2.44 on Wednesday, the 1st March, 1944, and that the election, if necessary, will be held on Friday, the 3rd March, 1944. The election, which will be conducted in accordance with the principle of proportional representation by means of the single transferable vote, will be held in the Assistant Secretary's room in the Council House, New Delhi, between the hours of 10.50 a.m. and 1 p.m.

## DEMANDS FOR SUPPLEMENTARY GRANTS—RAILWAYS.

**Mr. President** (The Honourable Sir Abdur Rahim): The House will now proceed with Demands for Supplementary Grants in respect of Railways for 1943-44.

### DEMAND No. 3.—MISCELLANEOUS EXPENDITURE.

**Mr. Zahid Hussain** (Government of India: Nominated Official): I beg to move: "That a supplementary sum not exceeding Rs. 3,33,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Miscellaneous Expenditure'."

I might mention that a brief explanation of the causes which have led to supplementary expenditure...

**Mr. President** (The Honourable Sir Abdur Rahim): Will the Honourable Member speak up?

**Mr. Zahid Hussain:** I might mention that a brief explanation of the causes which have led to expenditure in excess of the original voted grants has been given in the List of Supplementary Demands for Grants, copies of which have been supplied to Honourable Members. Detailed reasons of the larger expenditures were given in the memoranda which were placed before the Standing Finance Committee for Railways at its meetings of the 29th January, and 1st February, 1944. These memoranda have since been incorporated in the Proceedings of the Committee, copies of which have also been supplied to Honourable Members. Sir, I move.

**Mr. President** (The Honourable Sir Abdur Rahim): Motion moved: "That a supplementary sum not exceeding Rs. 3,33,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Miscellaneous Expenditure'."

**Maulvi Muhammad Abdul Ghani** (Tirhut Division: Muhammadan): Sir, I find from the memorandum at page 1 of the List of Supplementary Demands for Grants, "Publicity scheme directed against unnecessary and dangerous travel." When I compare this with the original demand, I find that in the original demand there is no such item. If you refer to page 15 of the Proceedings of the Meeting of the Standing Finance Committee for Railways of the 29th January, and 1st February, 1944—Annexure H, item No. 7—you find "Contribution towards the cost of publicity scheme for publicising the activities of railways in the war". But here I find, "publicity scheme directed against unnecessary and dangerous travel". This is a new item entirely different from what is found in the proceedings of the Standing Finance Committee's meetings. (A voice: "No, no")

and this should not come in the shape of a supplementary demand. I, therefore, hope that the matter will be explained by the Honourable Mover of the supplementary demand, as I submit that this is a new expenditure and should not come under a supplementary grant. I, therefore, oppose it.

**Mr. Lalchand Navai** (Sind: Non-Muhammadan Rural): I have two words to say on this. I find that Rs. 2,96,000 has been shown as miscellaneous charges. No details are given in this pamphlet, though it is a big amount. I do not mean that all details should be given, but there ought to be explanation of big items at least so that we can understand what they are for. My Honourable friend has raised an objection that this publicity has been going on, and besides, I should like to know since when this publicity has been going on, and also whether the Government have succeeded on account of this publicity to



[Mr. Lalchand Navalrai.]  
stop unnecessary travel. In the first place, I do not understand what the railway means by unnecessary travel. It is a matter which is only in the special knowledge of those who travel and you cannot say what is unnecessary travel and what is not for them. You have been spending money upon this and I would like to know how far you have succeeded. I think the money is spent for nothing and I would, therefore, like to see how far the Honourable Member would be able to satisfy us on this point.

**The Honourable Sir Edward Benthall** (Member for Railways and War Transport): I have only heard the concluding remarks of my Honourable friend. But, of course, in carrying out propaganda campaigns we do not force anybody to do anything. We merely try and persuade people. As I understood from previous speeches in the House, there were certain complaints against unsatisfactory conditions of travel in these days arising from the excessive number of passengers. We are only trying to persuade people not to travel unless it is absolutely necessary.

**Mr. Lalchand Navalrai:** It is a waste of money. How can you call it unnecessary travel when it is not within your knowledge whether the passenger's travel is necessary or not.

**The Honourable Sir Edward Benthall:** I quoted the case where 130,000 people admitted that they were travelling for pleasure.

**Mr. Lalchand Navalrai:** But . . .

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member has made his speech. He cannot make another speech. The question is . . .

**Maulvi Muhammad Abdul Ghani:** I raised a point that it is a new item of expenditure, but I have had no reply.

**Mr. President** (The Honourable Sir Abdur Rahim): But that does not give Honourable Member a right of reply.

**Maulvi Muhammad Abdul Ghani:** I raised a point of principle that it is a new item. I have had no reply. I want your ruling, Sir . . .

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member himself has no right of reply. The question is:

"That a supplementary sum not exceeding Rs. 3,33,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Miscellaneous Expenditure'."

The motion was adopted.

#### DEMAND NO. 5.—PAYMENTS TO INDIAN STATES AND COMPANIES.

**Mr. Zahid Husain:** I beg to move:

"That a supplementary sum not exceeding Rs. 32,80,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Payments to Indian States and Companies'."

As we expect a larger amount of traffic receipts there would be larger expenditure under this head for payment to worked lines and to Indian States and Companies.

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

"That a supplementary sum not exceeding Rs. 32,80,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Payments to Indian States and Companies'."

The motion was adopted.

#### DEMAND NO. 6-A.—WORKING EXPENSES—MAINTENANCE OF STRUCTURAL WORKS.

**Mr. Zahid Husain:** Sir, I move:

"That a supplementary sum not exceeding Rs. 2,30,39,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Working Expenses—Maintenance of Structural Works'."

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

"That a supplementary sum not exceeding Rs. 2,30,39,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Working Expenses—Maintenance of Structural Works'."

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**Maulvi Muhammad Abdul Ghani:** In this item of expenditure I am under the impression that additional staff for the patrolling of railway lines was appointed. I am given to understand that the Railway Board has failed to enforce the Resolution passed by the Home Department regarding the communal composition of services and Muslims have not been taken in to that staff.

**The Honourable Sir Edward Benthall:** With regard to the point raised by Mr. Abdul Ghani, this patrolling of railway lines is for the safety of the travelling public and I do not quite see how my Honourable friend mixes it up with communal representation. Generally speaking, communal representation on the railways is in accordance with the undertakings given to the House.

**Maulvi Muhammad Abdul Ghani:** On a point of personal explanation. Under item (c), I find that the Railway Board have appointed additional staff and

**Mr. President** (The Honourable Sir Abdur Rahim): That is not a personal explanation.

The question is:

"That a supplementary sum not exceeding Rs. 2,30,39,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Working Expenses—Maintenance of Structural Works'."

The motion was adopted.

#### DEMAND NO. 6-B.—WORKING EXPENSES—MAINTENANCE AND SUPPLY OF LOCOMOTIVE POWER.

**Mr. Zahid Husain:** Sir, I move:

"That a supplementary sum not exceeding Rs. 3,29,24,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Working Expenses—Maintenance and Supply of Locomotive Power'."

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

"That a supplementary sum not exceeding Rs. 3,29,24,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Working Expenses—Maintenance and Supply of Locomotive Power'."

**Mr. Lalchand Navalrai:** I want some information on this item. We find here that the money required is for maintenance and supply of locomotives. I can well understand grant for maintenance when you have some locomotives with you still. But what about the supply of locomotives here, which, of course, you have shown that you are not able to do. I want an explanation of this item.

**The Honourable Sir Edward Benthall:** If the Honourable Member will read the heading, he will find that the demand deals with maintenance and supply of locomotive power. In order to produce power, you have to put coal into the engine and it is the cost of that sort of thing which makes the total of the expenses.

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

"That a supplementary sum not exceeding Rs. 3,29,24,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Working Expenses—Maintenance and Supply of Locomotive Power'."

The motion was adopted.

#### DEMAND NO. 6-C.—WORKING EXPENSES—MAINTENANCE OF CARRIAGE AND WAGON STOCK.

**Mr. Zahid Husain:** Sir, I move:

"That a supplementary sum not exceeding Rs. 34,31,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Working Expenses—Maintenance of Carriage and Wagon Stock'."

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

"That a supplementary sum not exceeding Rs. 34,31,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Working Expenses—Maintenance of Carriage and Wagon Stock'."

The motion was adopted.

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

**Mr. Zahid Husain:** Sir, I move:

"That a supplementary sum not exceeding Rs. 3,67,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Working Expenses—Maintenance and Working of Ferry Steamers and Harbours'."

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

"That a supplementary sum not exceeding Rs. 3,67,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Working Expenses—Maintenance and Working of Ferry Steamers and Harbours'."

**Sir F. E. James** (Madras: European): May I ask my Honourable friend one question? He will recollect that at the meeting of the Standing Finance Committee, when we were considering these items, more especially those that dealt with increased cost, on account of increased consumption of coal, we inquired why it was that the price of coal had more than doubled itself since last year, and my Honourable friend, the Financial Commissioner, promised to advise the House of the reasons for that very large increase which has resulted in making a great deal of difference not only to the Railway Budget itself but to the extent of the supplementary demand that is now before the House.

**Mr. Zahid Husain:** This point really relates to the previous demand but I can give the House some information.

**Sir F. E. James:** I find the explanation under this demand is 'More consumption of coal'.

**Mr. Zahid Husain:** Before the war, Railways were in a position to purchase their coal requirements usually at a price of Rs. 4 per ton. These purchases were made from private collieries. Railways have always been in a very strong position, because they are the biggest purchasers of coal. State-managed railways alone purchase about 5 to 7 million tons, while Railways including Company-managed State Railways purchase about 9 million tons of coal. They also own some collieries themselves and are able to increase or decrease the output of such collieries in normal conditions. Up to the end of 1942-43, there was really no increase in the price of coal purchased by Railways. The requirements of 1942-43 were purchased at an average price of Rs. 4 per ton, and really no increase was recorded over the pre-war prices. The Railways get their requirements by inviting tenders and making contracts like other purchasers. Tenders are invited and contracts are made six monthly and for 1943-44 tenders were invited and contracts were made some time in January, 1943. For the first period of six months of 1943-44, the average price thrown up by these contracts was Rs. 5-11-2. Obviously, quite a large proportion of this increase was due to the increase that had taken place in the cost of stores and very likely in the cost of labour which must have been going on from the very beginning of the war. When the tenders were invited and contracts were made for the second half-year, the price of these tenders went up to Rs. 8-9-8. Most of our coal comes from the Bengal and Bihar coal fields and it is well known that conditions were very abnormal in that area and the labour costs had increased for various reasons, of which the House is fully aware. Even this increase in price was not found sufficient because the basis on which the tenders had been made by the collieries and the basis on which the contracts had been made was completely upset by the large increase in prices that took place in Bengal and Bihar. At a later stage therefore we agreed to give a small increase in the price of coal based on the increased cost of rice that had to be purchased by the collieries for feeding their labour. So far as the Railways are concerned, these are briefly the reasons which are responsible for increase in price. Labour, of course, became more expensive for various reasons and also some cesses on being imposed by the Central Government which will affect the cost of coal in the next year. Until now, we have been making purchases of our coal on contracts by inviting tenders, but next year we expect that purchases will be

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made at a standard price fixed under the terms of the Coal Commission. That is briefly the position as regards the price of coal for the Railways. **Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That a supplementary sum not exceeding Rs. 3,67,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Working Expenses—Maintenance and Working of Ferry Steamers and Harbours'." The motion was adopted.

DEMAND NO. 6-E.—WORKING EXPENSES—EXPENSES OF TRAFFIC DEPARTMENT.

**Mr. Zahid Husain:** Sir, I move:

"That a supplementary sum not exceeding Rs. 1,32,08,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Working Expenses—Expenses of Traffic Department'."

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

"That a supplementary sum not exceeding Rs. 1,32,08,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Working Expenses—Expenses of Traffic Department'."

**Maulvi Muhammad Abdul Ghani:** Sir, this demand consists of three items of expenditure. As will be seen from page 6 of Supplementary Demands for Grants, these three items are:

- (a) engagement of additional staff;
  - (b) stationery, forms and tickets, due to rise in the price of paper and rates for printing; and
  - (c) increased provision for wagon sheets and ropes, etc.
- It is a very big item of expenditure and it amounts to Rs. 1,32 lakhs odd. We had expected that sufficient clarification will be given so that we may know what is the amount under each of the three heads. I hope the Honourable Member will enlighten us on the amount of expenditure incurred on these different items.

The second point that I wish to bring to the notice of the Honourable Member is that additional staff had been appointed and I am given to understand that the Railway Board has failed in their duty to enforce the communal proportion under the Home Department Resolution on the various Railway Administrations. If I am wrong, the Honourable Member will correct me. What I want to know is whether the Muslims have been given adequate representation in the additional appointments?

**Mr. Jamnadas M. Mehta** (Bombay Central Division: Non-Muhammadan Rural): Sir, there are one or two small points which I wish to raise in connection with this supplementary demand. This and other supplementary demands are all accompanied by an intimation that part of the proposed expenditure is for the dearness allowance so that it may disarm all opposition. My criticism does not relate to dearness allowance at all.

I have two points; one of them is about the engagement of the additional staff. I have often heard—and I state this for the information of the Railway Board for what it is worth—that the innumerable warrants for the military which are to be exchanged for tickets at the Railway Stations are often not exchanged on account of the rush and the result is that unless they are exchanged the Railway Board does not get the money for them. In this way, quite a large amount of railway revenue is lost and the military travel free. The result is that while, on the one hand, appears to be less. I do not know military expenditure, on the other hand, the railway revenues suffer, the how far this evil has been known to the Railway Board, but many of the railway staff have complained to me that because they are working under heavy pressure, they cannot always check the military tickets. My knowledge of it is through the railway staff, and I can only ask the Railway Board to look into this matter and see whether this complaint is real.

The second point is that the staff engaged is not always polite or attentive. I dissociate myself from the general outcry against railwaymen. They are generally far more honest than most people give them credit for. But my point

[Mr. Jamnadas M. Mehta.]  
is about an occasional lapse from the attention and civility which they bound to give to the passengers. And the attitude of the Railway Administration, when such cases come to their knowledge, is to punish the small fry and to screen the bigger fry.

I will give you only one case out of several that I know of. It is a case of inattention to three first class passengers between Ahmedabad and Abu Road and it happened some time ago. The passengers had asked for the meal at a station called Mehsana. Not only the meals did not arrive at Mehsana but right up to Abu Road, which was reached after more than 12 hours, there were no meals forthcoming and the train was so long that the first class passengers were far away from the platform even to shout for the meals.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member is discussing the general grievances of the railway passengers.

**Mr. Jamnadas M. Mehta:** I am not ventilating the general grievances, but I am only trying to show that the staff, which they want to appoint, is not efficient and is not polite. I am concentrating on that. What happened was that the first class passengers shouted for the guard and said that they had no water and no meals. They ultimately sent one of them to the guard and the other two kept on shouting. The guard did not care to listen to them as he was changing at that place. Another guard took his place but he also did not care for them. This was brought to the notice of the B.B. and C.I. administration but they went on defending the guard although the passengers were unanimous in saying that the guard was to blame. After apologising for the inconvenience, they have kept a very discreet silence, which is objectionable to my mind. But what they did was to punish the poor caterer, while the real culprit was the guard. These things, I am bringing to the knowledge of the Railway Board because in these days when trains are heavily loaded with passengers, and the carriages are far away from the platform the passengers are put to a lot of difficulties. If they want this additional expenditure, the Railway Board should at least issue strict instructions that the guards and other railway officials will be as attentive as possible and, secondly, when guilt is brought home, they will not punish the poor smaller fry, but will take proper care that even more senior employees are brought to book for their inattention.

**Mr. Govind V. Deshmukh** (Nagpur Division: Non-Muhammadan): Sir, as this is the place to ventilate our grievances, I might mention the inconveniences that we find while travelling about, the insufficiency of staff on the Grand Trunk Express which was described by my Honourable friend, Sir Frederick James, as neither 'Grand', nor 'Trunk' nor 'Express'. Sir, it is really true that one of the chief complaints is that the train is very long, so long that a number of carriages are left on either side of the platform. The first and second class passengers generally order food, and they do not know where to go. Even the caterer's carriage is far away, and by the time you reach there to order, the train begins to start. Not only myself but a number of others have noticed the insufficiency of the staff, and a number of army officers also have very severely complained against it. I hope something will be done to relieve the poor passengers of their difficulties, either the platform should be extended at particular stations or the trains should stop for longer intervals at important stations and there should be more men in charge of the train to receive orders about meals at the stations.

**Mr. E. L. O. Gwilt** (Bombay: European): Sir, as a point of civility has been raised, there is one remark I would make. I think many of us must have been impressed by the almost "incredible" civility on the part of railway employees, subjected as they are frequently to a great deal of incivility on the part of passengers, and working under the greatest difficulties these days. I feel, Sir, it is right that another point of view should be given expression to.

**Mr. Lalchand Navalsai:** Sir, I do not find any difficulty on the part of railway officials which the Honourable Member, Mr. Gwilt, just now referred to. On the contrary, the point is that the trains are very long, and the services do not reach all the passengers, and the guards and other people who are in charge of the trains do not care to help the passengers. I will give you one instance of my own. As the train in which I was travelling was very long and the carriage was far away, I asked one of the conductors just to say if there was any man of Spencers attending on the train. That conductor curtly replied, "it is not my business". I asked him whose business it was then. He said, "go and ask anybody whose business it is." When I showed him my card he came to know that I was such and such a man, then he came round and said "Yes, Sir, it is my duty, and I am just going to comply with what you want". But by that time the train steamed out of the platform.

**The Honourable Sir Edward Benthall:** Sir, with regard to the first speaker, Maulvi Muhammad Abdul Ghani, I am afraid he has not read the footnote to the supplementary demand, which points out that "additional provision has been found necessary on, practically all railways for dearness allowance, compensation for goods lost or damaged . . . etc". The Honourable Member referred only to the cases of (a), (b) and (c) which are cases applicable to certain railways and are relatively of minor importance. The biggest item is appropriately dearness allowance.

The question raised by other Honourable Members is really two-fold, insufficiency of staff and a certain incivility.

**Mr. Lalchand Navalsai:** Also the length of trains.

**The Honourable Sir Edward Benthall:** My answer to the first question is that everybody is aware that the demand on the railways is much greater than the supply, more passengers have to be catered for in the limited space of the platform and it is physically impossible to give the same attention to all the passengers as it was when there was a lesser number of passengers travelling. Similarly as regards food arrangements, it is a matter of extreme difficulty to feed all the passengers at a particular moment. I may say that those conditions are not peculiar to this country. Anybody travelling in the United Kingdom at the present time will be aware that exactly the same conditions prevail there also and there also it is equally difficult to get food at all when one wants to. On the question of civility, I think that on the whole, in view of the extraordinary conditions in which the railway running staff are placed, they are coping with the situation today extremely well and I entirely agree with my Honourable friend, Mr. Gwilt, that they deserve commendation on the whole rather than blame. On occasions, of course, as is human nature, one or two of the members of the railway staff are perhaps apt to lose their temper, and a higher standard of civility is demanded of Government servants than of the passengers. I think it is rather too much, however, to expect that railway servants, like Honourable Members sitting on the Front Bench, should be civil at all times whatever be the nature of incivility on the part of passengers.

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

"That a supplementary sum not exceeding Rs. 1,32,08,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Working Expenses—Expenses of Traffic Department'."

The motion was adopted.

DEMAND No. 6-F.—WORKING EXPENSES—EXPENSES OF GENERAL DEPARTMENT.

**Mr. Zahid Hussain:** Sir, I move:

"That a supplementary sum not exceeding Rs. 32,88,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Working Expenses—Expenses of General Department'."

**Mr. President** (The Honourable Sir Abdur Rahim): Motion moved:  
"That a supplementary sum not exceeding Rs. 32,88,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Working Expenses—Expenses of General Department'."

**Maulvi Muhammad Abdul Ghani**: Sir, this big item of expenditure Rs. 32,88,000 consists of three items of expenditure.

**The Honourable Sir Edward Benthall**: No, Sir. If I may again draw the Honourable Member's attention, it consists of items mentioned at the head of the foot-note in addition to three items mentioned down below.

**Maulvi Muhammad Abdul Ghani**: I was saying, Sir, that this big amount consists of three items of expenditure and perhaps some thing more as has been explained already by the Honourable Member for War Transport. I see that one of the items of expenditure mentioned here is contribution towards the cost of order police. I say that this is a kind of expenditure which is really a waste of money because the police on these railways are of no use at all these days. The whole of the railway administration, so to speak, is paralysed in giving help to civilian passengers in the face of military, the soldiers and the recruits. No station staff ventures to help the passengers against these military people, not is the police of any greater help to passengers against the military. Therefore, this item of expenditure should not be here. They should be charged to the Defence Department because this expenditure serves no useful purpose to the travelling public. I, therefore, oppose this motion.

**Sardar Sant Singh** (West Punjab: Sikh): Sir, I take this opportunity of bringing to the notice of the Honourable the Railway Member a very tragic state of affairs that has been reported to me with regard to the insecurity of travel on a certain portion of the North Western Railway, and I hope he will look into the matter immediately. I have just received a letter from Mianwali district to the effect that near the Kundian railway station 25 to 30 desperate characters generally get into the trains with fatal weapons and assault and rob the passengers, and the railway police and the staff are unable to render any help. The names of these desperate characters with their places of residence are also mentioned.

**Mr. President** (The Honourable Sir Abdur Rahim): This is hardly relevant to the motion.

**Sardar Sant Singh**: The motion relates to the contribution to the cost of additional police. The names are given, namely, the ringleader is Mir Abdullah Khan of village Meed in Mianwali district.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member cannot read all that. The time for all this was the general discussion when it would be relevant for the Honourable Member to bring to the notice of the railway authorities and of Government the hardships of the travelling public. But it is not relevant now.

**Sardar Sant Singh**: Very well, Sir. Then I will draw the Honourable Member's attention generally to the fact that there is insecurity in this part of the North Western Railway line which has been troubling the people there tremendously. I hope the additional staff to be employed will be posted there so that order and security may be restored and ticketless travel restricted, if not entirely eliminated.

**Mr. Lalchand Navalrai**: Sir, I want some information with regard to these items. The first item is "contribution towards the cost of order police". I want to know whether "order police" means the police who keep order or orderly police. If it is to keep order, I must say that the police itself makes disorder; and when policemen are asked for help and protection they are indifferent because they are not under the control of the railway officials who are defied by the police. There have been many cases like that. Then, we are also told that the additional police is needed to protect railway property "under conditions created by the war". I want to know if greater protection is required for railway property on account of the war, and whether property is stolen on account of the war. If it is stolen it must be by the military people, and care should be taken

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about it. I do not understand why on account of the war any further protection is needed for safeguarding railway property.

**The Honourable Sir Edward Benthall**: Sir, I should perhaps explain that there are two kinds of police, crime police and order police. The order police are maintained at the stations for the purpose of keeping order, and in most cases a contribution is made by the railways to the Provincial Government for paying for these men.

In this case the House again speaks with a divided voice. I understood an earlier speaker to say that he wanted the order police to be abolished; but if Honourable Members will turn to the proceedings of the Central Advisory Council, if my memory serves me right, I think they will find a strong recommendation that the order police on the railway stations should be very largely increased. In the case of my Honourable friend, Sardar Sant Singh, it is a case for the crime police and is a matter for the Provincial Government.

As regards the last point as to why additional police are necessary for the protection of railway property under the conditions created by the war, the answer is that under the conditions created by the war there are more thefts. My Honourable friend himself has pointed out that this was so in Sind. The people, particularly in that part of the country, seem to have been more addicted to thefts during the war, and the value of the property on the railways has increased. Therefore, it is necessary to take additional precautions for the safety of Government property in case of theft.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That a supplementary sum not exceeding Rs. 32,88,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Working Expenses—Expenses of General Department'."

The motion was adopted.

## DEMAND NO. 6-G.—WORKING EXPENSES—MISCELLANEOUS EXPENSES

**Mr. Zahid Hussain**: Sir, I move:

"That a supplementary sum not exceeding Rs. 8,35,95,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Working Expenses—Miscellaneous Expenses'."

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That a supplementary sum not exceeding Rs. 8,35,95,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Working Expenses—Miscellaneous Expenses'."

The motion was adopted.

## DEMAND NO. 6-H.—WORKING EXPENSES—EXPENSES OF ELECTRICAL DEPARTMENT

**Mr. Zahid Hussain**: Sir, I move:

"That a supplementary sum not exceeding Rs. 19,98,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Working Expenses—Expenses of Electrical Department'."

**Mr. President** (The Honourable Sir Abdur Rahim): Motion moved: "That a supplementary sum not exceeding Rs. 19,98,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Working Expenses—Expenses of Electrical Department'."

**Sir F. E. James**: Sir, may I ask a question? Is there a programme for the renewal of electric lamps? What prospect is there of obtaining supplies for the railways through lease-lend or in any other way? I also hope he will reassure us that the use of castor oil referred to in (b) has no sinister significance!

**The Honourable Sir Edward Benthall**: Sir, with regard to the second point I can give that assurance. With regard to the first point, I am afraid, I have not got the figures of the number of electric lamps and bulbs on order, but they run into a very large number. We are getting them both from the U.S.A. and also from the United Kingdom, in addition to placing large orders for local manufacture. The shortage is entirely due to failure to get delivery of those on order. In order to try and rectify the position as soon as possible, I understand that certain quantities are being flown out, if it is possible to do so.



**Sir Muhammad Yamin Khan:** The supplementary demand should Honourable Member see that bulbs which are imported for the railways have word "Railways" on them so that they may not be stolen and sold outside?

**The Honourable Sir Edward Benthall:** I will give the most careful consideration to the Honourable Member's suggestion.

**Mr. Ananga Mohan Dam** (Surma Valley cum Shillong: Non-Muhammadan): Sir, I wish to draw the Honourable Member's attention to the fact that in the Assam Bengal zone of the Bengal and Assam Railway there are absolutely no lights in any of the compartments or bath rooms. If this black-out is for safety purposes, I may say that the engine has a head-light. So it is not for safety. I wish to bring to notice the inconvenience suffered by passengers on this account in that zone.

**The Honourable Sir Edward Benthall:** Sir, I have already in a previous debate expressed sympathy with my Honourable friend's darkness in Assam. Whether it is due to military precautions or to the prevailing shortage of electric lights I do not know. If it is due to military precautions, it is perhaps better to suffer the inconvenience of darkness rather than the inconvenience of having a bomb dropped on the train. I will however, as I have said before, enquire into the matter, with special reference, of course, to the B. and A. Railway.

**Dr. P. N. Banerjee** (Calcutta Suburbs: Non-Muhammadan Urban): My Honourable friend says that when it is for military precautions then the people should agree to suffer. But there might be very dim light which will not be seen from outside; that could be arranged. The compartments should not be completely dark, because that will mean a very great deal of inconvenience to passengers.

**The Honourable Sir Edward Benthall:** My recollection is that when I was travelling in those parts, those were the conditions which did prevail.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That a supplementary sum not exceeding Rs. 19,98,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Working Expenses—Expenses of Electrical Department'."

The motion was adopted.

#### DEMAND NO. 7.—APPROPRIATION TO DEPRECIATION FUND.

**Mr. Zahid Husain:** Sir, I move:

"That a supplementary sum not exceeding Rs. 4,03,32,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Appropriation to Depreciation Fund'."

**Mr. President** (The Honourable Sir Abdur Rahim): Motion moved: "That a supplementary sum not exceeding Rs. 4,03,32,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Appropriation to Depreciation Fund'."

**Mr. Jamnadas M. Mehta:** Sir, I have three serious objections to this demand being granted. First of all, it is that it is entirely unauthorized, against the Convention, and until the Assembly passes a Resolution by a specific motion in this House, this is *ultra vires* and unconstitutional. My second point is that it is excessive. (Interruption.) I am not raising a point of order. I am making a submission. If the Honourable the President rules it out of order, nobody will be more pleased than myself.

**Mr. President** (The Honourable Sir Abdur Rahim): Was not that objection taken and considered during the discussion of the budget?

**Mr. Jamnadas M. Mehta:** I did raise this point, but...

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

**Mr. Jamnadas M. Mehta:** This is for the current year and, therefore, it did not come up for voting during the railway budget.

**Mr. President** (The Honourable Sir Abdur Rahim): But the policy was discussed.

**Mr. Jamnadas M. Mehta:** Not even the policy.

#### DEMANDS FOR SUPPLEMENTARY POINTS—RAILWAYS

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member can mention his points, but we cannot have a full length debate on a subject like that in dealing with supplementary demands.

**Mr. Jamnadas M. Mehta:** I am saying that under the Convention of 1924 the Assembly authorized certain allocations to the Depreciation Fund. If any change in the system is to be made, it should have been done by first bringing it as a regular motion before this House. That has not been done. This Assembly does not know why this demand is necessary. No arguments are given and we are referred to the fact that the Railway Standing Finance Committee has accepted and the Convention Committee has recommended. I submit that the Convention Committee was not authorized to make any such recommendation at all. Therefore, until the Railway Board produces a definite Resolution of this House this demand is absolutely illegal.

My second point is that it is in excess of requirements. We do not know why these four crores are taken again away from the railway revenues, which means higher rates and fares and also lower wages to the workers. If this four crores was not thus diverted, it would have been possible for the Railway Board to grant some more dearness allowance to its employees. But they take away railway revenues under one guise or another and deprive the poor worker of adequate maintenance. Between the maintenance of the railway worker and a supposedly required provision for the Depreciation Fund, I think the preference should be given to the poor.

My third point is that Government should finally accept that they will never bring anything before this House which has not been authorized on principle by the Assembly itself. This is bringing a surprise on the House without any authority and is, therefore, also illegal.

**Sir F. E. James:** Sir, as a Member of the Convention Committee, of which my Honourable friend is also a member, I am bound to say that I find his three reasons for opposing this motion entirely unconvincing. His first point is that this is an unauthorized demand. He suggested that there can be no change in the system of the 1924 Convention until this House has considered that Convention and has agreed to a change. My point is that this is not a change in the system. This is merely an additional allocation which the Convention Committee found justified during the stressful years of the war. The Convention Committee's interim report first of all suggested that there should be no reduction in the amount of the appropriation to the Depreciation Fund calculated on the basis of 1/60th of the capital at charge. But it went on to say that it very much doubted whether during the war this was enough owing to the excessive wear and tear occasioned by the strain on the railways and, therefore, it requested certain investigations to be made as to the extent to which that excessive wear and tear should be compensated for by additional appropriation as an emergency measure. This is the result of that investigation and of the Committee's recommendation on the information made available to it, and, therefore, cannot be regarded as being a change in the system to which this House gave its approval in 1924.

**Dr. P. N. Banerjee:** But the House should have an opportunity of discussing it.

**Sir F. E. James:** The House has this opportunity now.

**Dr. P. N. Banerjee:** No. A supplementary demand for grant does not offer the proper opportunity.

**Sir F. E. James:** It is perfectly open to this House to say that it does not wish this additional appropriation to be made, but I do not think it is just to suggest that this in itself constitutes a change in the system of the Convention of 1924.

Then, my Honourable friend suggested, in the second place, that this appropriation was actually in excess of requirements. On that, of course, there can be difference of opinion, but certainly on the information which was made available to the Committee at its last meeting, this is in no wise in excess of the requirements of the case. We did agree on the information which was made



[Sir F. E. James.]

available to us though some of us may have strong doubts as to whether this is in fact, sufficient for the requirements of the railways. But I am quite willing to admit that between my Honourable friend Mr. Jamnadas Mehta and myself there may be, on this point, a legitimate difference of opinion.

The other proposition he made was that nothing should be brought before this House which had not been authorised by this House first. I think that is a very strange constitutional proposition. The Government of India surely are able to bring propositions before this House for their approval before this House has actually approved those propositions. My Honourable friend's suggestion would bring the relationship between the Government of India and the Legislature into a strange complication, which I cannot believe for one moment he himself really means; certainly not if he were, as I hope he will be one day, a Member of the Government of India.

Therefore, Sir, I support this demand, which is recommended by the Convention Committee and by the Standing Finance Committee for Railways, which is an accredited and representative Committee of this House, and I very much hope the House will accept it.

**Dr. P. N. Banerjee:** Sir, I am sorry I cannot agree with my Honourable friend, Sir Frederick James, when he says that the recommendation of the Convention Committee should be given effect to by the Government without placing that recommendation before this House.

**Sir F. E. James:** May I interrupt my Honourable friend. I did not really say that. If I said it I did not intend to say it. I said the House was perfectly entitled to express their views on this demand. My point was that this demand in itself was not a major alteration in the system of the Convention of 1924.

**Dr. P. N. Banerjee:** Sir, even in the modified form in which my Honourable friend places this question before us, I think it is open to serious objection. He says that in a minor matter like this the Convention Committee was entitled to make, and the Government was entitled to give effect to, that recommendation before it was discussed in this House. Now, Sir, where should we draw the line between major and minor principles. A principle, if it is a good one, should be given effect to whether it involves a large sum of money or a small sum of money. If we look at the amount, Rs. 4 crores is not a small sum of money. May I ask my Honourable friend, the War Transport Member, why it was not possible for him to place the interim report of the Convention Committee before this House for discussion and acceptance. This could easily have been done so as to avoid these recriminating statements before this House. Sir, I am one of those who think that the Depreciation Fund is an important fund and proper provision should be made for this purpose, otherwise the railways would go to rack and ruin in no time. But the amount which is necessary, and which is not beyond the capacity of the public to pay should be fully ascertained, and this House must express itself on the proper amount that should be sanctioned. As the Convention of 1924 was sanctioned by this House, I think any alteration in the Convention should receive the sanction of this House also. As this has not been done so far, I hope the Honourable the War Transport Member will take the earliest opportunity to place the altered Convention before this House.

With these words, Sir, I would suggest that the supplementary demand may be accepted for the present if an assurance is given by the Honourable the War Transport Member that the Assembly will have an opportunity of discussing the matter at an early date.

**Sir Cowasjee Jehangir** (Bombay City: Non-Muhammadan Urban): I think Sir, we have got rather tied up in knots on this question. The Honourable House will remember that Government through the Transport Member brought a Resolution before this House with regard to the Convention of 1924. The Resolution he proposed was that the allocation between the general revenues and the reserves in the Railway Department should be changed due to war conditions and the change should be decided from year to year until the Convention was studied and amended. The House passed that Resolution. Then

there was a considerable amount of criticism in this House and it was suggested that a Committee should be appointed to study the Convention and to report upon these allocations to this Honourable House. The Committee has met on more than one occasion. I cannot remember the number of times we met. So far as I can remember we signed one interim report. I do not remember that report having been presented to this Honourable House.

**Sir Muhammad Yamin Khan:** Yes, it has been.

**The Honourable Sir Edward Benthall:** It was laid on the table of the House.

**Sir Cowasjee Jehangir:** Well, that report was evidently laid on the table of the House. Since then we had to discuss the allocation for the year under consideration and so far as I am concerned, my opinion was that this is not sufficient. I would have liked to see this Rs. 4 crores increased—and I am not going to go into the reasons why I desire that this Rs. 4 crores should be increased; it may not be quite appropriate—but I can assure the House that I am personally strongly of the opinion that our reserves are by no means what they ought to be considering the position in which we are due to war conditions.

A great deal of the part of the speech of the Honourable the Transport Member in moving the Budget dealt with this important question and I had occasion to point out what I considered was an inconsistency in that Budget speech. That inconsistency related to this very question. Now, the Honourable House does not perhaps realise that the less you put into reserves the more will have to be taken to general revenues (interruption), and thereby weaken the financial position of the railways (interruption), because there must be a division of the surplus between general revenues and railway reserves. What was the 1924 Convention? I have not got it here—but it provided that interest should be first provided for, depreciation should be provided for, reserve should be provided for; and then the surplus should be divided between the reserves and the general revenues by a certain method.

**Mr. Jamnadas M. Mehta:** That is not the Convention.

**Sir Cowasjee Jehangir:** I could have brought the Convention.

**Mr. Jamnadas M. Mehta:** It said one per cent.

**Sir Cowasjee Jehangir:** That is the Convention—in certain proportions.

**Mr. Jamnadas M. Mehta:** No; one per cent.—no proportion; the proportion comes later.

**Sir Cowasjee Jehangir:** A certain portion of the surplus should

**Mr. Jamnadas M. Mehta:** No, no.

**Sir Cowasjee Jehangir:** If the Honourable Member will allow me to go on...

**Mr. Jamnadas M. Mehta:** Go on, if you like; but you are wrong.

**Sir Cowasjee Jehangir:** I am perfectly right; a certain proportion should go to the general revenues; and after that, if the surplus is still higher, the proportion should be changed. By that Resolution that was brought before this Honourable House, it was intended to change that proportion. We considered in the committee that the proportion suggested by Government was not fair to the railways and that even more than 4 crores should be set aside for reserve. There may be a difference of opinion.

**Dr. P. N. Banerjee:** But it is for the House to express an opinion.

**Sir Cowasjee Jehangir:** You are getting the chance now.

**Dr. P. N. Banerjee:** No, no; this is not the proper occasion.

**Sir Cowasjee Jehangir:** My point in short is this: that there is not the slightest doubt that large sums of money will have to be spent on the rehabilitation of the railways after the war. If you have not got sufficient reserves or a depreciation fund, then you will have to do it out of loans; and if you do it out of loans, which you will have to do, you will weaken the financial position of the railways as you did after the last war.

**Dr. P. N. Banerjee:** That is so, I agree.

**Sir Cowasjee Jehangir:** But if you do it at the proper time, which is now, there may be fewer chances of your having to raise loans on the security of

[Sir Cowasjee Jehangir.]

the railways. The difference is this: that instead of Government raising loans you will make the railways raise loans for rehabilitation when the railways are making good money in the words of the Honourable Member. Which would you rather do? Would you rather that the railways raise loans for rehabilitation due to having taken more monies to general revenues than is justified when profits are being made, or will you take what is fair and just to reserves when profits are being made and thereby relieve the railways of having to raise loans for that purpose after the war? Actually, the Finance Member will contend that it is his business to see that as few loans are raised by him as he possibly can arrange, and he will naturally try to take more to general revenues than even may be justified; but after all he has to keep an eye on the finances of this Government, including railways; and therefore, I contend that it is in the interests both of the Finance Member and the Transport Member that a fair allocation should be made. I consider this 4 crores may be on the side, not of safety, but it may be a little less than is justified, but that 4 crores should be accepted by this House, if not increased, because I have not the slightest doubt in my mind that these 4 crores should be set aside and that general revenues should get so much less.

**Mr. Jamnadas M. Mehta:** After the Assembly's sanction.

**Pandit Lakshmi Kanta Maitra** (Presidency Division: Non-Muhammadan Rural): We have doubts in our mind.

**Sir Cowasjee Jehangir:** There can be a difference of opinion. Therefore I would suggest, leaving aside the question of the method of bringing it up before this House, if you are to argue on that point of view, then perhaps there may be some reason to say that an *ad interim* report ought to have been presented to this House for consideration. (Interruption.) If that is the only contention, then I am not going to quarrel with my Honourable friend behind me; but when he goes to argue on merits and says that 4 crores is too much or should not be allowed by this Honourable House, I have a bone to pick with him. I would therefore suggest that under the present conditions this grant be allowed without further hesitation.

**Sir Muhammad Yamin Khan:** Sir, I quite agree with my Honourable friend, Sir Cowasjee Jehangir; I was of the same opinion as he was that these 4 crores may not be quite sufficient for the requirements of the railways after the war. At present the railways are put to such a great strain, that the wear and tear is so abnormal, that if the war goes on for another two or three years and if we do not change many of these things, then we will have to spend a large amount after the war for changing locomotives, the railway lines and many other essential things. After what we have seen in the Convention Committee and the report from the Railway Board which we asked to go into this question thoroughly, we find that the amount in the reserve and depreciation funds is not quite sufficient to meet the requirements after the war. At one time it was suggested that we might exhaust the whole amount in 1951. Of course, this matter is under consideration and is being examined by certain officials and the railway Convention Committee has not come to any definite conclusion on this point, whether the whole of the amount in the reserve and depreciation funds will be exhausted in 1951 or not.

**Dr. P. N. Banerjee:** The interim report should have been discussed here.

**Sir Muhammad Yamin Khan:** This is not in the interim report, this was done after the interim report, and that is why interim report was presented and no final report because certain matters were left for investigation which are being investigated at present. Unless and until we know the result of those investigations we cannot say one way or the other. But if the position comes to this that by 1951 we shall not have any amount in the fund and we shall have spent the whole of our depreciation fund, the situation is very, very critical. When the Convention Committee voted these 4 crores we took a very, very conservative view, and I for one was of this opinion—and I still hold the same—that these 4 crores are not sufficient. If we take the seriousness of the position which is facing us,—if it is true that we shall require so much money

by 1951, then I think these four crores extra are too small for our requirements. Our locomotives which would have run their normal life up to a certain period after this war, are working at such a strain that they will be absolutely useless within two or three years. If they are normally to do 100 miles a day, they are now doing 200 miles a day, and they are not going into repair shops as they ought to have done. When we have got a surplus, when the railways are making great profits, not to consider the whole future would not have been very wise, and the safest policy was to keep as much as we could in the depreciation fund and the reserve fund. We have been doing that, and the Railway Convention Committee alone is not responsible for this amount which you find here. It is the Standing Finance Committee for Railways which has also endorsed it. Of course, some of our Members sat in both the committees but in each committee they examined the matter purely from the angle that pertained to it. Their position was different while sitting on one committee, from that which they held when they sat on another committee, because they had to discuss the whole financial position in the Standing Finance Committee, and that committee approved of this amount which was recommended by the Railway Convention Committee. This House has not been taken by surprise. This amount which we find as a supplementary grant is only for the current year, but this House has also adopted this amount for the coming year. (An Honourable Member: "Without discussion.") May be without discussion, but the House has voted four crores for the coming year. After the House has approved of four crores for the coming year, there is no justification for not voting for the current year also. The vote of the House is already here, so the House has not been taken by surprise in this matter. I think there is ample justification. I would rather have liked that the interim report which has been submitted had been discussed in this House. I would like it to be discussed, but it would not have been proper for me or appropriate for me who had been a member of the Convention Committee, to say that our report should be discussed here. That was laid on the table of the House and I thought that some Honourable Member who did not agree with its view would raise the question here and have it discussed in this House. I shall only be too glad if it is discussed here because I think that the interim report is based on sound principles, that it will get the sanction of the House and it will no longer remain a mere report of the Convention Committee, but it will be a report practically unanimously adopted by this House.

**Dr. P. N. Banerjee:** That is all the greater reason.

**Sir Muhammad Yamin Khan:** But for the present I do not think there is any difficulty and I do not think that there is much in not supporting the present supplementary demand.

**Dr. P. N. Banerjee:** I also supported it.

**Sir Muhammad Yamin Khan** (Agra Division: Muhammadan Rural): Will the accepted because we have accepted the demand for the coming year. With these observations I support the motion.

**Mr. N. M. Joshi** (Nominated Non-Official): During the general discussion I had made a complaint that the Government of India is denying adequate opportunities which this Legislature should have of discussing the railway finance and thus maintaining control over the Indian railways. I had complained then that the Government of India did not follow the recommendation of the Committee of the Legislature which laid down the basis of the convention which we are following. That committee had recommended that not less than six days should be allotted for the discussion of the railway budget. The House has also been following the practice of discussing by a specific resolution any departure from the terms of the convention which have been laid down. I, therefore, feel that it was not enough that the demand for the appropriation for the depreciation fund should have been placed among the other demands. A specific resolution should have been brought forward. My Honourable friend, Sir Muhammad Yamin Khan, said that we have also adopted the demand. It is true because the Government of India denied us the opportunity of discussing the subject on a separate resolution.

**Dr. P. N. Banerjee:** That is my point.

**Mr. N. M. Joshi:** We want, by discussing this subject, to tell the Government that it is a wrong thing which they did. Therefore, we are entitled to discuss this question on this supplementary demand. On the merits of the question, I have heard from Sir Cowasjee Jehangir and Sir Frederick James their great anxiety for having a sufficient reserve for making good the wear and tear of the railway property. I am not against railway property being kept in a good condition, but I am equally anxious and I would like the House to be equally anxious to keep the human element which is necessary for running the railways, in a good and efficient condition. If there is wear and tear to your property—and I agree that we should make provision for keeping the property in a good condition.—I maintain that we should take greater care for keeping the human element in a good and efficient condition and see that the wear and tear of the property. The War Transport Member himself has paid a compliment to the human element which is running our Indian railways, and I have no doubt that he will agree with me that there is greater wear and tear of the human element; of the human strength, and therefore there is great need for a special fund, a larger fund to be kept in our reserves for the welfare of the railway employees. I feel that the Government of India should create a separate depreciation fund. I would call it a labour welfare fund.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member is not in order in discussing that question. I have been trying to follow him in his very ingenious attempt to bring in that subject, but it is not in order.

**Mr. N. M. Joshi:** I am not speaking at length on it, I am only . . .

**Mr. President** (The Honourable Sir Abdur Rahim): I rule that the Honourable Member cannot go into that subject at all now.

**Mr. N. M. Joshi:** I am not going into that matter now. I am only suggesting that this sum of four crores of rupees should be kept as a sort of reserve for labour welfare fund.

**The Honourable Sir Edward Benthall:** Several Honourable Members have given a detailed and I think, on the whole, accurate description of what happened on the Convention Committee and I need not cover that ground again. I must, however, refer to Dr. Banerjee's leading remark that any alterations to the Convention should be placed before the House. Well, Sir, it was the House itself which altered the Convention last year and as a result of the discussions that took place then, we set up a special committee. It was a special committee superseding the Standing Finance Committee and the Central Advisory Council for Railways. At the request of the House, we set up this special committee to examine questions arising out of the Resolution which the House had passed. That Committee duly issued an interim report and that interim report was laid on the table of the House. Generally speaking, I think I am correct in saying, without having refreshed my memory by looking up the matter, that a very representative committee of the House endorsed the policy which the Government recommended and the policy which the House itself adopted last year except in one respect and that was in the case of the depreciation fund. It was not a question of principle there but the question of the adequacy of the allocation to the fund and after examining the position with some care, they said that the depreciation fund should be examined under two heads—a special depreciation allocation to be set aside to deal with the conditions arising out of the war and the long term, if I might call it, depreciation policy. As regards the former, if I might call it, depreciation information was placed before it and the Committee recommended that an additional allocation of about 8 crores be set aside to meet the special conditions arising out of the war. That recommendation of this Committee the Government decided to accept. Incidentally, the recommendations were also placed before a committee of the House, the Standing Finance Committee, who also examined it and recommended acceptance. The other question still remains—what is to be done with regard to the depreciation fund of the future. That is still under investigation and the Committee has not yet issued any final report

on that. Further information has to be collected and the matter has to be discussed. Since no question of principle has arisen since the House last settled what the policy should be, I suggest that the proper time for the consideration of this Convention Committee's report is when the Committee makes its final report and its recommendations in regard to the depreciation fund. In the meantime, as two committees of the House have considered this matter and both committees have recommended that this additional appropriation to the depreciation fund—four crores of rupees—should be made and, as Sir Muhammad Yamin Khan has pointed out, since the House has also agreed to it for the forthcoming budget year, I suggest that the House do now pass this demand and give its sanction for the current year.

**Sir Muhammad Yamin Khan:** May I ask the Honourable Member one thing? Under the Convention which had been adopted last year, it was given out in the Resolution that the decision was made for the budget year 1943-44 and it is laid down that it will be revised each year and laid before the House and that will be adopted. When does the Honourable Member propose to bring this motion before this House? What is going to be the division between the surplus and the depreciation and the General Revenues for the Budget year?

**The Honourable Sir Edward Benthall:** I should require notice of that question which does not arise out of this particular demand.

**Sir Muhammad Yamin Khan:** This is the Honourable Member's own Resolution, that each year he will bring this question before the House for settlement. When is he going to bring it?

**The Honourable Sir Edward Benthall:** I should require notice of that question because it does not arise strictly under this supplementary demand.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That a supplementary sum not exceeding Rs. 4,03,32,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Appropriation to Depreciation Fund'." The motion was adopted.

#### DEMAND No. 8.—INTEREST CHARGES.

**Mr. Zahid Husain:** Sir, I move: "That a supplementary sum not exceeding Rs. 85,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Interest Charges'."

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That a supplementary sum not exceeding Rs. 85,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Interest Charges'." The motion was adopted.

#### DEMAND No. 10.—APPROPRIATION TO RESERVE.

**Mr. Zahid Husain:** Sir, I move: "That a supplementary sum not exceeding Rs. 2,55,91,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Appropriation to Reserve'."

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That a supplementary sum not exceeding Rs. 2,55,91,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Appropriation to Reserve'." The motion was adopted.

#### DEMAND No. 12.—OPEN LINE WORKS.

**Mr. Zahid Husain:** Sir, I move: "That a supplementary sum not exceeding Rs. 1,85,82,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Open Line Works'."

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That a supplementary sum not exceeding Rs. 1,85,82,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1944, in respect of 'Open Line Works'." The motion was adopted.

**Mr. President** (The Honourable Sir Abdur Rahim): **Mr. Deshmukh.**

**Mr. Govind V. Deshmukh:** Sir, may I move my adjournment motion at the lunch interval?

**Mr. President** (The Honourable Sir Abdur Rahim): If it suits the House better, it can be moved after the lunch interval. Will it suit the House if the motion is moved after the lunch interval?

**Honourable Members:** Yes, Sir.

**Mr. President** (The Honourable Sir Abdur Rahim): Very well; the House stands adjourned till half-past two.

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.  
Deputy President (Mr. Akhil Chandra Datta) in the Chair.

### MOTION FOR ADJOURNMENT.

ORDER PREVENTING RAILWAY TRAVEL FOR ATTENDING THE ALL-INDIA KISAN CONFERENCE AT BEZWADA.

**Mr. Govind V. Deshmukh:** Sir, I move:

"That the Assembly do now adjourn."

The subject matter of this motion is an order directing that persons proposed to travel to stations on the Madras and Southern Mahratta Railway within 100 miles of Bezwada shall not be carried on that railway between the 10th and 20th March, 1944, both days inclusive, unless the railway administration is satisfied that they are proceeding to their destination otherwise than for attending the 8th annual session of the All-India Kisan Conference at Bezwada. It is evident that the object of this order is to prevent persons from attending the agricultural conference of All-India Kisans. This is one of the illustrations of how a Government which is being run under section 93 of the Government of India Act usurps powers which do not legitimately belong to it, and how the Defence of India Rules can be misused and abused. It therefore throws a heavy responsibility on the Central Government to see that such Governments behave properly. This order clearly shows the stupidity of the Government which passed it. It is apparent to all that food situation cannot be handled properly unless there is co-operation from the public, principally the agriculturists. But this is not the best way to receive that co-operation for growing more food, if you create discontent among them when they wish to hold this conference to discuss matters which are legitimate and which will ultimately benefit the country. Every one in the country is anxious about growing more food and supplying food for the deficit provinces from the surplus provinces. In a matter like this it is very necessary that the kisans should come together and discuss these all-India problems. I have been an agriculturist; I have presided over agriculturists' conferences. Before I came here for the November Session I presided over the C. P. and Berar Agriculturists' Conference where matters which I will shortly relate were discussed. I have presided over district agriculturists' conferences. It seems to me that my Government which is also run under section 93 is not so backward as the Madras Government and I was therefore able to hold these conferences. In these conferences we suggested some lines of action for Government to follow in the matter of growing more food, and in the matter of rural rationing. Government want food to be sent from surplus districts to deficit districts and from surplus provinces to deficit ones. We said that we do not wish any part of the country to starve; we do not wish to see the army abroad, composed of Indians, deprived of proper food. We have made some suggestions to find out whether a particular area is self-sufficient or not and what can and should be spared for the deficit provinces. We have also suggested means of distribution and fixing the prices; this is important in procurement operations and in requisitioning without bringing pressure to bear, directly or indirectly, on the agriculturists. We have also suggested how investments could be made by the agriculturists. If more food is to be grown we have suggested the stoppage of slaughter of cattle and means

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for preserving the plough-cattle. We have made many other suggestions for growing more food. It is well known that the Indian agriculturists are heavily indebted; many have had to go to the debt conciliation boards and there have been awards against them and they had to pay instalments. If they have to invest some money compulsorily something should be done to see that their obligations are met. These are all problems which the agriculturists have to consider. They want to help you and save the country and the army. In a letter written to the Chief Secretary to the Government of Madras by the President of the Reception Committee of this Kisan Conference at Bezwada the objects of the conference are mentioned. One paragraph reads:

"It is well known that the policy of the Ryots' Association is to rally the peasants to grow more food to feed the people and the army, to work for the control of the foodstuffs and fight against the hoarders, to solve the food problem. Besides, the Ryots' Association have categorically declared themselves against sabotage activities and for the defence of the country against the Japs as its marauders. With this policy the Ryots' Association, under the guidance of the Provincial Ryots' Association, have been working in the Province and achieved many notable results on the grow-more-food campaign."

Now, Sir, a body which has so much to its credit, a body like that is prevented from holding a Conference of all India Kisans, a conference where persons from all over India could gather together to consider the problems affecting India as a whole, not those affecting a particular Province or a district, a conference where such all India problems as grow-more-food and distribution and other factors were to be considered, that conference is being prohibited by an order which I have read out to you. It is very curious that this order is passed under the Defence of India Rules. I have already said that this is one of the instances how the Defence of India Rules can be abused. This order was passed saying that this preventive action will be taken unless the railway administration is satisfied. It is the function of the railway administration which these ordinary administrators have usurped. How are they going to be satisfied? Virtually it means that all persons holding tickets for going to Bezwada will be detained and they will not be allowed to proceed. If a person is really honest, and if he wants to be honest and says 'I am going to Bezwada, to attend the conference', he will be prevented; but a person who does not wish to disclose his destination, but his main object is to attend the conference, such a person will be allowed to travel. How is the railway administration going to satisfy itself that each and every traveller that goes to Bezwada is going to attend the conference or not, with what machinery shall it satisfy itself? This order is very defective, and I say it is silly also. What is more. It is a suicidal order; this order is against their interest; it kills the very intentions and motives of the Government because I have shown that the principal motive of these persons who wish to hold the conference was to give an impetus to the grow-more-food campaign and to help the Government. That object is defeated by this order. Apart from this, this order is taking away an invaluable right of the ordinary citizens to come together and discuss a lawful matter which is to help the country. This is certainly a deprivation of the civil liberty of the citizens. The order has got to be looked at from all points of view. It is not merely that it affects the Government. As I have said, they are handicapped and they will be handicapped in their activities of grow-more-food campaign, and in their efforts to help the civilians or the army. It really deprives us of a valuable right to discuss matters which would be helpful to the country. From both points of view, I submit that this is a reprehensible order which deserves condemnation at the hands of this House, as severely as it possibly can do it, and I have no doubt that the House will support me in this motion.

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

"That the Assembly do now adjourn."

**The Honourable Sir Edward Benthall:** Sir, before the debate goes any further, I think it would be helpful if I try to clarify the position. The Honourable Member has stated that the order has been issued for the purposes which he described. As the Honourable the Home Member has already said, the Government have no knowledge of any such order having been issued, nor



[Sir Edward Benthall.]

have they issued one themselves. But if it has been issued, it must have been issued under Rule 85-B of the Defence of India Rules. This Rule is

Section (1): "The Central Government or the Provincial Government may by order require any specified person or class of persons or persons proposing to travel to specified destinations shall not be carried on a railway."

Section (2) goes on to say: "Notwithstanding anything to the contrary contained in the Indian Railways Act, 1925, a Railway Administration shall be bound to comply with any order made under clause (1)."

It appears therefore from this that the Railway Department to whom the Honourable friend issued his notice of adjournment is only concerned with carrying into effect such an order as may have been given. It is clear from this that either the Central Government or the Provincial Government must have issued this order. I repeat that the Honourable the Home Member has stated that the Central Government did not issue this order. It means therefore that, if it has been issued at all, it must have been issued by the Provincial Government. I am not quite clear why it is that the Honourable the Mover is trying to censure the Central Government for something with which they are not concerned.

**Pandit Lakshmi Kanta Maitra** (Presidency Division: Non-Muhammadan Rural): Sir, I rise to a point of order. This adjournment motion was admitted by the Honourable the President with a clear and definite observation that the railways were a central subject and as such the motion was perfectly in order. The Honourable Member is now raising the question as to whether it is permissible for the House to censure the Railway Department.

**Mr. Deputy President** (Mr. Akhil Chandra Dutta): I do not think that the Honourable Member for War Transport is raising the question of admissibility. He is arguing the merits, as I understand them.

**The Honourable Sir Edward Benthall**: I was merely trying to find out for what the Honourable the Mover was trying to censure the Central Government. I have already explained that the Railway Department is completely exonerated under sub-clause (2) of Rule 85B of the Defence of India Rules, under which the railways have to carry out such orders as are given to them.

**Pandit Lakshmi Kanta Maitra**: Very well, then let us censure the Home Department.

**The Honourable Sir Edward Benthall**: But the Honourable Member, Mr. Deshmukh issued notice of adjournment motion to myself.

**Mr. Govind V. Deshmukh**: I gave notice not only to the Railway Member but also to the Home Member as well, to both Members.

**The Honourable Sir Edward Benthall**: Then, Sir, I can sit down after a very few brief remarks, having completely exonerated this Department, and I must however draw the attention of my Honourable friend to the fact that the rest of his speech seems to be directed against the Department of Education, Health and Lands, because everything that he said for about five minutes was directed to the effect of this order on the "Grow More Food" campaign. Well, Sir, I have said enough to clarify the position and I hope it will be helpful to the House.

**Mr. N. M. Joshi**: When the Defence of India Act was passed in this House, Sir, I objected to the passing of that Act and voted against it. Knowing full well that it was very dangerous to give such wide powers to the governmental authorities in this country—whether this authority is Central or Provincial—I felt, Sir, that as all Governments do, they will use these powers not only for the ostensible object for which the Defence of India Act was passed but for another object, the other object being to make the administration easy by using the wide powers which the Defence of India Act gave to the Central Government and to the Provincial Governments. In my speech on that occasion, I also said that the wide powers will be used by the Government of India and by the Provincial Governments in order to put down the labour and Kisan movements which these

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Governments do not generally like. I remember, when the Defence of India Act was passed, the first order under that Act was passed against the workers in the oil fields in Assam, and there are hundreds of instances of the Defence of India Rules being applied and used to put down the legitimate activities of these organisations of the Indian workers and of the masses. Sir, the order which we are discussing today is an instance of how the governmental authorities in this country are using the wide powers which the Defence of India Act has given to them to put down these organisations of workers and of Kisans. One can understand the Governments using these wide powers to put down activities which are likely to hamper the war effort—the Defence of India Act was ostensibly passed for that purpose—but the Act has been used not only for that purpose but also for hampering war efforts, which is an illegitimate object. Now, we are dealing with an organisation which is prevented from holding its meeting called the All-India Kisan Sabha. The All-India Kisan Sabha has declared from its platform that it stands to help the war effort. My Honourable friend, Mr. Deshmukh, has quoted a letter which was written by the Chairman of the Reception Committee of the All-India Kisan Sabha to the Madras Government stating what the objects of the conference were: The conference wanted to help the 'Grow More Food' campaign. Along with the conference, they were going to hold an agricultural exhibition, a cattle show and so on. The All-India Kisan Sabha has also advised all its constituent bodies to help the Government in its work of getting food supplies and distributing food supplies equitably. I know for a fact that they are helping the Provincial Governments by advising the Kisans and the peasants to give their surplus foodgrains to the Government. When an organisation stands to help the war effort in various ways, one cannot understand why any Government—whether Central or Provincial—should prevent meetings being held of such an organisation. The real fact is that these Governments—both Central and Provincial—do not want any activity of any kind; they want the country to be dead so that the administration should be easy. Sir, that is the object of these Governments, and they are using the Defence of India Act for that purpose. I feel, Sir, that this House is bound in duty to protest and should protest against the use of the Defence of India Act in this manner.

How does the order stand? The order, in my judgment is not only wrong, because it has no justification at all—no war effort is hampered—but all those people who want to help in the war effort are being prevented from doing so. The order itself is unreasonable, as my friend, Mr. Deshmukh, has stated. How is the order going to be effectively enforced unless every railway passenger who is going to Bezwada during those days is harassed. Every passenger must be asked why he is going to Bezwada or why he is travelling in that region, and if he happens to tell that he may visit this Kisan conference also, he will be prevented from proceeding by rail. Sir, these Governments—both Central and Provincial—are issuing orders which even cannot be enforced. I want to ask the Honourable the Home Member or the Honourable the War Transport Member how is the Government going to enforce this order? The Honourable the War Transport Member said that he had nothing to do with the order, but he has to enforce the orders of the Madras Government. How is he going to do that? People who are going to travel round about thirty miles of Bezwada are not going to travel with the object of . . . . .

**The Honourable Sir Edward Benthall**: Is my Honourable friend suggesting that all these people who are going to the conference are going to tell lies on a wholesale scale?

**Mr. N. M. Joshi**: In any case he shall have to ask every passenger why he is travelling. My point is that these Governments—Central and Provincial—have become habituated to use all sorts of powers and to use the Defence of India Act in any manner they like. They do not even think how the order is to be enforced. Sir, this is an abuse of the Defence of India Act in every possible way. The Government are issuing these orders without any justification.



[Mr. N. M. Joshi.]

tion and the orders themselves are unreasonable. We, therefore, feel that the House, within its rights in protesting against the use of the Defence of India Act in this manner, and in using this Act in this particular matter I feel that not only the legitimate work of the citizens of this country is prevented but even war effort is hampered. I know this organisation quite well; I know the promoters of this organisation; I know those people who take part in this organisation; they have declared from the house-tops that they stand for helping the war effort. I know also that they are helping the war effort in every possible way and especially in the case of foodgrains they are carrying on a campaign so that it should be easy for the people of this country and also for the Government to solve the difficult problem of supplying food to this country. I hope that the House will carry this adjournment motion.

**Sardar Sant Singh:** Sir, this is the second time that such an order has been brought to the notice of this House. The first instance was when members of the Sikh community were prevented from proceeding to the annual fair of Nankana Sahib in the Lyallpur district and such an order was issued by the Provincial Government. At that time I tried to bring this fact to the notice of the Government of India, and asked as to whether such an order was legally justified and such an order could be issued by a Provincial Government to a corporation, which is a statutory corporation, which came into existence under an Act of the Government of India and, as such, stands on a footing much superior to an ordinary corporation. Sir, I am glad that the Honourable the War Transport Member has taken his stand on the legal position as defined in rule 85(b) of the Defence of India Rules. Therefore, I will not go into the question whether the Defence of India Rules are being abused for this purpose or for any other ulterior purpose than it ostensibly appears to be, because enough light has been thrown on this point by my Honourable friend, Mr. Joshi, and the Mover of the motion. I will examine, Sir, whether this rule made by the

3 P.M. Central Government is *ultra vires* and made under the Defence of India Act at all. The Honourable Member has referred us to clause 2 of Rule 85B in which it is stated:

"Notwithstanding anything to the contrary contained in the Indian Railways Act, 1890, all railway administrations shall be bound to comply with any order made under clause (a) of sub-rule (1)."

May I ask the Honourable Member whether he agrees with me or not that by this rule practically one section of the Railway Act has been repealed? The railway as a public carrier is bound to carry passengers. This is a statutory obligation laid upon the railways. Now if this amounts to repealing a section of the Railway Act, may I ask when this rule was made? Could he point out under section 2 of the Defence of India Act whether there is any provision giving the power under that Act to repeal a part of a statutory Act passed by this House?

I will try to explain myself. The legislative powers are given under the Government of India Act, 1937 for two Bodies. Firstly, to Central Legislature on subjects mentioned in the relevant schedule of the Act—secondly, to Governor General of India. May I ask under what power this rule has been made by which a section of the Railway Act is repealed under the rule-making power of the Defence of India Act? Under section 2, I do not find any word wherein this power is given.

**The Honourable Sir Reginald Maxwell:** Section 3 of the Defence of India Act, if the Honourable Member will refer to it.

**Sardar Sant Singh:** I am glad that he agrees with me that there is no rule-making power under section 2 to repeal such legislation.

**The Honourable Sir Reginald Maxwell:** If the Honourable Member will read section 3 as passed by this House his point will be clear.

**Sardar Sant Singh:** Section reads:

"Any rule made under section 2 and any order made under any such rule shall have effect notwithstanding anything inconsistent therewith contained in any enactment or other Act or any instrument having effect by virtue of any enactment other than this

May I ask whether this section empowers any authority to repeal a provision of an enactment of Legislature? I do not think so. This section only says that in case of a rule made under the Defence of India Act is inconsistent with any Act, it shall have preference. But the section does not lay down, nor was it intended to lay down the proposition that the rule-making power can override the provisions of a legislative enactment. Secondly, the condition precedent for rule-making power is that the rule should conform to the object of the Act, namely, Defence of British India—public safety, the maintenance of public order or the efficient prosecution of war, etc. I have a copy of the order. The order is a press note which says that the Government has directed that persons proposing to travel on stations on the Madras and Southern Mahratta Railway within 30 miles of Bezwada shall not be carried on railways between March 10 and 20th, 1944, unless the railway administration is satisfied that they are proceeding to them otherwise than for attending the 8th annual session of the All-India Kisan Conference at Bezwada. May I ask under what part of section 2 is it sought to bring such an order? Government should not forget that the railway is a public carrier created under an Act of Legislature and as such whatever the railway does it cannot affect the safety or the peace and tranquillity of the British Empire. Whatever there may be in section 2 of the Defence of India Act, it should not be lost sight of that the Provincial Government is issuing an order to a statutory authority. Therefore, my submission would be that neither section 2 nor section 3 of the Defence of India Act empowers them to repeal a provision of legislative Act. Again, the order is not being addressed to a private individual. If it were so, they could restrain his movements or his activities, but an authority created under a statute under the laws of the land cannot be served with such a notice. I still hold that clause 2 of Rule 85B is *ultra vires* of the powers.

The second legal objection I want to raise is that Rule 85B as it is worded today controls three actions. It is that the Central Government or the Provincial Government may by order require that no specified person or class of persons or persons proposing to travel to specified destinations shall be carried on a railway. It prohibits the travelling by railways to any specified person or class of persons. Here the rule prohibits three things—specified persons, class of persons and thirdly specified destinations. These are the three points which this rule covers. May I ask whether this rule covers the present case? With respect to specified persons, my friend will agree that they have not specified any person who has to travel. The specified person is one whose identity is known. This is not a rule directed against a specified person or class of persons. It does not mean any person proceeding to attend the Conference. That would be straining the sense. Then comes specified destination. This order says that they are not to travel within 30 miles of Bezwada on the Madras and Southern Mahratta Railway. Now, within 30 miles of Bezwada is not a specified destination. So, either way this Act of the Provincial Government, apart from the merits of the order, is an illegal order.

The other day when I gave notice of the stopping by the North Western Railway of pilgrims to Nankana Sahib I suggested to the Government to obtain a legal opinion upon this. I wonder if they have obtained it. I know that the legal expert, Sir George Spence, sits behind the Home Member ready with his interpretation of the Defence of India Rules. Misinterpretation, I should think, would be the right word. I know that the Defence of India Act has practically superseded all legislation but at any rate we expect that there is some decency left in this Government, and that there is some sense of propriety left in them as well. When the Defence of India Act was being enacted, I forced the Government at that time to give an assurance. The then Leader of the House was not prepared to give us an assurance that they would be prepared to use it in the spirit for which it was passed. Still I forced them, in spite of themselves, to read the assurance given to the House of Commons, though it was neither spontaneous nor given with grace as I should have expected. But I would expect them to do this at least, that they should work the Defence of India Act

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with some decency, for the purpose for which it was enacted. At that time we responded to their call; it was the war period and we responded to the call of the Government that extra powers are necessary to be given to the executive, but we expressed our fears then that this Defence of India Act will be used for purposes other than those for which it was being enacted, and our fears are proving only too true every day. I should ask the Government—could they ever have imagined that a Provincial Government would address a prohibitory order under the Defence of India Rules to an institution created by the Central Government: One corporate body issuing an order of prohibition to another corporate body, probably superior to them, and that superior body like the railways actually submitting on their knees and saying "Baba, you are a bigger man and I bow before you; and I accept what you say."? This is the position to which the railway authorities are being reduced. The Provincial Government seems to be all powerful. Indeed they have told the Central Government "you do this thing", and this position, humiliating as it is, has been accepted by the present Government of India. May I ask if they have no sense to revolt against such a position? Cannot they change the rule and take away this power from the Provincial Government, not to address such orders to an institution which is directly under the Government of India? Cannot they have the decency not to publish this rule and have negotiations with the Government of India that such and such a thing should not be done or should be done? Cannot the Government of India take up this attitude that the Provincial Government shall not issue such silly orders to the Central Government? No. We find that there is absolutely no co-ordination in the country between the Provincial Government and the Central Government and they are drifting apart.

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

**Sardar Sant Singh:** If that is so, I would remind the Central Government that not only they are guilty of being humiliated by the Provincial Government but they are accepting that humiliation cheerfully without any protest. They should thank the Opposition for reminding them of their duty towards the public and towards the Government of India. I support the motion.

**Mr. T. T. Krishnamachari** (Tanjore cum Trichinopoly: Non-Muhammadan Rural): Mr. Deputy President, I rise to support this motion, because I feel that I may in a very small measure perhaps add to the information that has been placed before this House. This order is perhaps the third order that I have seen during the last three months emanating from the Government of Madras. If my memory is correct, the first one relates to the festival near about Trichinopoly, a place called Srirangam, sometime in December 1945, when a similar order was promulgated by the Madras Government that people should not be carried within thirty miles of Trichinopoly Junction by the South Indian Railway administration unless the railway administration was satisfied that they were not going to their destination for the purpose of attending the Vaikunta Ekadesi festival. A month later a similar order emanated from the Madras Government in respect of a festival in a place called Chidambaram, about 160 miles south of Madras. I am not surprised, therefore, that in order to prevent the holding of the All-India Kisan conference at Bezwada the Madras Government thought of this very convenient method of putting an embargo on people travelling by rail to Bezwada. A certain amount of confusion seems to exist about this matter—whether that confusion exists in the minds of the Members of the Treasury Benches or in the minds of the people, I am not able to say. So far as we are concerned, not possessing the sixth sense, we are unable to divine what is happening in the minds of Members of the Treasury Benches in regard to this particular matter. It may be that this is a matter which relates to the Home Department; it may even be that it relates to Health and Lands Department, it may be that it relates to the Defence Department or it may be that the main culprit is my Honourable friend,

Sir Edward Benthall. But is it not fair to ask whether the three orders that have enacted from the provincial administration should have emanated not from, of their own accord, the provincial administration acting in the matter without the respective railway administrations approaching the provincial administration and requesting them to pass the order? We have heard in this House and elsewhere of how the Defence of India Rules are being used. The Defence of India Rules are being used for every conceivable purpose that any ordinary administration can possibly think of. I know that many of the sections of the rules are being used for purposes totally unrelated to the original object of the framers. The other day there was a discussion, or rather by way questions and answers, in regard to the application of rule 75A in the matter of requisitioning of houses. I happen to know that in Mangalore in the Madras province, paddy was requisitioned under rule 75A. If we are to examine in this House the various purposes to which these Defence of India Rules have been put to, the various acts of misuse to which they have been put, I think we can think of only one exception. The Central and Provincial Governments have not thought of using the Defence of India Rules in order to propagate birth control; otherwise every conceivable act has come under the Defence of India rules.

**The Honourable Sir Sultan Ahmed** (Leader of the House): We will certainly consider that.

**Mr. T. T. Krishnamachari:** The Leader of the House has a sense of humour and I hope his neighbours on the Treasury Benches will imbibe some portion of it from him. On this particular motion, I would like to ask the Honourable the Railway Member if the Madras Government chose to act not in one instance, but in three instances, without consulting the respective railway administrations, and what was the object of these prohibitions? Ostensibly it was for the purpose of avoiding overcrowding in trains. There it is. The Honourable the Railway Member can feel glad that provincial administrations are more vigilant about this question of overcrowding than he himself is. In the two previous instances, the ostensible object was the same: it may be that the Madras Government did not like people to attend these festivals at Chidambaram and Srirangam for public health reasons, or they thought it would be hindering war effort in some manner, I do not know how; but still why trot out this reason of overcrowding in trains? What has the Honourable the Railway Member to say about it? Is it a case of the Honourable the Railway Member having to be saved from his friends? Previous speakers have dilated on the question of the inequity of the application of the Defence of India Rules, and particularly this method of applying it to restrict the ordinary liberty of the citizen. I think questions of the utility of the All-India Kisan conference, of the good that that conference is likely to do to the grow-more-food campaign and incidentally to War effort, are a little outside the scope of this particular adjournment motion. If speakers who preceded me felt that by talking in this way they could make the Government's mind melt and make them agree that they have made a mistake, they are sadly mistaken. War effort—the one thing that seems to count today—emphasis on these words will not make the Government agree that this order is wrong. The prestige of the Government whether Central or Provincial must be supported. Even if it be that a foolish Provincial Government uses the Defence of India Rules and uses the railway administration for purposes which are not justifiable by any stretch of imagination, I have no doubt the Honourable the Home Member as the custodian of the prestige of the British Government in India will rise and say "This is all nonsense. The Provincial Government are certainly within their rights in promulgating this order." He will say: "We have passed the Act, we have obtained powers thereby and these powers have not been granted to us merely to allow them to become a dead letter". But I am glad that the absurdity of this position has been publicised on the floor of this House. I do not know if the Honourable the Railway Member will help me if I ask for a ticket to go to some place near Bezwada, say to

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Guntur, at Delhi Station in the event of the ticket being refused. Possibly I will go there to attend the All-India Kisan Conference, but does the order of the Madras Government apply even to Delhi? The Honourable Member shakes his head. I am merely citing an instance to show the absurdity of the Madras Government's order. Why not straightaway prohibit this conference? The Madras Government could have prohibited those festivals at Chidambaram and Srirangam, it has been done before by the Madras Government, they have prohibited festivals. They have prohibited festivals for reasons of public health using the Defence of India Rules. Why not prohibit this Conference straightaway? Why adopt this devious method? Why should the Honourable the Railway Member allow himself to be prostituted for this purpose? I think it is quite right that, notwithstanding the provisions of the Defence of India Rules and 85B thereof, the purpose for which it has been framed being totally unrelated to the purpose for which it has been used, this House should protest against such arbitrary use of the Defence of India Rules by Provincial Governments for reasons which would not stand scrutiny. Why not straightaway ban the All-India Kisan Conference under section 144 of the Criminal Procedure Code, and then this House cannot take cognisance of what has happened. Why should not the Central Government say to the Madras Government, don't put us to shame, don't misuse the rules for this purpose when there are other remedies open? Why bring in this question of overcrowding? After all, if one reads this report of the Associated Press of India, it says:

"In connection with the forthcoming session of All-India Kisan Conference at Bezwada the Government has issued an order under the Defence of India Rules to prevent overcrowding of trains by persons proceeding to attend the Conference."

So far as this House is concerned it is only seized with that ostensible purpose for which this order has been issued, and so far as that is concerned, the Honourable the Railway Member must say something about it unless it be that he has completely abdicated his authority over the railway administration and he is prepared to allow Provincial Governments to use the railway for any purpose that suits them and take shelter under it in order to avoid a possible misuse of section 144 of the Criminal Procedure Code.

I think the issue is very clear. The issue before the House is whether the Provincial Government was right in using the railway for a purpose which is entirely provincial and entirely within their competence under the Criminal Procedure Code to prevent. It does not matter whether they have powers under the Defence of India Rules, whether those powers can be interpreted by my Honourable friend, Sir George Spence, in order to aid the Provincial Government. What really matters is whether there has been a misuse of powers. Here the reason has been stated categorically—to avoid overcrowding of trains. Does the Provincial Government desire so anxiously to assist Sir Edward Benthall in the administration of his Department? I challenge the Honourable Member to say, "We do not want this assistance. We want to avoid overcrowding, but we do not want the assistance of the Provincial Government". The All-India Kisan Conference can be prohibited under section 144 of the Criminal Procedure Code. Festivals can be prohibited under sections of the Public Health Act which fortunately exist in Madras, and why use rule 85B of the Defence of India Rules? I think it will be right and proper if this House protests against this continuous and perpetual misuse of the Defence of India Rules, and the opportunity that has been afforded by this action of the Madras Government to let the Government know the views of the House is a welcome one indeed. I support the motion.

**The Honourable Sir Edward Benthall:** On a point of information, arising from the last speaker's remarks. Provincial Governments have from time to time issued orders in consultation with the local railway administration for the purpose of stopping over-crowding to certain *melas* and fairs for the safety of the public, but in this particular case there is no information at all. The Honourable Member is merely quoting from a press report. Neither the Government nor any of Honourable Members speaking have seen a copy of the order

itself, and what the House is basing its judgment on is merely a press report.

**Pandit Lakshmi Kanta Maitra:** Has the order come out of vacuum?

**Mr. N. M. Joshi:** It is a communiqué issued by the Government.

**The Honourable Sir Edward Benthall:** That is what I want to know.

**Mr. T. T. Krishnamachari:** Am I to understand from the Honourable Member that unless it is authenticated by the Honourable the Information Member it has no validity?

**The Honourable Sir Sultan Ahmed:** It can be authenticated by the Leader of the Nationalist Party!

**Mr. T. T. Krishnamachari:** Or the Chief Press Adviser!

**Mr. K. S. Gupta (Ganjam cum Vizagapatam: Non-Muhammādan Rural):** The All-India Kisan Conference is to be held at Bezwada, that is, the heart of Andhra Desa. It has been published in the papers from time to time that such a conference is to be held in the month of March. No order declaring it unlawful was ever passed, no Sabha,—all-India, district, or village—was ever declared unlawful. You could have done it if you could. I know that you feel funky and panicky. You smell that there is something behind it. It is the illiterate masses that contribute the kisans, that is, ryots, landlords, tillers, landless labourers who work for agriculture regarding which you say you are having plans for the post-war reconstruction of the Department of Agriculture. All this tall talk won't do. It has no meaning, it is simply meaningless to say that such an order should have been passed now, and thereby you are enforcing hardships on passengers, whether they belong to third class, intermediate class, second class or first class. It is uncalled for, unfair, unjust hardship to those who might travel to Bezwada from place to place. You cannot take a referendum, you cannot put a check on passengers who go to Bezwada or around Bezwada. If you wanted to do anything to prevent it, declare the All-India Kisan Conference unlawful. If you say that under the Defence of India Rules such a thing is possible, I would call the Defence of India Rules, not defence but offence to human sense, to human dignity, and to the whole liberty of a nation. However, dominated by a foreign power, this country has its own self-respect. You want, at every stage in your administration, to show that you are tyrannical, that you are something which is not decent, and fair for an administration which is considered to be civilised. You now want to see that nobody should meet in a conference like this which is considered to be the most peaceful conference. For what purpose they are going to meet, it has already been said, in this House, and in papers. It is with the intention of improving their lot and conditions of life and to do the best for the country such a Kisan conference is to be held which you want to prohibit by stopping passengers from going to Bezwada and within the radius of 30 miles. Sir, one of my friends said that the Government should have the melting of the heart. I question whether they have a heart at all. They have no heart. If they have, it is stony, it is adamant. You cannot expect a change of heart on the part of this Government which is most irresponsible and unrepresentative and autocratic. As I have said several times on the floor of the House and elsewhere, such orders are most nauseating to every patriot. It is an illegal order and the sooner that order is revoked the better. It is high time you did it. My friend, Mr. Krishnamachari, was talking about Chidambaram and Srirangam. Do you mean to say that the Government has got any respect for religion in this country, for religious and festival occasions? Have they got any respect for the civil liberties of the people or the religious feelings of the pilgrims or passengers attending a conference of this kind as delegates? They do not differentiate between politics and religion. Everything is the same to this Government, because they are dead to all human sense of dignity, decency and fairness.

**Sir Vithal N. Chandavarkar (Bombay Millowners Association, Indian Commerce):** On the insufficient information I have before me, much as I would like it, I am not prepared to censure Government. But, at the same time, I would

[Sir Vithal N. Chandavarkar].

like to take this opportunity of placing before the Government Bench the confused state of mind in which I have often found myself during the last or three years as regards the exact relations between the Central Government and the Provincial Governments functioning under section 93A. In capacity as the Chairman of the Millowners Association, I come frequently in contact with the Provincial Government and what I am going to say has opened more than once during the last three years. Take the question of control and other things. Very often the Provincial Government authorities have told us that their freedom of action is restricted and that in many cases they have to take the orders of the Government of India. Perhaps, in speaking, they may not be orders but instructions. We are often told even in the case of Provincial subjects the position is quite different in the provinces where Governors are administering with the help of Advisers the provinces where Provincial Ministries are functioning. Therefore we always left wondering whether it is not a matter of convenience on the part of the Provincial Governments functioning under Section 93A to pass on the baby to the Government of India, when they find it difficult to hold it. I get nervous in such a case. Here is a case of the Railway Department which is essentially a Central Department and the Provincial Government passes an order even without consultation with the Central Government authorities. Everyone knew that this conference was going to be held. Ample notice was given that the conference would be held in March. There was ample time for the Provincial Government to get into touch with the Central Government and sound them for guidance and yet they proceed to pass this novel kind of order without even consulting the Central Government. I am not echoing the sentiments of the last speaker. I am not saying anything about the legal aspect, because whatever opinion the Home Member may hold or Sardar Sant Singh may hold, it is only the High Court that can decide this question. The floor of the Assembly is not the place for legal quibbles, because we know that even the different High Courts hold different opinions and even sometimes the Privy Council does not agree with the majority of the High Courts in India. What I want to point out is that for the sake of the peace and contentment of this country and proper administration, there should be greater co-ordination between the Central and the Provincial Governments. Because the word 'Provincial' is to be found in the Act, it is no use for the Central Government to say that the matter is one for the Provincial Government. It may be technically right but having regard to the present position as between the various Governments which are functioning under Section 93A and the Central Government, the Central Government cannot take up that attitude. Take the question of food. It is the business of the Central Government to interfere and to see that there is a co-ordinated policy in regard to procurement and proper distribution of food.

What is the position today? Neither the War Transport Member nor the Home Member knows what is the exact position and we are asked to vote on the strength of a statement which has been issued by the Associated Press. Government could have reasonably taken up the attitude that they wanted time to ascertain the facts and that the motion should be proceeded with after they had got the correct information. But the attitude of the Treasury Benches was not very friendly this morning. They were against the motion without any qualifications. Now, that is an attitude which I cannot understand and I only intervene in this debate in order that this position between the Central and Provincial Governments may be clarified. We should be told definitely whose baby it is. We are told here that it is the Provincial Government baby. When I go to Bombay I am told that the general policy is laid down by the Central Government and the Provincial Government is only carrying it out. This sort of thing creates lot of confusion. The order has one mischievous element. I am a Member of the Assembly and if I become a nuisance here, under the guise that my presence is required in Bombay where

the mills are engaged in important war work, an order may be served on the G.I.P. and the B., B. & C. I. Railways not to carry me to Delhi! Such an order is conceivable. I do not think such an order will be passed. I am prepared to give the Government credit for common sense to that extent. But the principle underlying the order passed in Madras is likely to allow abuses of authority in that way. So, I suggest that the Central Government should tell the Provincial Governments functioning under Section 93A that when they introduce a new principle in the administration of Defence of India Rules they should have previous consultation with the Central Government. This will prevent a lot of misunderstanding and people will not attribute motives which they are doing now, that this is an order meant for the prevention of propaganda in connection with the Kisan movement and Government are doing indirectly what they are not prepared to do directly. It is for urging this point of view on the Government that I have intervened in this debate.

**Mr. Lalchand Navalsai** (Sind: Non-Muhammadan Rural): I do not want in the least to introduce heat into the discussion. A very serious legal question has arisen. We need not go to the Federal Court or the High Court to have the section interpreted. My learned friend who spoke just now said that we were not concerned with the legal question here and that was for the High Court. I do not agree with him in the least. As a lawyer, I know it is a very serious question and that has to be decided by the House, because the issue before the House is whether the Government should be censured or not. If the Government have done any illegal act, then it is for the House to consider it and censure Government.

To begin with, the Government of India was allowed to make rules. There is no doubt about it and fortunately for them and unfortunately for the public, the Government was given a blank cheque to make rules as they like. Now, the rules that have been made, many of them, are *ultra vires*. Yet, up to this time, they are not revising their rules. They have been telling us that there are certain rules that may be revised, but no attempt has been made in that direction.

Now, with regard to the matter under discussion they have said that they do not know if any order has been made like that by the Provincial Government but it has not been made by the Central Government. This is shilly-shallying and not taking the real responsibility. Now, the point is this. If the Central Government did not know that the Provincial Government had made such an order, surely the Honourable Member could have sent a telegram to them asking for the necessary information and he would have got this information before he got up to speak. Apart from that, they are divided even amongst themselves and they do not know who should take the responsibility for this. The Honourable the Railway Member exonerated himself by saying that he has to obey the order. I maintain that he is not bound to obey this order. The legal point is this: Was this order legal? If the order was not legal, then the Central Government should have pulled up the Provincial Government. The Provincial Government ought to have been told that they had made an illegal order and they would have cancelled it. If it is an illegal order given even by the Home Member or by the Provincial Government, the Honourable the Railway Member is not bound to obey it. He will certainly obey the legal order but not the illegal one. Without taking any more time of the House, I will go into the question of the legality of the order and show its futility.

The order that has been made by the Provincial Government has been made under Rule 85B, which runs thus:

"The Central Government or the Provincial Government may by order (a) require that any specified person or class of persons, or persons proposing to travel to specified destinations, shall not be carried on a railway."

This means that the Provincial Government cannot make an order unless they are legally authorised to do so. I maintain that they were not legally authorised to make this order because if you read Rule 85B carefully you will notice that this power can be exercised by the Provincial Government provided



[Mr. Lalchand Navalrai.]

it is for the purpose which is indicated in Rule 85 itself. I will read out Rule 85. It says:

"The Central Government may, with a view to facilitating any operations of His Majesty's forces or the movement of persons or supplies in connection with such operations, by general or special order make an order."

Now, I ask: Was this order made for facilitating the operations of His Majesty's forces or the movement of the persons or supplies for such operations? If it was not made for these purposes, then it is illegal and there is nothing to show that the order was made for these purposes. May I, then, put a direct question? Was this order made with the object that people should not go within those 30 miles to Bezwada because the operations of the war were going on there or people were going to interfere with them? Not at all. There was nothing between these 30 miles which affected the war or any operation of the war. To make such an order, therefore, is absolutely illegal. If such an order has been made as it has been made under Rule 85B, then the Central Government or the Railway Administration is not bound to obey it. Perhaps the Honourable the Railway Member feared the consequential provision which is contained in clause (3). It says:

"If any person contravenes any order made under clause (b) or sub-rule (1), he shall be punishable with imprisonment for a term which may extend to three years."

Perhaps he thought that he would get three years imprisonment if he did not obey this order. But he misunderstood the position. Sir, I am reacting about a very important legal point and I expect that I would be listened to. The Railway Member is not a lawyer, but there are lawyers besides him and they will tell him whether I am correct or not. My point is that this order was not issued for facilitating any operations of His Majesty's forces or for the movement of persons or supplies in connection with such operations. It was not made with that object. There is nothing to show that it was made with that object and there was nothing which was going on between those 30 miles with regard to war effort. Therefore, this order was illegal and the Railway Member is not bound to obey it and he should not fear that he will get three years imprisonment. To give another illustration, it is something like this. An officer makes an order to shoot such and such man. As in fact, if this is an illegal order, then the man who obeys it will also be punished. In the like manner, the present order of the Provincial Government was absolutely wrong and illegal and the Railway Member cannot be exonerated.

Then, Sir, it is always very easy to say in order to shirk responsibility that it is the action of Provincial Government to whom we have given orders. If the authority to make orders is delegated to the Provincial Government, then the Central Government should be a watch-dog over it and from time to time they should see whether their orders are legally made or not. If the Provincial Governments make illegal orders and the Central Government does not try to rectify them, then the Central Government must be censured.

I have seen, Sir, that the Madras Government is going too far. They have not only made this order but even when a Collector wants a bungalow of a particular person for himself, he simply makes an order that bungalow should be vacated for him or his successor under rule 75A. An order such as this is quite illegal. Therefore it does not lie with the Government to say that they will sit silent, and allow the Provincial Government to run amuck to issue such orders as they like. I, therefore, think that the Government deserves the most severe censure.

**Mr. G. Rangiah Naidu** (Madras City: Non-Muhammadan Urban): Sir, I have got every right to speak on this motion because I am one of the Members who represents the Madras Presidency in this House. I represent the people of that Province. Moreover, I am one of the Executive Members of the Ryots' Association of the Kistna district, where I was born and brought up and educated.

I heard the previous speakers, and most of them referred to the legal points involved in this motion, they referred to Defence of India Rules and

sections. I am not going to weary the House by referring to those rules and regulations. I am simply going to refer to the common sense of the Government, either Provincial or Central. There are so many enactments and so many sections, but I submit that every section and every rule has its own exception. The Government must use their common sense and do things accordingly. Is it not common sense that when a Provincial Government does anything wrong, the Central Government should interfere and ask them to cancel that order and allow the people in those parts to attend the conference. If they really want to prohibit the holding of the conference, why not prohibit the institution itself. The conference is proposed to be held in Bezwada from the 14th to the 16th March. When the Provincial Government goes wrong, is the Central Government justified in adopting a neutral attitude? I request the Honourable the Home Member or the Railway Member whoever is responsible to interfere in the matter even now and ask the Provincial Government to cancel this iniquitous order and allow the conference to meet.

What is there in the Defence of India Rules which can go against common sense. Ever since this Defence of India Act came into force, there is not an inch of land left in the country to do anything. Why cannot the Government ask the conveners of the conference to pass Resolutions supporting war efforts? They can encourage such conferences being held to help Government in their war efforts. Suppose this conference is held on 14th to 16th March, have the Government got any information as to what kind of Resolutions they are going to adopt? If the conference is not going to pass any resolution interfering with the war efforts, why should the Government prohibit such a conference? It may be that this conference may pass a resolution formulating plans for the 'Grow More Food' campaign. I, as an agriculturist, know the mind of the agriculturist. I have travelled throughout the length and breadth of the Presidency. I found nowhere the 'Grow More Food' campaign has any success.

What are the irrigation projects that have been taken up by the Provincial Government or the Central Government to help the 'Grow More Food' campaign anywhere? The ryots in the Ceded Districts are now suffering very badly for want of irrigation facilities. The Tungabhadra project which has been much talked of, for the last fifty years is still in the stage of consideration. Why cannot the Government bring this project into existence at once to help the 'Grow More Food' campaign? How many lakhs of acres of waste lands are there in the Ceded Districts which are starving for want of water? Even the existing culturable lands are also suffering for want of water. Nobody is taking any steps. When villages are flourishing everybody goes there, but when the villages are suffering nobody goes there, no Collector, no Tahsildar, no villager or any other official goes there.

With these few remarks I appeal to the Government, I appeal to Honourable Members sitting on the Treasury Benches, to take steps to cancel this order. I support the motion to censure the Government, if the Government do not yield.

**The Honourable Sir Reginald Maxwell:** Sir, we are not on very firm ground in debating this motion today because no one, not even the Honourable the Mover, has been able to produce a duly authenticated copy of the order alleged to have been passed and which is under discussion. As the House has already been told, the Central Government have, up-to-date, no copy of that order. We will, however, for the purpose of this debate, assume that the order quoted, that is, the press report of the order quoted by the Honourable the Mover, is correct in the main respects, although I must warn the House against taking it as verbatim, because these reports are sometimes not correct and sometimes they contain interpretations etc., placed by correspondents on the communiques. Within the limit of time prescribed for a motion of adjournment, it is not possible to go into the legal questions which have been raised during this debate and I do not therefore propose to deal



[Sir Reginald Maxwell.]

with that point at any length. All I have to say is that the Defence of India Act itself, by section 2, sub-section (2), item (xvi), authorises the Central Government to make rules prohibiting or regulating traffic on railways. Section (3) of the same section of the Act authorises the Central Government in making such rules "to confer powers and impose duties upon any Provincial Government or officers and authorities of any Provincial Government in respects any matter," and this is the important point, "notwithstanding that that matter is one in respect of which the Provincial Legislature has no power to make laws". That is to say the Act itself contemplates conferment of powers on provincial officers in respect of central subjects, such as, railways, etc. And the mere fact that they have exercised powers in regard to a central subject is no reason for interference by the Central Government or for censure of the Central Government, because the conferment of powers is made in accordance with principles decided by the House in passing the Act itself.

Now let us come to rule 85B under which I presume this order or the alleged order has been passed. My Honourable Colleague the War Transport Member has read to the House the relevant rule by which the Central Government or the Provincial Government may require that certain persons should not be carried on a railway. The power is a concurrent one. The Central Government have not abrogated their power there and they would not do so. It is in cases where the object to be secured or safeguarded was one outside the authority of the province where the action had to be taken. But at the same time the Provincial Government is given these powers because situations may obviously arise under which the Provincial Governments would require to use them. We may suppose that at any moment the Provincial Government has information that a large body of persons are proposing to use the railway in order to travel to a place with the object of there forming an unlawful assembly or creating some disturbance. That would be a local matter in which the Provincial Government would require powers in order to save the local law and order situation. Or again, they might have information that persons were proposing to disperse themselves from an area which was affected by some infectious disease like cholera to a place which was not yet affected. They might, therefore, in the interests of public health require to use a power of that kind. Or again, quite apart from the objects for which the people wished to travel, it might be the case that a large number of people travelling for some legitimate purpose, such as a *mela*, might so congest the railway traffic in present conditions that the Provincial Government had to place local restrictions on travelling. All these objects are things which can legitimately be entrusted to Provincial Governments; and it would be impossible to require reference of every such point to the Central Government. That, I think, is the answer to the question raised by my Honourable friend, Sir Vithalrao Chandravarkar, as to how a Provincial Government could pass an order in a matter affecting a central subject. But in regard to the particular order or alleged order now under consideration there is one thing which I would point out, and that is that an order of the kind quoted does not really relate to a central subject at all. It does not stop trains; it does not stop railway travelling; it does not prevent the generality of the public making journeys for purposes for which they would otherwise have performed them. All it does is to place restrictions on individuals travelling to a particular place for a particular purpose in which the Provincial Government is interested. And therefore I would submit to this House that there is some difference between an order of this kind regulating traffic to a place for a particular purpose, which is a concern of the Provincial Government, and an order which might, we will suppose, stop all persons travelling by rail for some reason which might properly concern the Central and not the Provincial Government. In the latter case an order of that kind would normally be passed by the Central Government and not by the Provincial Government.

# MOTION FOR ADJOURNMENT

That is all that I can explain about the legal position, and now we will go to the question of the propriety of the order passed or assumed to have been passed by the Madras Government. The main case for this motion of adjournment is that the object of this Kisan Conference was a proper one and that it was a misuse of powers to interfere with it. Now, in the first place, I would not admit that the order in question, if passed, would interfere with the proposed conference of the All-India Kisan Sabha. It was represented to this House as though this order was one which would prevent that meeting from taking place and therefore defeat its object. Now I do not know actually whether the Madras Government are allowing that conference to take place or not.

Mr. N. M. Joshi: They are not; they have not yet given permission.

The Honourable Sir Reginald Maxwell: But have they refused it specifically? All we know from the debate on this motion is that they passed an order restricting travel by rail to attend that conference. I myself at this moment have no information as to whether that conference will be allowed by the Madras Government or not, apart from travelling to it by rail.

Now, let us see how far an order of the assumed kind would interfere with the actual holding of this conference. Certain letters from the President of the local Reception Committee have been read to this House, but I have better information. I have received a letter from Mr. P. C. Joshi himself on the subject only a few days ago, and there he explains to me that they originally asked the railway to run special trains to Bezwada or to the nearest station for this purpose. He admits that this was a mistake and they ought not to have done so, because the policy of the Communist Party is to assist the war effort instead of congesting transport; and he points out that there will be no heavy strain on transport because the peasant masses will be from the same district and we will campaign among them to come for the rally in their own bullock carts,—the usual peasant way. We are ourselves interested in not messing up war transport as much as the Government itself is".

So, there the House can have it from Mr. P. C. Joshi himself that the action of the Provincial Government, assuming that such order was passed, will not in any case affect the holding of the conference. Mr. Joshi mentions to me that he proposes to have a 50,000 rally at Bezwada and out of that whole rally it is stated in papers which he himself forwarded to me that they expect delegates from other parts of the country who would come by train to number only 500. To suppose that preventing 500 people from going to a rally of 50,000 would in any way interfere with the objects of a meeting that was otherwise legitimate is entirely against facts.

Now, Sir, I do not know, as I said, what the precise circumstances were in which this alleged order was passed or whether this conference will be allowed or not. But I have certain information regarding local conditions which might possibly and very probably influence the action of the Madras Government in this regard. The House may not know that the All-India Kisan Sabha is a communist-controlled organisation, and this meeting is put up by the Communist Party. Their reason for wishing to hold it at this place (Bezwada) is that the Andhra Provincial Ryots' Association which is controlled by the communists is the second largest provincial branch of the All-India Kisan Sabha. At the same place there is another and a rival Andhra Kisan Sabha led by Professor N. G. Ranga, who was formerly and may still be a Member of this House; and he is proposing to hold a simultaneous meeting of his rival organisation in Bezwada. It is an opposition session to that of the All-India Kisan Sabha in whose behalf this adjournment motion is moved. There have been not infrequent clashes between these rival groups in the past. During the last two years they have come to blows and as recently as the 13th of January last there was a local clash between the Communists and members of the public in Bezwada itself. At the present moment, the Andhra Communists, that is Professor Ranga's party, are reported to be training volunteers they have been training them for some months

[Nawabzada Muhammad Liaquat Ali Khan.]

with their own votes in their own pockets, that they have ceased to it is the duty of the Executive to try and convince the Legislature of the reasonableness of their actions. We have been noticing during the past on that point the Executive have not been paying much attention. We are really anxious that this Assembly should function as a Parliament. You must play your part if you expect the Opposition to play its part. support the motion which has been moved by my Honourable friend.

**Mr. Govind V. Deshmukh:** All that I have to say is that all that has come from the Home Member was not the basis of the order, namely, rival coming to blows, etc., and much of what the Madras Government has done in that particular province seems to me to deprive the members of the rights of civil liberties, and it seems that there is much rotting in this Government of Madras. Sir, I hope this House will pass this motion.

**Mr. President (The Honourable Sir Abdur Rahim):** The question is: "That the Assembly do now adjourn."

The Assembly divided:

AYES—42

Abdul Ghani, Maulvi Muhammad.

Abdul Qaiyum, Mr.

Abdullah, Mr. H. M.

Azhar Ali, Mr. Muhammad.

Bajoria, Baba Baijnath.

Banerjee, Dr. P. N.

Chatterjee, Mr. Amarendra Nath.

Choudhury, Mr. Muhammad Hussain.

Dam, Mr. Ananga Mohan.

Das, Mr. B.

Datta, Mr. Akhil Chandra.

Deshmukh, Mr. Govind V.

Essak Sait, Mr. H. A. Sathar H.

Ghuznavi, Sir Abdul Halim.

Gupta, Mr. K. S.

Gupta, Mr. R. R.

Hans Raj, Raizada.

Hosmani, Mr. S. K.

Joshi, Mr. N. M.

Kailash Bihari Lal, Mr.

Krishnamachari, Mr. T. T.

Lahiri Chaudhury, Mr. D. K.

Lalchand Navairai, Mr.

Liaquat Ali Khan, Nawabzada Muhammad.

Maitra, Pandit Lakshmi Kanta.

Mangal Singh, Sardar.

Mehta, Mr. Jammadas M.

Misra, Pandit Shambhudayal.

Naidu, Mr. G. Rangiah.

Nauman, Mr. Muhammad.

Pande, Mr. Badri Dutt.

Parma Nand, Bhai.

Reddiar, Mr. K. Sitarama.

Sant Singh, Sardar.

Sham Lal, Lala.

Siddique Ali Khan, Nawab.

Siddique, Shaikh Rafiquddin Ahmad.

Shrivastava, Mr. Hari Sharan Prasad.

Subbarayan, Shrimati K. Radha Bai.

Umar Ali Shah, Mr.

Yamin Khan, Sir Muhammad.

Zafar Ali Khan, Maulana.

NOES—43

Miller, Mr. C. C.

Muazzam Sahib Bahadur, Mr. Muhammad.

Mudaliar, The Honourable Dewan Bahadur.

Sir A. Ramaswami.

Ogilvie, Sir Charles.

Piase Lal Kureel, Mr.

Raisman, The Honourable Sir Jeremy.

Richardson, Sir Henry.

The Honourable Sir Asoka.

Shah Bahadur Mian Ghulam Kadir.

Siva Raja Bahadur N.

Spence, Mr. George.

Stokes, Mr. J. G.

Sultan Ahmed, The Honourable Sir.

Thakur Singh, Capt.

Trivedi, Mr. C. M.

Tyson, Mr. J.

Vijai Prasad Singh, Maharaja Bahadur.

Ran.

Wagstaff, Col. H. W.

Zahid Hussain, Mr.

Zaman, Mr. S. R.

Ahmad Nawaz Khan, Major Nawab Sir.

Ambedkar, The Honourable Dr. B. R.

Azizul Huque, The Honourable Sir M.

Bentham, The Honourable Sir Edward.

Bewoor, Sir Gurunath.

Caroe, Sir Olaf.

Chapman-Mortimer, Mr. T.

Dalal, Dr. Sir Ratanji Dinshaw.

Dalpat Singh, Sardar Bahadur Captain.

Gwillt, Mr. E. L. C.

Habibur-Rahman, Khan Bahadur Sheikh.

Haidar, Khan Bahadur Shamsuddin.

Imam, Mr. Saiyid Haidar.

Inskip, Mr. A. C.

Ismail Alikhan, Kunwar Rajee.

James, Sir F. E.

Jawahar Singh, Sardar Bahadur Sardar Sir.

Jehangir, Sir Cowasjee.

Khare, The Honourable Dr. N. B.

Krishnamoorthy, Mr. E. S.

Kushal Pal Singh, Raja Bahadur.

Lawson, Mr. C. P.

Maxwell, The Honourable Sir Francis.

The motion was negatived.

The Assembly then adjourned till Five of the Clock on Tuesday Evening the 29th February, 1944.